

ORIGINAL

Decision No. 45428

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 property. )

Case No. 4808

Appearances

Elmer Ahl, for Tank Truck Operators Tariff Bureau  
and for Edward M. Berol on behalf of Tank Truck  
Operators Association, interested parties.  
A. E. Patton, for Richfield Oil Corporation,  
interested party.

SUPPLEMENTAL OPINION

The instant phase of this proceeding deals with minimum rates, rules, and regulations which have been prescribed by the Commission for transportation of petroleum and petroleum products in tank truck equipment.

At public hearing held before Examiner Bryant at Los Angeles on February 15, 1951, a member of the Commission's Rate Division proposed various changes in rates and other provisions of the governing tariff.<sup>1</sup>

The staff witness explained that, because of ambiguous provisions in the minimum rate tariff, some highway carriers were using railroad rates for transportation of liquefied petroleum gases without observing weights per gallon published in connection with such rates, and that, in his opinion, this practice resulted in charges less than minimum. The witness pointed out also that competitive interstate railroad rates published in Section 3 of the minimum rate tariff had become obsolete as the result of changes in rail rates.

<sup>1</sup> Minimum rates, rules and regulations are contained in City Carriers' Tariff No. 5, Highway Carriers' Tariff No. 6, (Appendix "C" of Decision No. 32608 of December 5, 1939, in Cases Nos. 4246, 4434, and 4808, as amended).

In order to remove the ambiguities and uncertainties and to make other minor improvements in the tariff, the witness proposed that the tariff be amended to show (1) that highway carriers observing common carrier rates should observe also the estimated weights per gallon published in connection with such common carrier rates; (2) that highway carriers may observe current interstate railroad rates applicable between points in California via an interstate or foreign route; (3) that rates applicable within a single incorporated city should apply between points within a certain defined portion of the City of Los Angeles; (4) that the minimum rate tariff is applicable to transportation of "shipments" of petroleum and petroleum products; and (5) that the term "shipment" pertains to property transported to one "point of destination", which is also defined in the tariff.

No one opposed the suggested changes. It appears that adoption of these proposals would serve to clarify and improve the application of the tariff. Upon consideration of the evidence of record, we are of the opinion and hereby find that modification of the existing rates, rules and regulations is justified to the extent hereinbefore indicated and as provided by the order which follows:

O R D E R

Based upon the evidence of record, and upon the conclusions and findings set forth in the preceding opinion,

IT IS HEREBY ORDERED that Decision No. 32608, as amended in Cases Nos. 4246, 4434, and 4808, be and it hereby is further amended by incorporating in City Carriers' Tariff No. 5, Highway Carriers' Tariff No. 6 (Appendix "C" of said decision, as amended), to become effective April 9, 1951, the revised pages

attached hereto and by this reference made a part hereof, which pages are numbered as follows:

Sixth Revised Page 2 Cancels Fifth Revised Page 2 and  
Fourth Revised Page 2  
Fourth Revised Page 3 Cancels Third Revised Page 3 and  
Second Revised Page 3  
Third Revised Page 4 Cancels Second Revised Page 4 and  
First Revised Page 4  
Third Revised Page 6 Cancels Second Revised Page 6  
Fourth Revised Page 10 Cancels Third Revised Page 10  
Fourth Revised Page 15 Cancels Third Revised Page 15  
First Revised Page 16 Cancels Original Page 16  
Third Revised Page 17 Cancels Second Revised Page 17  
Third Revised Page 18 Cancels Second Revised Page 18  
Second Revised Page 19 Cancels First Revised Page 19

IT IS HEREBY FURTHER ORDERED that common carriers subject to the Public Utilities Act be and they are hereby required to establish in their tariffs, to become effective not earlier than April 9, 1951, and on not less than five (5) days' notice to the Commission and to the public, rates no lower in volume or effect than the minimum rates established by the preceding ordering paragraph.

In all other respects the aforesaid Decision No. 32608, as amended, shall remain in full force and effect.

This order shall become effective twenty (20) days after the date hereof.

Dated at San Francisco, California, this 6<sup>th</sup> day of March, 1951.

Justice F. Cassen  
Harold P. Hills  
Kenneth Pottier  
John E. McNeill  
Commissioners

Sixth Revised Page-----2  
 Cancels  
 Fifth Revised Page-----2  
 and  
 Fourth Revised Page-----2

CITY CARRIERS' TARIFF NO. 5  
 HIGHWAY CARRIERS' TARIFF NO. 6

TABLE OF CONTENTS	Page Number
Application of Rates to Unnamed Points-----	19
Correction Number Checking Sheet-----	1
Description of Group 6 Sub-Groups-----	15
*Form of Shipping Document-----	21
Index of Group Points and Points from and to Which Rates Apply-----	3-4
Rates - Section 2-----	13-14-15
***	
Rules and Regulations:	
Alternative Application of Combination with Common Carrier Rates-----	10
Alternative Application of Common Carrier Rates-----	10
Application of Tariff - Commodities-----	7
Application of Tariff - General-----	6
Application of Tariff - Territorial Groups-----	8-9
Collect on Delivery Shipments-----	9-A
Computation of Charges - Estimated Weights-----	9
Computation of Distances-----	9
Definition of Technical Terms-----	6
Demurrage or Detention Charges-----	11
Diverted Shipments and Returned Shipments-----	11
Issuance of Shipping Document-----	11
Minimum Weight-----	9
Pumping-----	10
Quotation of Rates and Charges-----	11
Split Delivery-----	9-B
Stopping in Transit-----	10
Technical Terms, Definition of-----	6
* Change *** Section 3 canceled     } Decision No. 45428	
EFFECTIVE APRIL 9, 1951	
Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 55	

Fourth Revised Page ... 3  
 Cancels  
 Third Revised Page ... 3  
 and  
 Second Revised Page ... 3

CITY CARRIERS' TARIFF NO. 5  
 HIGHWAY CARRIERS' TARIFF NO. 6

\* INDEX OF GROUP POINTS AND POINTS FROM AND TO WHICH RATES APPLY

POINT	Group No. (Except As Shown)	POINT	Group No.
Alamitos Heights	6	Fellows	5
Alla	6	Fillmore	8
Arvin	11	Fullerton	13
Atwood	13		
Avenal	9	Garey	14
Avon	2	Gates	14
		Gato Ridge	14
Bakersfield	4	Giffen	11
Bardsdale	8	Goleta	7
Belridge	10	Guadalupe	14
Betteravia	14		
Bicknell	14	Harpertown	11
Bixby	6	Harriston	14
Blackwell's Corner	10	Hazelton	5
Bowerbank	5	Huntington Beach	6
Brea	13	Hyde Park	6
Buckhorn	8	Hynes	6
Burnett	6		
Buttonwillow	5	Inglewood	6
Camarillo	8	Kern Front	12
Canoga Park	Item No. 230	Kerto	5
Carpinteria	7	Kettleman Hills	9
Casmalia	14	Kettleman City	9
Cat Canyon	14		
Chrisman	7	La Habra	13
Coalinga	3	Lawn	6
Compton	6	Le Roy	3
Conner	5	Loftus	13
Crump	3	Lokern	5
Crutcher	6	Long Beach	6
		Los Alamos	14
Divide	14	Los Angeles	6
Dominguez Junction	6	Los Nietos (L. A. Co.)	6
Downey	6	Los Nietos (Kings Co.)	9
Dulah	7	Lost Hills	10
East Coyote	13	Machado	6
East Long Beach	6	Maltha	4
Edison	11	Maricopa	5
Ellwood	7	Martinez	2
El Segundo	6		

\* Change, Decision No. 45428

EFFECTIVE APRIL 9, 1951

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

Correction No. 56

Third Revised Page ... 4

Second Revised Page ... 4

First Revised Page ... 4

CITY CARRIERS' TARIFF NO. 5

HIGHWAY CARRIERS' TARIFF NO. 6

\* INDEX OF GROUP POINTS AND POINTS FROM AND TO WHICH RATES APPLY  
(Concluded)

POINT	Group No.	POINT	Group No.
McKittrick	5	St. Helens Spur	6
Middell	5	San Francisco	1
Millux	5	San Pedro	6
Montalvo	8	Santa Barbara	7
Montebello	6	Santa Fe Springs	6
Moorpark	8	Santa Maria	14
Mopoco	4	Santa Paula	8
Mountain View (Kern Co.)	11	Saticoy	8
Mount Paso	12	Sea Cliff	7
		Seguro	4
Naples (Orange Co.)	6	Sespe	8
Naples (Santa Barbara Co.)	7	Shale	5
North Belridge	10	Sherman Junction	6
		Signal Hill	6
Oakland	2	Sisquoc	14
Oil Center	4	South North Belridge	10
Oil City	4	Summerland	7
Oildale	4	Superior Oil Company's	
Olco	13	Kettleman Hills Plant	9
Oleum	2		
Olinda	13	Taft	5
Ora	3	Thenard	6
Orcutt	14	Torrance	6
Ortonville	7		
		Vaccaro	11
Palmer	14	Venice	6
Pontland	5	Ventura	7
Peralta	13	Ventura Avenue	7
Pico	6	Vernon	6
Pinole	2	Vinvale	6
Piru	8		
Placentia	13	Wadstrom	7
Playa del Rey	6	Watson	6
Point Sal	14	Wood Patch	11
Port Chicago	2	West Coyote	13
Port Costa	2	Whittier	6
Port Petrol	14	Wildasin	6
Poso Creek	12	Wilmington	6
		Wingfoot	6
Richfield	13		
Richmond	2	Yorba	13
Rincon Oil Fields	7	Yorba Linda	13
Rio Bravo	5		
Rioco	6		
Roadamite	14		
Rodco	2		

\* Change, Decision No. 45428

EFFECTIVE APRIL 9, 1951

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

Correction No. 57

Item No.	SECTION NO. 1 RULES AND REGULATIONS
<p>*10-C Cancels 10-B</p>	<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS</p> <p>(a) CARRIER means a petroleum contract carrier, or city carrier, as defined in Highway Carriers' Act (Chapter 223, Statutes of 1935, as amended) and in the City Carriers' Act (Chapter 312, Statutes of 1935, as amended).</p> <p>(b) CARRIER'S EQUIPMENT means any tank motor truck, tank trailer or tank semi-trailer, or any combination of such highway vehicles operated by the carrier.</p> <p>◊ (c) 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; also any interstate rate of any common carrier railroad or railroads applying between points in California via an interstate or foreign route, lawfully in effect at time of shipment.</p> <p>(d) ESTABLISHED DEPOT means a freight terminal owned or leased and maintained by a carrier for the receipt and delivery of shipments.</p> <p>(e) POINT OF DESTINATION means the precise location at which property is tendered for physical delivery into the custody of the consignee or his agent.</p> <p>(f) 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.</p> <p>(g) RAILHEAD means a point at which facilities are maintained for the loading of property into or upon, or the unloading of property from, rail cars or vessels. It also includes truck loading facilities of plants or industries located at such rail or vessel loading or unloading point.</p> <p>(h) RATE includes charge and, also, the ratings, minimum weight, rules and regulations governing, and the accessorial charges applying in connection therewith.</p> <p>(i) SAME TRANSPORTATION means transportation of the same kind and quantity of property and subject to the same limitations, conditions and privileges, although not necessarily in an identical type of equipment.</p> <p>△ (j) SHIPMENT means a quantity of freight tendered by one shipper on one shipping document at one point of origin at one time for one consignee at one point of destination. (See Items Nos. 87 and 90 series for exceptions.)</p> <p>(k) TEAM TRACK means a point at which property may be loaded into, or upon, or unloaded from rail cars by the public generally. It also includes wharves, docks and landings at which the public generally may receive and tender shipments of property from and to common carriers by vessel.</p> <p>(l) SPLIT DELIVERY SHIPMENT means a shipment consisting of two or more component parts delivered to (a) one consignee at more than one point of destination, or (b) more than one consignee at one or more points of destination, said shipment being shipped by one consignor at one point of origin and charges thereon being paid by the consignor when there is more than one consignee.</p>
<p>*20-C Cancels 20-B</p>	<p style="text-align: center;">APPLICATION OF TARIFF - GENERAL</p> <p>△ Rates provided in this tariff apply for the transportation of shipments of petroleum and petroleum products as described in Item No. 30 series, in bulk in tank trucks, tank trailers or tank semi-trailers, or a combination of such highway vehicles, between points in the State of California by petroleum contract carriers as defined in the Highway Carriers' Act, and by carriers as defined in the City Carriers' Act. Rates include connecting and disconnecting piping and other services incidental to loading and unloading (subject to Note).</p> <p>For rates for the transportation of petroleum and petroleum products, other than as provided in this tariff, see Highway Carriers' Tariff No. 2, supplements thereto and reissues thereof.</p> <p>NOTE.—When split delivery service is performed or when pumping is performed with carrier's equipment, or when shipments are stopped in transit to partially unload, additional charges shall be assessed as provided in Items Nos. 87, 90 and 100 series.</p>

△ No increase or reduction }  
\* Change }  
◊ Reduction }  
◊ Increase }

Decision No. 45428

EFFECTIVE APRIL 9, 1951

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.  
Correction No. 58



Item No.	SECTION NO. 1 RULES AND REGULATIONS (Continued)
90-B Cancels 90-A	<p style="text-align: center;">STOPPING IN TRANSIT</p> <p>Shipments, other than split delivery shipments, shall be subject to an additional charge of \$5.40 for each stop in transit to partially unload. Charges will be collected on the weight of the entire shipment from point of origin to the highest rated point of delivery.</p>
100-B Cancels 100-A	<p style="text-align: center;">PUMPING</p> <p>Rates provided in this tariff do not include pumping service when rendered with carrier's equipment. When pumping service is performed by the carrier, a charge of .90 of one cent per 100 pounds will be made. (See Exception.)</p> <p>EXCEPTION.—When pumping is performed in connection with the transportation of petroleum crude oil under Column B rates provided in Item No. 210 series, or under rate provided in Item No. 230 series, a charge of .45 of one cent per 100 pounds will be made.</p>
*110-B Cancels 110-A	<p style="text-align: center;">ALTERNATIVE APPLICATION OF COMMON CARRIER RATES</p> <p>Common carrier rates may be applied in lieu of the rates provided in this tariff, when such common carrier rates produce a lower aggregate charge for the same transportation from the same point of origin to the same point of destination than results from the application of the rates herein provided. (See Notes 1 and 2.)</p> <p>NOTE 1.—When the common carrier rate used is subject to minimum weight different from the minimum weight determined in accordance with the provisions of Item No. 80 series, the lesser minimum weight may be observed.</p> <p>△ NOTE 2.—When the common carrier rate used is based upon a weight per gallon different from that provided in Item No. 70 series, such different weight shall be observed.</p>
*120-B Cancels 120-A	<p style="text-align: center;">ALTERNATIVE APPLICATION OF COMBINATIONS WITH COMMON CARRIER RATES</p> <p>When lower aggregate charges result, rates provided in this tariff may be used in combination with common carrier rates for the same transportation as follows:</p> <p>(a) When point of origin is located beyond railhead or an established depot and point of destination is located at railhead or an established depot, add to the common carrier rate applying from any team track or established depot to point of destination the rate provided in this tariff for the distance from point of origin to the team track or depot from which the common carrier rate used applies. (See Notes 1, 2 and 3.)</p> <p>(b) When point of origin is located at railhead or an established depot and point of destination is located beyond railhead or an established depot, add to the common carrier rate applying from point of origin to any team track or established depot the rate provided in this tariff for the distance from the team track or depot to which the common carrier rate used applies to point of destination. (See Notes 1, 2 and 3.)</p> <p>(c) When both point of origin and point of destination are located beyond railhead or an established depot, add to the common carrier rate applying between any railheads or established depots the rate provided in this tariff for the distance from point of origin to the team track or depot from which the common carrier rate used applies, plus the rate provided in this tariff for the distance from the team track or depot to which the common carrier rate used applies to point of destination. (See Notes 1, 2 and 3.)</p>

NOTE 1.—If the route from point of origin to the team track or the established depot, or from the team track or established depot to point of destination, is within the corporate limits of a single incorporated city, the rates provided in this tariff for transportation for distances of 5 miles or less, or rates established for transportation by carriers as defined in the City Carriers' Act (Chapter 312, Statutes of 1935, as amended), whichever are the lower, shall apply from point of origin to team track or established depot or from team track or established depot to point of destination as the case may be.

NOTE 2.—When the common carrier rate used is subject to minimum weight different from the minimum weight determined in accordance with the provisions of Item No. 80 series, the lesser minimum weight may be observed in connection with such common carrier rate.

NOTE 3.—When the common carrier rate used is based upon a weight per gallon different from that provided in Item No. 70 series, such different weight shall be observed in connection with such common carrier rate.

△ No increase or reduction )  
\* Change ) Decision No. 45428

EFFECTIVE APRIL 9, 1951

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

Correction No. 59

Cancels

Item No.	SECTION NO. 2. RATES (Concluded) In cents per 100 Pounds.	
	DESCRIPTION OF GROUP 6 SUB-GROUPS (Applies only in connection with rates making specific reference hereto)	
	SUB-GROUP NUMBERS	BOUNDARIES
220-A Cancels 220	6-A	Bounded on the north by the northern boundary of Group 6 (see Item No. 50 series), on the east by La Brea Avenue, on the south by Imperial Highway and on the west by the Pacific Ocean.
	6-B	Bounded on the north by Imperial Highway, on the east by Vermont Avenue, on the south by Compton Boulevard, Redondo Beach Boulevard, Hawthorne Avenue and Torrance Boulevard, and on the west by the Pacific Ocean.
	6-C	Bounded on the north by Rosecrans Avenue, southeast along Century Boulevard and its prolongation to Cerritos Avenue, northeast to Gardendale Street, southeast on a direct line to Woodruff Avenue and Rosecrans Avenue, east on Rosecrans Avenue, on the east by Norwalk Boulevard, Los Alamitos Boulevard and Bay Boulevard, on the south by the Pacific Ocean, and on the west by the east bank of the Los Angeles River.
	6-D	Bounded on the north by Garden Grove Boulevard, on the east by Huntington Beach Boulevard, and on the south and west by the Pacific Ocean.
	6-E	Bounded on the north by the northern boundary of Group 6 (see Item No. 50 series) and the Montebello Hills, on the east by the eastern city limits of Whittier, south to Artesia Boulevard, west to Norwalk Boulevard, north to Rosecrans Avenue, on the south by the northern boundary of Sub-Group 6-C, and on the west by the east bank of the Los Angeles River to Slauson Avenue, thence on a direct line to the junction of Ninth Street and Downey Road, west on Ninth Street to the Los Angeles River, north to the junction of Mission Road and Macy Street, northeast on Mission Road to the northern boundary of Group 6.
	6-F	Bounded by the northern boundary of Group 6 (see Item No. 50 series) and by Sub-Groups 6-A, 6-B, 6-E and 6-G.
	6-G	Bounded on the north by Compton Boulevard and Group 6-B, on the east by the Los Angeles River, and on the south and west by the Pacific Ocean.

	COMMODITY	FROM	TO	RATE
230-A Cancels 230	Petroleum Crude Oil as described in Item No. 30 series	Canoga Park (Los Angeles Zone 2, see Note 1)	Group 6	4 $\frac{1}{2}$
*240-C Cancels 240-B	Refined Petroleum Products as described in Item No. 30 series	BETWEEN Points within one Territorial Group or Points within incorporated cities (See Notes 2 and 3)		3 $\frac{1}{2}$
	Black Oils as described in Item No. 30 series			(1)3
	Liquefied Petroleum Gas			5 $\frac{1}{2}$

(1) Will not apply to transportation for which rates are specifically provided in Item No. 210 series.

NOTE 1.--For description of Los Angeles Zone 2 see Item No. 30 series of Distance Table No. 3 (Appendix "A" of Decision No. 31605 dated December 27, 1938, as amended or as may be amended, in Case No. 4246).

△ NOTE 2.--Will not apply between points situated within that portion of the City of Los Angeles lying north of the boundary line described in Item No. 50 series; nor between such points on the one hand and points situated within that portion of the City of Los Angeles lying south of said boundary line on the other.

△NOTE 3.—See Item No. 40 series for description of numbered Territorial Groups.

△ No increase or reduction } Decision No. 45428  
\* Change

EFFECTIVE APRIL 9, 1951

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.  
Correction No. 60

First Revised Page - 16  
Cancels  
Original Page ----- 16

CITY CARRIERS' TARIFF NO. 5  
HIGHWAY CARRIERS' TARIFF No. 6

\*SECTION NO. 3 - CANCELED

\* Change, Decision No. 45428

EFFECTIVE APRIL 9, 1951

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.  
Correction No. 61

Fourth Revised Page-----17  
Cancels  
Third Revised Page-----17

CITY CARRIERS' TARIFF NO. 5  
HIGHWAY CARRIERS' TARIFF NO. 6

Item No.	SECTION NO. 3. RATES In cents per 100 pounds
*300-D Cancels 300-C	o ◇ Item canceled. No provisions in effect.
* Change ) o Reduction ) ◇ Increase )	Decision No. <u>45428</u>
EFFECTIVE APRIL 9, 1951	
Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 62	

Third Revised Page ----18  
Cancels  
Second Revised Page----18

CITY CARRIERS' TARIFF NO. 5  
HIGHWAY CARRIERS' TARIFF No. 6

Item No.	SECTION NO. 3	RATES (Continued) In cents per 100 pounds
*310-C Cancels 310-B	o o Item canceled. No provisions in effect.	
* Change ) o Reduction ) o Increase )	Decision No. <b>45428</b>	
EFFECTIVE APRIL 9, 1951		
Issued by the Public Utilities Commission of the State of California, Correction No. 63 San Francisco, California.		

Third Revised Page-----19

    Cancels

Second Revised Page-----19

CITY CARRIERS' TARIFF NO. 5

HIGHWAY CARRIERS' TARIFF NO. 6

Item No.	SECTION NO. 3	RATES (Concluded)
*320-B Cancels 320-A	◊ ◊ Item canceled. No provisions in effect.	
* Change ) ◊ Reduction ) ◊ Increase )	Decision No. <u>45428</u>	
EFFECTIVE APRIL 9, 1951		
Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 64		