

Decision No. 83585**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of
Hideo Nishimoto, doing business as
TRI-CITY TRUCKING COMPANY for
authority to deviate from obtaining
weight certificates at intermediate
points, pursuant to Section 3555 of
the Public Utilities Code.

Application No. 55057
(Filed July 22, 1974)

OPINION AND ORDER

Hideo Nishimoto, doing business as Tri-City Trucking Company, seeks an order exempting him from provisions established by the Commission which require that a public weighmaster's certificate be obtained in connection with certain shipments of fresh fruits and vegetables. The specific provisions involved are published in paragraph (b) of Item 60 of Minimum Rate Tariff 8. This paragraph requires in connection with shipments weighing 18,000 pounds or more, transported for distances in excess of 50 constructive miles, that the actual gross weight shall be confirmed by a public weighmaster's certificate.

The application states that the shipments in question weigh 18,000 pounds and over; that they originate in north San Diego County and are delivered in the cities of La Habra, Buena Park, El Monte, and Santa Fe Springs; that these are intermediate points on applicant's routes to the Los Angeles market; that the maximum length of haul to these intermediate points does not exceed 85 miles; that there are no public truck scales available on applicant's normal routes to these points between the hours of 5:00 p.m. and 8:00 a.m., during which time

most of the shipments are required to be moved; that several public scales were contacted and only one was open on a 24-hour basis; that the one available scale would require applicant to incur substantial additional mileage to make use of it; and that shipments from north San Diego County to the points involved represent only between four and five percent of applicant's truck movements under Minimum Rate Tariff 8. For deliveries to the points in question applicant proposes to utilize average package weights determined from public weighmasters' certificates obtained by it for recent like shipments by the same shippers to the Los Angeles market. Applicant alleges that unless the sought relief is granted the present requirements will cause it added hardship and expense. Shipments to the Los Angeles market exceed 85 miles and are not involved herein.

The verified application has been served upon the California Trucking Association. The application was listed in the Commission's Daily Calendar. No objection to the requested ex parte handling of the matter has been received.

It appears and the Commission finds that in view of the method for estimating gross weight of shipments described in the application, the proposed weight certificate exemption for the shipments in question is reasonable. With respect to public scales currently being unavailable on a 24-hour basis along or near applicant's normal routes in the area involved, the Commission concludes that applicant should be granted authority for a period of one year.

A public hearing is not necessary.

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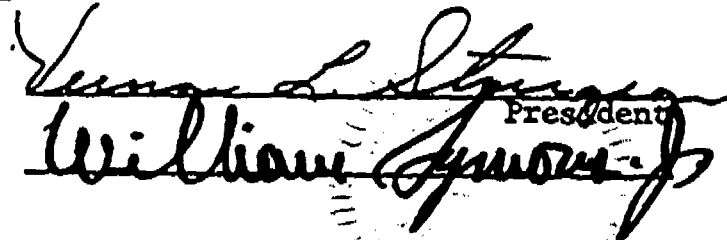

IT IS ORDERED that:

1. Hideo Nishimoto, doing business as Tri-City Trucking Company, is authorized to transport property subject to the provisions of Minimum Rate Tariff 8 from points in San Diego County to points of destination not exceeding 85 constructive miles, without the necessity of confirming the weight of commodities by public weighmaster's certificate.

2. The authority granted herein shall expire one year after the effective date of this order unless sooner canceled, modified, or extended by order of the Commission.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 16th
day of OCTOBER, 1974.


President

Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.