

Decision No. 73522

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation into )  
the rates, rules, regulations, charges, )  
allowances and practices of all common )  
carriers, highway carriers and city )  
carriers relating to the transportation )  
of fresh or green fruits and vegetables )  
and related items (commodities for which )  
rates are provided in Minimum Rate )  
Tariff No. 8). )

Case No. 5438  
Petition for Modification  
No. 62  
(Filed December 12, 1967)

OPINION AND ORDER

Minimum Rate Tariff No. 8 (MRT 8) names minimum rates and rules for the transportation of fresh or green fruits and vegetables and related articles by city carriers and highway permit carriers. The distance rates in this tariff are governed by Distance Table No. 5 (DT 5). Decisions Nos. 72488 and 72489 in Case No. 5438 (Petition for Modification No. 58) provided that Distance Table 6 should be substituted for DT 5 to govern the distance rates in MRT 8 effective January 1, 1968. By this petition California Trucking Association seeks to retain DT 5 to govern the rates in MRT 8 through April 1, 1968, and postpone the substitution of Distance Table 6 until April 2, 1968.

Petitioner asserts that the Commission, by Decision No. 72908 dated August 15, 1967, authorized the application of a surcharge to most of the rates in MRT 8 with an expiration date of April 1, 1968. This expiration date, petitioner states, was suggested by interested shippers and carriers<sup>1</sup> in order that ample opportunity

---

<sup>1</sup>Such interested parties were designated as the "Carrier-Shipper" group by the Commission in Decision No. 68921, dated April 20, 1965, in Case No. 5438 (Petition for Modification No. 30).

would be provided to normalize the unusual climatic conditions, which existed at that time.<sup>2</sup>

Petitioner avers that further discussions by the "Carrier-Shipper" group have determined that a normal pattern of transportation and distribution conditions has not yet been created and that a finalization of the necessary actions has not been possible. According to petitioner, the parties involved believe that the status quo should be maintained until April 1, 1968, in order that minimum impact upon the principal seasonal harvests will occur. Petitioner avers that the change in the dates is desired by such parties and will be in the interest of both carriers and shippers.

Copies of the verified petition were mailed to various shippers and shipper associations on or about December 12, 1967. The petition was listed on the Commission's Daily Calendar of December 14, 1967. No objection to the granting of the petition has been received.

In the circumstances, it appears and the Commission finds, that petitioner's proposal is reasonable and that the resulting minimum rates and charges will be just, reasonable and nondiscriminatory minimum rates and charges for the transportation of fresh fruits and vegetables and related articles. In view of the impending scheduled effective date for Distance Table 6, the order herein will authorize common carriers to make the necessary tariff publications on not less than 'two days' notice to the Commission and to the public. A public hearing is not necessary. The Commission concludes that the petition should be granted.

---

<sup>2</sup> By Petition for Modification No. 59 in Case No. 5438, California Trucking Association declared that the full amount of the increases necessary to offset increased costs was not sought in that proceeding because of the temporary unfavorable condition of California agriculture and asserted that the surcharge in question would provide increased revenues to offset increased carrier costs with a minimum disruption of agricultural marketing patterns.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 8 (Appendix C of Decision No. 33977, as amended) is further amended by incorporating therein, to become effective December 31, 1967, Fourteenth Revised Page 4, attached hereto and by this reference made a part hereof.

2. Tariff publications required to be made by common carriers as a result of the order herein shall be made effective January 1, 1968, on not less than two days' notice to the Commission and to the public; and tariff publications which are authorized but not required to be made by common carriers as a result of the order herein may be made effective not earlier than January 1, 1968, and may be made effective on not less than two days' notice to the Commission and to the public if filed not later than March 2, 1968.

3. Common carriers are authorized to adopt Distance Table 6 as the basis for computing distances for use in applying distance rates in their common carrier tariffs for the transportation of:

- (a) commodities for which minimum rates have not been established, or
- (b) commodities which are subject to higher rates than, or more restrictive provisions than, the minimum rates or provisions otherwise applicable.

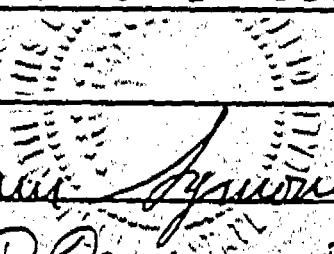
4. Common carriers are hereby authorized to depart from the provisions of Section 460 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; such outstanding authorizations are hereby modified only to the extent necessary

to comply with this order; and schedules containing the provisions published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

5. In all other respects Decision No. 33977, as amended, shall remain in full force and effect.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 14<sup>th</sup> day of December, 1967.

  
John E. Mitchell  
President  
William C. Burnett  
Augustus  
William J. ...  
Fred P. Morrissey  
Commissioners

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION
10	<p data-bbox="657 392 1191 461">DEFINITION OF TECHNICAL TERMS (Items Nos. 10 and 11)</p> <p data-bbox="327 491 1443 626">BUNKER ICING means placing ice in bunkers or compartments in carrier's equipment, separate or apart from the cargo area thereof, but not including the providing of mechanical means for distributing the cool air, such as fans.</p> <p data-bbox="327 649 1455 754">CARRIER'S EQUIPMENT means any motor truck or other self-propelled highway vehicle, trailer, semi-trailer, or any combination of such highway vehicles, operated by the carrier.</p> <p data-bbox="327 777 1427 1217">COMMON CARRIER RATE means any intrastate rate or rates of any common carrier or common carriers, as defined in the Public Utilities Act, lawfully on file with the Commission and in effect at time of shipment; any interstate or foreign rate or rates of any common carrier railroad or railroads applying between points in California by an interstate or foreign route, lawfully in effect at time of shipment; also any interstate or foreign rate or rates of any common carrier or common carriers, as defined in the Public Utilities Act, applying between points in California and in effect at time of shipment and covering transportation exempt from rate regulation of the Interstate Commerce Commission under Section 203(b) (6) or Section 203(b) (8) of Part II of the Interstate Commerce Act.</p> <p data-bbox="327 1240 1427 1396">COMPONENT PART means any part of a shipment separately received by the carrier whether or not such part is separately delivered by the carrier; and any part of a shipment separately delivered by the carrier whether or not such part is separately received by the carrier.</p> <p data-bbox="327 1419 1452 1488">CONTAINER ICING means placing ice within the package with the fruit or vegetable shipped.</p> <p data-bbox="459 1510 1265 1579">(1)DISTANCE TABLE means Distance Table No. 5. (2)DISTANCE TABLE means Distance Table 6.</p> <p data-bbox="315 1587 1323 1681">DEBTOR means the person obligated to pay the freight charges to the carrier, whether consignor, consignee or other party.</p> <p data-bbox="323 1689 1384 1783">ESTABLISHED DEPOT means a freight terminal owned or leased and maintained by a carrier for the receipt and delivery of shipments.</p> <p data-bbox="318 1816 1427 1972">HOLIDAYS means New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Admission Day, Thanksgiving Day and Christmas Day. When such holidays fall on Sunday, the following Monday shall be considered a holiday.</p> <p data-bbox="315 2005 1422 2175">INDEPENDENT-CONTRACTOR SUBHAULER means any carrier who renders service for a principal carrier, for a specified recompense, for a specified result, under the control of the principal as to the result of the work only and not as to the means by which such result is accomplished.</p> <p data-bbox="315 2193 1414 2272">PICKUP AND DELIVERY CHARGE means the full charge applicable without the deduction authorized by Item No. 120.</p>

POINT OF DESTINATION means the precise location at which property is tendered for physical delivery into the custody of the consignee or his agent. (See also Item No. 120, paragraph 2.)

POINT OF ORIGIN means the precise location at which property is physically delivered by the consignor or his agent into the custody of the carrier for transportation; except that all locations on or along a single packing or shipping shed, and all locations within a radius of 100 yards from a single point, within a single field will be considered as one point of origin. A single plant or shipping area shall include only contiguous property which shall not be deemed separate if intersected only by a public street or thoroughfare.

POWER EQUIPMENT means any gasoline, diesel, electric or gas driven equipment including electric powered cranes and lift-truck equipment.

(Continued in Item No. 11)

ø(1) Expires with April 1, 1968  
ø(2) Effective April 2, 1968.

ø Change, Decision No. **73522**

EFFECTIVE DECEMBER 31, 1967  
(EXCEPT AS NOTED)

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.

Correction No. 487