Decision No. -48926

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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 petroloum and petroleum products in bulk (commodities for which rates are provided in City Carriers' Tariff No. 5 -- Highway Carriers' Tariff No. 6).

Case No. 5436 (Pet. No. 5)

ORIGINAL

Appearances

- Arlo D. Poe, Edward M. Berol, J. C. Kaspar, James Quintrall, and Robert Boynton, for California Motor Transport Associations, Inc., petitioner.
- Edward M. Berol and Willard O. Orr, for Tank Truck Operators Association, interested party.
- Lloyd R. Guerra and Elmer Ahl, for Tank Truck Operators Tariff Bureau, interested party.
- William J. Knoell, for Pacific States Motor Tariff Bureau, interested party.
- Arnold Abajian, James F. Bartholomew, P. N. Deckard, Mike Devine, E. J. McSweeney, V. W. Pope, Chas. P. Pinckard, F. P. Willette, Jack B. C'Harra and O. H. Scott, for various highway carriers, respondents.
- Ralph S. Schmitt for Purex Corporation, Ltd., and California Manufacturers Association, interested party.
- Walter Bousfield, Robert Hutcherson, J. A. Gayle, L. C. Monroe, Robert D. Gibson, A. D. Carleton, H. L. Gunnison, Coorge R. Groth, W. H. Adams, M. S. Housner, L. O. Hargrove, H. M. Schafer, W. O. Narry, and R. T. Hunt, for various petroleum companies, interested parties.
- <u>G. L. Malquist</u> and <u>C. S. Abernathy</u> of the staff of the Public Utilities Commission, State of California.

EJ

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<u>o p i n i o n</u>

California Môtôr Transport Associations, Inc., a nonprôfit corporation cômpôsed of associations of highway carriers, petitions for immediate increases in the minimum rates and charges for the transportation of petroleum and petroleum products in bulk in tank vehicles over the public highway.

The petition was filed on July 8, 1953. Public hearings were held before Examiner Bryant at Los Angeles on July 21 and 22, 1953. The matter is ready for decision.

The minimum rates, rules and regulations established by this Commission for the transportation in question are contained in City Carriers' Tariff No. 5, Highway Carriers' Tariff No. 6. By Decision No. 48756, dated June 24, 1953, the minimum rates and charges were substantially revised and generally increased effective August 1, 1953. The revisions were based upon a comprehensive record containing extensive studies of operating conditions, experience and costs.

Petitioner alleges that since the close of the record upon which said Decision No. 48756 was based, the carriers have experienced important increases in the costs of fuel and labor utilized in the transportation of petroleum and petroleum products. It asserts that as the result of such increases in costs, the minimum rates and charges will be, in the immediate future, unreasonably low and inadequate to return the cost of service and reasonable earnings. Petitioner declares that further and immediate increases in the rates and charges are necessary in order to bring them to a reasonable level as required by law.

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CALLY BUD 5 4 C 124 A transportation analyst, testifying in support of the petition, introduced exhibits consisting of revisions of cost studies submitted by the same witness in April, 1953. The purpose of these studies was to show the effect of increased costs experienced by truck operators since the April hearings. The basic figures developed in the previous studies were modified by the analyst to include the following recent cost increases: (a) an increase of 2-1/2 cents a gallon in the tax rate on diesel fuel effective July 1, 1953, (b) an increase of 1-1/2 cents a gallon in the tax rate on gasoline effective July 1, 1953, and (c) an increase in drivers' wages under a contract between the carriers and their employees which became effective June 1, 1953.

The witness explained that there was also an increase in other highway user taxes effective July 1, 1953. He did not include these taxes in his figures because they will not be reflected fully in carrier costs until the vehicles are reregistered in 1954. He pointed out also that although fuel prices were advanced early in March, 1953, such prices were included in his earlier studies as submitted in April and hence no further modification was necessary in his current exhibits.

The studies submitted by the transportation analyst contained a development of drivers' labor costs for various lengths of haul, running costs, indirect and insurance expenses, fixed cost per hour and year, depreciation per round trip for various lengths of haul, the cost per year and per hour for

(1) Decision No. 48756, supra, was based upon evidence received at hearings held on various dates in April, 1953.

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stand-by time, and a summary of operating expenses distributed to various lengths of haul and expanded to include gross receipts charges and earnings. In addition, the exhibits show, for each length of haul, the percent of total cost increase resulting from the recent increases in fuel taxes and drivers: labor costs. The exhibits show that the recent increases in fuel taxes and wage rates have increased the carriers: total costs of operation by amounts ranging from less than 2 percent to approximately 3-1/2 percent, varying with the length of haul and the commodity. For the performance of accessorial services where labor is the major item of expense, the cost of performing the service has increased by about 5-1/4 percent.

A somewhat similar study of the increased cost of transporting petroleum products was submitted in evidence by a senior transportation engineer of the Commission staff. The percentage increases as developed by the staff witness are in general slightly higher than those developed by petitioners' analyst. The engineer included in his exhibit the increased registration and weight fees which became effective July 1, 1953. The effect of these higher user charges on the final result is, however, relatively insignificant.

A transportation rate analyst for one of the major oil corporations urged on behalf of his company that any increase in the minimum rates be deferred until the recent general rate adjustment had been given a trial for at least six months. He pointed out that some of the common carriers had applied for an extension of time within which to prepare and file their tariffs putting the recent adjustment into effect. He reasoned that the carriers could not know what

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their operating, experience would be under the adjusted rates except after a reasonable test period.

The record is clear. Subsequent to the April hearing the tax rates on fuel were increased by the legislature and the drivers' wages were increased after negotiation and arbitration. Fuel and labor constitute two of the major items of carrier operating expense. The increased expenses in this instance are definitely known and are susceptible of accurate measurement. The fact that the minimum rates were recently adjusted on the basis of comprehensive studies of the minimum reasonable cost of performing the transportation service makes unnecessary a trial period or an analysis of carrier operating revenues and expenses. Revenue studies and operating ratios taken alone provide a less satisfactory guide to the establishment of minimum rates than do studies of the minimum reasonable costs of performing the service. If the recent increases in fuel taxes and driver wages had taken effect prior to the April hearings, they would have been reflected in the earlier cost studies and in the minimum rates which became effective on August 1. These increased expenses should be given effect in the minimum rates at the earliest practicable date if the highway carriers are to be in a position to perform their duties to those who require their services.

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Upon careful consideration of all of the facts and circumstances of record it is concluded that the existing minimum rates, rules and regulations for the transportation of petroleum and petroleum products in bulk in motor vehicles should be revised to the extent provided in the order which follows.

<u>ORDER</u>

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

IT IS HEREBY ORDERED:

1. That City Carriers' Tariff No. 5, Highway Carriers' Tariff No. 6 (Appendix "C" of Decision No. 32608, as amended) be and it is hereby further amended by incorporating therein the revised pages attached hereto and listed in Appendix "A" also attached hereto, which pages and appendix by this reference are made a part hereof.

2. That tariff publications required or authorized to be made by common carriers as a result of the amendments herein of the aforesaid tariff and distance table shall be made effective on or before October 1, 1953, on not less than ten days' notice to the Commission and to the public.

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

This order shall become effective twenty days after the date hereof;

	Da	ated	at h.	hanrin	·	,California,	this	4.t.t.
day	or <u>Ai</u>	ia	ġ.	,	1953.			

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Commissioners

C 5436 - Pet #5

I concur in thic decision for the sole reason that I am of the opinion that the increase of rates authorized by said decision is justified by the additional costs incurred by the carriers herein involved. It is my opinion, however, that the existing rates herein concerned have not been prescribed in accordance with the requirements of the provisions of Section 726 of the Public Utilities Code.

Commissioner.

August 4, 1953

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APPENDIX "A"

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

Fifth Revised Page 9-B cancels Fourth Revised Page 9-B Eighth Revised Page 10 cancels Seventh Revised Page 10 Sixth Revised Page 11 cancels Fifth Revised Page 11 Second Revised Page 11-A cancels First Revised Page 11-A First Revised Page 11-B cancels Original Page 11-B Seventh Revised Page 13 cancels Sixth Revised Page 13 Fourth Revised Page 14 cancels Third Revised Page 14 Fourth Revised Page 16 cancels Third Revised Page 16

(End of Appendix)

Fifth Revised Page.... 9-B Cancels Fourth Revised Page.... 9-B

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

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Itom No.		SECTION	NO. 1 -)	RULES A	ND REGULAT	TIONS (Cont	inued)		······································
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	ponent city, Item I points incorr age ba	t parts ar transport. No. 240 se: NOTE 2 E S of origin Corated ci asing poin	e within ation cha ries. xcopt as n and poi ties, zon ts are pr	one ter rges sh provide nts of es or u ovided	ritorial (all be conditional of the conditional of	cints of d group or w mputed at l. distan on within ated commu ariff or t ch mileage	ithin o the rat ces fro torrito nitios he Dist	ne incorp e provide m, to or rial grou for which ance Tabl	borated od in botween ps,

NOTE 3.-If, subsequent to the time transportation commences, any component part is diverted from the billed point of destination, the provisions of this item shall not apply and charges for the entire shipment shall be determined under the provisions of Item No. 130 series.

NOTE 4.- The provisions of this item shall not apply: unless at the time of or prior to the tender of the shipment a single bill of lading or other shipping document shall have been issued for the composite shipment and the carrier shall have been furnished with written instructions showing the name of each consignee, the point of destination and the quantity of property in each component part.

NOTE 5.-In the event a lower aggregate charge results from treating one or more component parts as a separate shipment from point of origin to point of destination said charge may be applied.

* Change) Increase)

Decision No. 48926

EFFECTIVE

September 10, 1953

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Correction No. 111

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	vised Page 10	HIGHWAY CARRIERS' TARIFF NO. 6
Itom No.	SECTION NO. 1-	RULES AND REGULATIONS (Continued)
	. .	TMPING
*100-E Cancels 100-D	rendered with carrier's e the carrier, a charge of (See Exception.) EXCEPTIONWhen pum portation of petroleum ex series, a charge of \Diamond 1.2 service is under Column' pounds when service is un	<pre>is tariff do not include pumping service when ouipment. When pumping service is performed by ono cent per 100 pounds will be made. ping is performed in connection with the trans rude oil under rates provided in Item No. 210 > cents per 100 pounds will be made when 'A" rates and \$.6 of one cent per 100 nder Column "B" rates; when under rate in Item of one-half cent per 100 pounds will be made.</pre>
	ALTERNATIVE APPI	LICATION OF COMMON CARRIER RATES
llO-B Cancels llO-A	in this tariff, when such charge for the same trans same point of dostination herein provided. (See NOTE 1When the co- weight different from the the provisions of Item No observed. NOTE 2When the co-	s may be applied in lieu of the rates provided a common carrier rates produce a lower aggregat sportation from the same point of origin to the a than results from the application of the rate Notes 1 and 2.) common carrier rate used is subject to minimum a minimum weight determined in accordance with b. 80 series, the lesser minimum weight may be common carrier rate used is based upon a weight a that provided in Item No. 70 series, such be observed.
		LICATION OF COMBINATIONS WITH MON CARRIER RATES
120-C Cancels	may be used in combinati transportation as follow (a) When point of of lished depot and point of tablished depot, add to track or established dep this tariff for the dist	e charges result, rates provided in this tarify on with common carrier rates for the same s: rigin is located beyond railhead or an estab- f destination is located at railhead or an es- the common carrier rate applying from any team of to point of destination the rate provided in ance from point of origin to the team track or mon carrier rate used applies. (See Notes 1,
120-B	(b) When point of o depot and point of desti lished depot, add to the origin to any team track tariff for the distance carrier rate used applie and 3.)	rigin is located at railhead or an established nation is located beyond railhead or an estab- common carrier rate applying from point of or established depot the rate provided in this from the team track or depot to which the commu- s to point of destination. (See Notes 1, 2 of origin and point of destination are located
	beyond railhoad or an es applying between any rai in this tariif for the d or depot from which the provided in this tariff	tablished depot. add to the common carrier rate lheads or established depots the rate provided istance from point of origin to the team track common carrier rate used applies, plus the rate for the distance from the team track or depot for rate used applies to point of destination.

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NOTE 1.--If the route from point of origin to the team track or the established dapot, 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, 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.

* Chango) (Increase) Decision No. 48926

EFFECTIVE

September 10, 1953

Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 112

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Sixth Re	vised Pagell
	ncels CITY CARRIERS' TARIFF NO. 5
	vised Page11 HIGHWAY CARRIERS' TARIFF NO. 6
Item	SECTION NO. 1 - RULES AND REGULATIONS (Continued)
No.	
	SHIPMENTS DIVERTED, RETURNED, OR STOPPED
4	IN TRANSIT FOR PARTIAL UNLOADING
	(Does not apply to split delivery shipments for which rates and charges are provided in Item No. 87 series.)
	rates and charges are provided in item No. of series.)
	(a) Charges upon a shipment which at request of con-
	signor or consignee is either diverted or stopped in transit
	for partial unloading, or both, shall be computed at the rate
	applicable from point of origin to the point where delivery
	is completed via each of the points where diversion occurs
	or partial unloading is performed. (Subject to Notes 1, 2 and
	3.)
	(b) Charges upon a shipment or a portion of a shipment
*130-C	returned to point of origin, or to a point directly inter-
Cancels	mediate between last point of diversion and point of origin,
130-B	shall be computed by adding to the full charge to last point
1	of diversion the charge at one half the rate provided in
	Section 2 from the latter point to point of origin, subject to minimum charge provided in Item No. 80 series applicable
	to the shipment or portion returned, or upon the basis pro-
	vided in paragraph (a) of this item for the round trip
	movement, whichever is lower. (Subject to Notes 1, 2, 3
	and 4.)
	NOTE 1 - Charges upon a shipment of crude oil trans-
	ported under the provisions of Item No. 210 series shall be
	computed at the highest rate provided to any point where
0	diversion occurs or delivery is performed.
	NOWE a Shimmanta shall be subject to an additional
	NOTE 2 - Shipments shall be subject to an additional charge of \$6.25 for each stop in transit to partially un-
	load.
	NOTE 3 - Shipments shall be subject to an additional
	charge of \$\$4.00 for each diversion not involving partial
	unloading.
	NOTE 4 - Applies only to property returned prior to
	unloading from carrier's equipment.
	DEMURRAGE OR DETENTION CHARGES
	1. Applies only in connection with transportation of
	refined petroleum products, black oils, crude oil, and liquefied petroleum gas.
	(a) A charge of \diamond \$2.58 for each one-half hour, or
	fraction thereof, shall be assessed for the time carrier's
*140-C	equipment is detained through no fault of the carrier to
Cancels	
140-B	specified in paragraph (b).
	(b) Free time shall commence when carrier's equipment
	arrives at the loading or unloading point and the carrier's
	employee reports to the consignor or consignee that the
	equipment is ready for loading or unloading. Two hours
	free time shall be allowed for loading and three hours free
	time shall be allowed for unloading.

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2. Applies only in connection with transportation of asphalt and road oil: many and the second (a) Charges as set forth in paragraph (c) hereof shall be assessed for the time carrier's equipment is detained, through no fault of the carrier, to complete loading, unloading or spreading after expiration of the free time specified in paragraph (b).
(b) Free time shall commence when carrier's equipment is placed in position to load, unload or spread (see Note 1). Two hours free time shall be allowed for loading and two hours free time shall be allowed for unloading and two hours free time shall be allowed for unloading and spreading. (c) The following detention or demurrage charges for excess loading, unloading or spreading shall be made: (l)LOADING: 0\$6.40 per hour, fractions of an hour to be prorated. (2) UNLOADING: \$\$6.40 per hour, fractions of an hour to be prorated. (3) SPREADING: \$\$8.40 per hour, fractions of an hour to be prorated. NOTE 1. - When shipper or consignee orders load to be delivered at a specifically designated time and carrier has its equipment at destination point at designated time and consignee cannot receive delivery as ordered, free time will commence at the time designated for delivery. * Change Decision No. 48926 ◊ Increase) EFFECTIVE Soptember 10, 1953

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•	Revised Page11-A Cancels CITY CARRIERS' TARIFF NO. 5 Revised Page11-A HIGHWAY CARRIERS' TARIFF NO. 6
tem No.	SECTION NO. 1 - RULES AND REGULATIONS (Continued)
	ISSUANCE OF SHIPPING DOCUMENT A shipping document (either in individual or manifest form) shall be issued by the carrier to the shipper for each shipment received for transportation. The shipping document shall show the following information:
150-A Cancels 150	 (a) Date issued. (b) Name of carrier. (c) Name and address of consignor. (d) Name and address of consignee or consignees. (e) Point of origin. (f) Point or points of destination. (g) Point or points where diversion occurs, if any. (h) Description of the shipment. (i) Weight of the shipment (or other factor or measurement upon which charges are based.) (j) Description of the vchicle or vehicles used (whether tank truck, tank semitrailer, or two connected tank vehicles.) (k) Kind and quantity of property returned, if any. (l) Rate and charge assessed. (m) Signature of carrier or his agent. (n) Such other information as may be necessary to an accurate determination of the applicable minimum rate and charge.
•	The form of shipping document in Item No. 340 series will be suitable and proper. A copy of each shipping document shall be retained and preserved by the issuing carrier, subject to the Commission's inspection, for a period of not less than three years from the date of its issuance.
160	QUOTATION OF RATES AND CHARGES (a) Except as provided in Paragraph (b) rates or accessorial charges shall not be quoted or assessed by carriers based upon a unit of measurement different from that in which the minimum rates and charges in this tariff are stated. (b) Rates or accessorial charges may be quoted or assessed by carriers based upon a unit of measurement different from that in which the minimum rates and charges in this tariff are stated, provided (1) that the freight charges assessed are not less than those which would have been assessed had the rates and accessorial charges stated in this tariff been applied; and (2) that the carriers' shipping documents contain all the information necessary to compute the freight charges on the basis of the units of measurement provided in this tariff.

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. . SPREADING

(Applies only in connection with transportation of asphalt or road oil.)

The service of spreading asphalt or road oil shall be *170-B performed at the rate of 0 64 cents per 100 pounds. This cancels rate includes only services of a driver or operator of 170-A carrier's equipment. Charges for extra labor shall be computed under the provisions of Item No. 180 series.

> * Change Decision No. 48926

> > EFFECTIVE September 10, 1953

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

Item No.	SECTION NO. 1 RULES AND REGULATIONS (Concluded)
,	EXTRA LABOR
	(Applies only in connection with transportation of asphalt or road oil.)
*180-A Cancels 180	Extra, labor furnished, other than driver or operator of carrier's equipment, shall be charged for at the rate of $$3.17$ per man per hour.
	CONNECTING TO MOBILE ROAD MIXERS
#7.00 A	(Applies only in connection with transportation of asphalt or road oil)
*190-A Cancels 190	A charge of $02-3/4$ cents per 100 pounds shall be made for service of connecting carrier's equipment to mobile road mixers.
	MIXED SHIPMENTS
195	When two or more commodities for which different rates are provided are included in the same shipment, charges shall be computed at the separate rates upon the individual weights of the different commodities determined in accord- ance with the provisions of Item No. 70 series. The minimum charge shall be the highest determined in accordance with the provisions of Item No. 80 series for any of the commodi- ties contained in the mixed shipment. In the event a lower charge results by considering such commodities as if they were divided into two or more separate shipments, such lower charge shall apply.
	Change) Decision No. 48926 Increase)
	EFFECTIVE Soptomber 10, 1953
	by the Public Utilities Commission of the State of California, San Francisco, California. tion No.115
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CITY CARRIERS' TARIFF NO. 5 HIGHWAY CARRIERS' TARIFF NO. 6

Sixth Re	visod 1	Page .	••		• •	13
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	6-F	3.6 2.8	1			•		•	1		1	2.3		
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inird Rev	rised Page 16	HIGHWAY CARRIERS' TARIFF NO	/ <u> </u>
Item	SECTION NO.		
No.		In Cents per 100 Pounds	
	(1) COMMODITY	FROM TO	RATE
*230-C Cancels 230-B	Crude Oil	Canoga Park (Los Angeles Zone 2 See Note 1.)	\$5
	Refined Petroleum Products and Black Oils	BETWEEN Points within one Torritorial Group or	- ♦5 ≩
*240_F Cancels	Crude Oil	Points within one incorporated city	(2) ◊ 3]
240-E	(See Notes 2, 3, 4, and 5.)	♦ 6	
·	Asphalt and Road Oil		07-3/4
(2) W1: p N N th	ll not apply to transp rovided in ItemNo. 210 OTE 1 For descripti OTE 2 Will not appl e City of Los Angeles	on of Los Angeles Zone 2, see the Distance y between points situated within that port lying north of the boundary line described	ion of in
(2) W1	11 not apply to transp rovided in ItemNo. 210 OTE 1 For descripti OTE 2 Will not appl e City of Los Angeles em No. 50 series: nor tuated within that por id boundary line on th OTE 3 See Item No. rritorial Groups. OTE 4 Will not appl Item No. 130 series. ansit for partial unk OTE 5 Will not appl	ortation for which rates are specifically series. On of Los Angeles Zone 2, see the Distance y between points situated within that port lying north of the boundary line described between such points on the one hand and po- tion of the City of Los Angeles lying sout be other. 40 series for description of numbered by to transportation performed under provis (Shipments diverted, returned, or stopped bading.) by to transportation of black oils, as desc om Chrisman to points located within the te	ion of in ints h of ions in ribed
(2) W1: p N N th tr si sa N Te N of tr N des * C	11 not apply to transp rovided in ItemNo. 210 OTE 1 For descripti OTE 2 Will not appl e City of Los Angeles em No. 50 series; nor tuated within that por id boundary line on th OTE 3 See Item No. rritorial Groups. OTE 4 Will not appl Item No. 130 series. ansit for partial unlo OTE 5 Will not appl Item No. 30 series.fro	ortation for which rates are specifically series. on of Los Angeles Zone 2, see the Distance y between points situated within that port lying north of the boundary line described between such points on the one hand and po- tion of the City of Los Angeles lying sout the other. 40 series for description of numbered ly to transportation performed under provis (Shipments diverted, returned, or stopped bading.) ly to transportation of black oils, as desc om Chrisman to points located within the te- tem No. 45 series.	ion of in ints h of ions in ribed
(2) W1: p N N th tr si sa N Te N of tr N des * C	11 not apply to transp rovided in ItemNo. 210 OTE 1 For descripti OTE 2 Will not appl e City of Los Angeles em No. 50 series: nor tuated within that por id boundary line on th OTE 3 See Item No. rritorial Groups. OTE 4 Will not appl Item No. 130 series. ansit for partial unic OTE 5 Will not appl Item No. 30 series.fro cribed in Note 1 of Item Stange) Decision No.	ortation for which rates are specifically series. on of Los Angeles Zone 2, see the Distance y between points situated within that port lying north of the boundary line described between such points on the one hand and po- tion of the City of Los Angeles lying sout the other. 40 series for description of numbered ly to transportation performed under provis (Shipments diverted, returned, or stopped bading.) ly to transportation of black oils, as desc om Chrisman to points located within the te- tem No. 45 series.	ion of in ints h of ions in ribed rritory

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