

Decision No. 46778

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 property.)

Case No. 4808

Appearances

Walter A. Rohde, for San Francisco Chamber
of Commerce.
W. Y. Bell, L. E. Einsacca, A. W. Brown,
A. D. Carleton, Jack Clodfelter,
W. P. Gunn, H. L. Gunnison,
P. N. Kujachich, Frank L. Merwin,
S. A. Moore, A. F. Schumacher,
R. L. Whitehead and L. H. Wolters,
for various shippers and shipper
organizations.
Elmer Ahl, Russell Bevans, Frank M. Chandler,
R. T. Dooley, Aaron H. Glickman, George T.
Hurst, C. W. Johnson, V. G. Keyes,
H. L. Mathewson, William Meinhold, C. A. Millen
and F. G. Pfrommer, for various carriers
and carrier organizations.
J. H. Morrison, for the Commission's Staff.

SUPPLEMENTAL OPINION

This decision deals with a proposal to include in
Highway Carriers' Tariff No. 2 a rule relating to the transportation
of single shipments in multiple units of equipment. The proposal
was submitted by an Associate Transportation Rate Expert of the
Commission's Staff at public hearings held at San Francisco on
October 31 and December 19, 1951, before Examiner Lake.

The suggested provision is as follows:

ITEM NO. 85 - SHIPMENTS TRANSPORTED IN MULTIPLE LOTS

- (a) When a carrier is unable to furnish equipment of the size required to transport a shipment, or at its option and for its own operating convenience, picks up a shipment in more than one unit of equipment or in the same unit of equipment at different times, the following provisions shall apply in addition to other applicable rules and regulations: (See Note 1.)
1. The entire shipment shall be tendered at one time and shall be available to the carrier for transportation at the time of the first pickup.
 2. A single shipping document for the entire shipment tendered shall be issued prior to, or at the time of the first pickup and shall show separately the date, quantity, kind, and weight of property in each component part as it is separately picked up, or, in lieu of showing such separate information, an additional shipping document may be issued for each component part which shall give reference to the single shipping document covering the entire shipment and shall be attached to and become a part thereof.
 3. The entire shipment shall be picked up by the carrier within a period of 5 days computed from 12:01 a.m. of the date on which the first pickup service commences, excluding Saturdays, Sundays, and legal holidays. (See Note 2.)
 4. The component parts shipped in compliance with the foregoing requirements shall constitute a composite shipment which shall be subject to the rates named or provided for in this tariff including Items Nos. 200, 210, 220 and 230 series, in effect on the date of the first pickup, for the transportation of a single shipment of like kind and quantity of property transported on a single unit of equipment.
- (b) Any component part of a shipment which is picked up without complying with all of the foregoing applicable requirements shall constitute a separate shipment and shall be subject to the rates, rules and regulations applicable thereto.

Note 1. -- This rule will not apply to collect on delivery (C.O.D.) shipments.

Note 2. -- Will not apply to split pickup shipments.

The witness testified that the provisions of Highway Carriers' Tariff No. 2 do not specifically set forth the conditions governing the billing of single shipments when the transportation thereof is performed in multiple units of the carrier's equipment. He pointed out that the tariff did not state the time within which all of the property included in a shipment must be removed from the shipper's premises. His proposal, he stated, was designed for the purpose of providing a method for the billing and handling of such shipments and was not intended to prohibit the practice of carriers transporting shipments in more than one piece of equipment.

Opposition to the proposed rule was evidenced by both carriers and shippers. Generally they were fearful that the present practice of handling shipments in follow-lot movements would be disturbed; that the time period within which all of the property would have to be picked up would be too short; that the proposal might require unlawful receipt for a shipment prior to possession of the property being taken by the carrier; and that the rule was so complex that it would be difficult to enforce.

The privilege of handling shipments in multiple units is accorded by reason of the definition of the term "shipment" as it is contained in the above referred to tariff. This term is defined as follows:

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.

Under this definition the quantity of property involved in a shipment is the amount tendered to the carrier at one time.

The phrase "at one time" requires that the entire quantity of property tendered by the shipper be available to the carrier for transportation at one time and does not contemplate the

manner of handling nor the means to be employed in the transport of such a shipment. Therefore, in the event a quantity of property is tendered to a carrier at one time and the circumstances attending the transportation otherwise conform to the definition of the term "shipment," the carrier may, at its option and for its operating convenience, transport such a quantity of property on one or more pieces of equipment at the rate applicable for the entire lot of property involved in the tender.

It appears axiomatic that all of the detail be shown on the shipping document that is necessary to establish that the quantity of property tendered to the carrier constitutes a shipment and, further, that the shipping document show the time within which all of the property is picked up by the carrier.

It appears that the proposed rule would make clear the conditions under which multiple units of single shipments may be handled. In addition, adoption of the proposal would assist the Commission in the enforcement of its minimum rate orders and would eliminate abuses which might otherwise prevail. The time limit of 5 days, exclusive of Saturdays, Sundays and holidays, for the removal of the property from the shipper's premises appears to be ample.

The proposal will be adopted. Minor changes in the wording of the rule will be made to clarify its application.

Upon consideration of the evidence of record, we are of the opinion and hereby find the modification of the existing rates, rules and regulations is justified to the extent hereinbefore indicated and as provided by the order which follows.

ORDER

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

TABLE OF CONTENTS (Concluded)	Item Number (Series) Except as shown
Rules and Regulations (Concluded)	
Application of Tariff—Territorial-----	30
Application of Western Classification and Exception Sheet-----	50
Collection of Charges-----	250
Collect on Delivery Shipments-----	180
Computation of Distances-----	100
Exceptions to Western Classification and Exception Sheet-----	280 to 400, incl
Gross Weight-----	70
Intermediate Application (See Routing)	
Issuance of Shipping Document-----	255
Minimum Charge-----	150
Mixed Shipments-----	90
Pickup and Delivery Zones-----	260
Purchase Orders, Receiving and Transmitting-----	172
Rates Based on Varying Minimum Weights-----	80
Shipments to Be Rated Separately-----	60
*Shipments Transported in Multiple Lots-----	85
Split Delivery-----	170
Split Pickup-----	160
Stringing Pipe-----	175
Technical Terms, Definition of-----	10-11
Territorial Descriptions-----	270-271
Units of Measurement in Quotation of Rates and Charges-----	257

*Change, Decision No. 4677S

EFFECTIVE APRIL 1, 1952

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

Correction No. 465

Item No.	SECTION NO. 1--RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
----------	-------------------------------------------------------------------------

SHIPMENTS TRANSPORTED IN MULTIPLE LOTS

(a) Unless otherwise provided in this item, when a shipment, including a split pickup or split delivery shipment, is tendered in excess of the quantity that can be loaded in or on carrier's equipment, or when a carrier, at its option and for its own operating convenience, desires to do so, it may pick up or transport such shipment in more than one vehicle or at more than one time, subject to the following provisions which shall apply in addition to other applicable rules and regulations:

1. The entire shipment shall be tendered at one time and shall be available to the carrier for immediate transportation at the time of the first pickup.
2. A single shipping document for the entire shipment tendered shall be issued prior to or at the time of the first pickup.
3. The date, quantity, kind and weight of the property in each pickup shall be shown on the single shipping document as it is separately picked up, or in lieu thereof, an additional shipping document may be issued for each pickup which shall give reference to the single shipping document covering the entire shipment and shall be attached to and become a part thereof.
4. The entire shipment shall be picked up by the carrier within a period of 5 days computed from 12:01 a.m. of the date on which the first pickup commences, excluding Saturdays, Sundays and legal holidays. (See Exception.)
5. The separate pickups made in accordance with the foregoing provisions shall constitute a composite shipment which shall be subject to the rates named or provided for in this tariff, including Items Nos. 200, 210, 220 and 230 series, in effect on the date of the first pickup, for the transportation of a single shipment of like kind and quantity of property picked up or transported on a single vehicle.

085

(b) Any property separately picked up without complying with the foregoing provisions shall constitute a separate shipment and shall be subject to the rates, rules and regulations applicable thereto.

Exception:--Will not apply to split pickup shipments.
See Paragraph (1) of Item No. 11 series.

#Addition) ◇Increase)	Decision No. 46778
----------------------------	--------------------

EFFECTIVE APRIL 1, 1952.

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

Correction No. 464

IT IS HEREBY ORDERED that Highway Carriers' Tariff No. 2 (Appendix "D" to Decision No. 31606 as amended) be and it is hereby further amended by incorporating therein, to become effective April 1, 1952, the following original and revised pages attached hereto and by this reference made a part hereof:

Ninth Revised Page 3 cancels Eighth Revised Page 3.

Original Page 16-A.

IT IS HEREBY FURTHER ORDERED that common carriers subject to the Public Utilities Act be and they are hereby authorized, but not required, to establish in their tariffs the provisions of this order in connection with the transportation of articles for which minimum rates have not been established by the Commission.

IT IS HEREBY FURTHER ORDERED that tariff publications required or authorized to be made by common carriers as a result of the order herein may be made effective on not less than five (5) days' notice to the Commission and to the public.

In all other respects said Decision No. 31606, 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 19th day of February, 1952.

R. T. [Signature]
President
Justin F. Casanova
Harold P. Hula

Commissioners