

50533

ORIGINAL

Decision No. _____

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 household goods carriers,)
 common carriers, highway carriers,)
 and city carriers relating to the)
 transportation of used household)
 goods and related property.)

Case No. 5330
 Order Setting Hearing
 of March 30, 1954

Wyman C. Knapp of Gordon, Knapp and Gill for Bekins Van & Storage Company, Beverly Hills Transfer and Storage Company, Calmay Van Lines, Inc., Farley Bros. Moving & Storage, Inc., Fidelity Van and Storage Company, James Transfer & Storage Company, Lyon Van & Storage Company, Orth Van & Storage Company, Pacific Van & Storage Company, Republic Van & Storage Company, Inc., Shepherd's Van and Storage, Inc., Southwest Van & Storage Company, Inc., and Market Street Van & Storage, Inc., Clarence C. Lockett for Lockett Van and Storage Company, and E. Earl Booker for James Transfer & Storage Company, James Van Lines, San Jose Moving & Storage Company, Erickson Van & Storage Company and Nickells Van & Storage Company, respondents and interested parties.

Jackson W. Kendall for Bekins Van & Storage Co., J. Lowell McAdam for Orth Van & Storage Company, Harold J. Blaine for Lyon Van & Storage Company, John R. Heck, Jr., for Heck Transfer & Storage Company and Ace Van & Storage Company, Woodrow W. De Witt for De Witt Transfer & Storage Company and T. G. Oakley for Atlas Transfer & Storage Company, respondents.

Russell Bevans for Lynch and Sons, Arlo D. Poe for Motor Truck Association of Southern California, Maurice A. Owens for East Bay Household Goods Carriers Conference, Draymen's Association of Alameda County, Roger H. Druehl for Market Street Van & Storage, Incorporated, and Charles A. Woelfel for California Moving and Storage Association, interested parties.

Maxwell H. Elliott, General Counsel, General Services Administration, Clarence W. Hull, Regional Counsel, General Services Administration, and W. J. Shaughnessy, Office of Regional Counsel, General Services Administration, for executive departments and agencies of the United States of America, Earle S. Williams for Department of Finance of the State of California, and Jerome Cohen for the City and County of San Francisco, interested parties.

William J. Kane, Grant Malquist, Norman B. Haley, R. A. Lubich and John E. Nance for the Commission's staff.

O P I N I O N

By Decision No. 49456 dated December 21, 1953, in Case No. 4808 and Case No. 5330 the Commission in part modified Item 40 Series of City Carriers' Tariff No. 3-A - Highway Carriers' Tariff No. 4-A as follows:

"(b) Rates in this tariff will not apply to the following:

* * *

"(2) Property transported for the United States, state, county or municipal governments. (See Exception.)

* * *

"Exception: Exemption will not apply to transportation of shipments wholly within an incorporated city or city and county."

Interested parties having brought into issue the application of the minimum rates for the transportation of used household goods and related property within an incorporated city or city and county, when performed for the United States, state, county or municipal governments, the Commission on March 30, 1954, issued its order setting hearing on this matter.

Public hearings were held before Examiner Wilson E. Cline at San Francisco on May 19 and June 16, 1954, at Los Angeles on June 18, 1954, and again at San Francisco on October 11, 1954.

The General Services Administration on behalf of the Executive Agencies of the United States through Witness Utzelman introduced evidence to show that the annual dollar value of movements under General Services Administration contracts within the San Francisco Bay and Los Angeles areas which are subject to the tariff is approximately \$4,400.

An analysis of the invitations to bid shows that although 40 invitations to bid on Contract No. GS-09S-696 for the Los Angeles

area were sent out only 6 carriers responded. Eight of the 43 carriers who received invitations to bid on Contract No. GS-09S-710 for the San Francisco area responded. Copies of these two contracts of the General Services Administration were introduced into evidence as Exhibits Nos. 2-A and 1-A, respectively. The two contracts cover moving and related service on an hourly basis only. Separate rates are specified in the contracts for intracity and intercity movements, the hourly rates for the intracity moves being the tariff rate and the hourly rates for intercity moves being bid rates. So long as bids can be received on intercity moves by reason of the exemption of such shipments from City Carriers' Tariff No. 3-A - Highway Carriers' Tariff No. 4-A the contracts can be awarded to the lowest bidder on the intercity moves. The over-all weighted average hourly rate under such contracts may be no higher than if a single hourly rate covering both intracity and intercity moves were bid.

The exception to the exemption in the tariff has imposed considerable difficulty upon the Federal Government and its agencies in the administration of contracts for the packing, crating, and transportation of used household goods and used office furniture and equipment. Witness Huntington, officer in charge of the Navy Central Freight Control Office in Oakland, California, has pointed out the necessity of making a determination in each instance whether the shipment is wholly intracity or intercity in nature because different rates apply to the different types of shipments. On certain shipments such as one within a municipality involving temporary storage the determination as to whether it is intracity, intercity, or interstate is difficult to make. Such administrative problem will be avoided if the exception to the exemption is eliminated so that a single hourly rate may be established in the government contracts.

The City and County of San Francisco opposed the exception to the exemption on the ground that such exception makes it impossible for the City and County of San Francisco to obtain a firm quotation on its proposed shipments of used office furniture and equipment as it is required to do under the provisions of its charter. Witness Jones, Purchaser of Supplies of the City and County of San Francisco, stated that the only alternative to the elimination of the exception to the exemption from the tariff would be for the City and County of San Francisco to purchase some trucks and do its own hauling. He stated that during 1953 not more than 12 to 15 shipments were made which would have been rateable under the tariff had the exception been applicable and that the dollar volume of revenue involved would be from \$10,000 to \$12,000.

Witness Williams, Traffic Manager for the State of California, testified that the State has experienced administrative difficulties in connection with the exception to the exemption similar to those experienced by the Federal Government and by the City and County of San Francisco. It is necessary for state officials to have a fixed maximum amount specified in its contracts for the movement of used office furniture and equipment. Also the establishment of different procedures for the handling of intracity and intercity shipments creates confusion and administrative difficulties.

Most of the carriers which appeared in the proceeding either directly or indirectly through carrier organizations were strongly in favor of the retention of the exception to the exemption in the tariff. Convincing evidence was offered to show that the cost of handling shipments of used household goods and office furniture and equipment for governmental agencies is as great as, if not greater than, the cost of handling similar shipments for private individuals and commercial establishments. No satisfactory solution to the problems

and difficulties experienced by the governmental shippers by reason of the exception was offered by the carriers, however, nor was it shown how the minimum rates can be adequately protected in those cases where a contract which provides rates both for intracity and intercity movements is awarded to a single carrier.

The Commission has carefully considered the entire record in this matter and is of the opinion and hereby finds that the exception to the exemption appearing in Item 40 Series of City Carriers' Tariff No. 3-A - Highway Carriers' Tariff No. 4-A should be removed. The order which follows will so provide.

In the interest of tariff simplification, the title of City Carriers' Tariff No. 3-A - Highway Carriers' Tariff No. 4-A will be changed to Minimum Rate Tariff No. 4-A, and it will be provided by general rule that references to item numbers include reference to such numbers with letter suffixes and references to tariffs include reference to amendments and successive issues of such tariffs.

O R D E R

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. 3-A - Highway Carriers' Tariff No. 4-A (Appendix "A" to Decision No. 44919 as amended) be and it is hereby further amended by changing the title thereof to Minimum Rate Tariff No. 4-A and by incorporating therein to become effective January 1, 1955, Second Revised Title Page cancels First Revised Title Page, Third Revised Page 6 cancels Second Revised Page 6, and First Revised Page 10 cancels Original Page 10, which pages are attached hereto and by this reference made a part hereof. ✓

(2) That any reference in Commission orders or tariffs to City Carriers' Tariff No. 3-A - Highway Carriers' Tariff No. 4-A shall also be deemed to be a reference to Minimum Rate Tariff No.4-A.

(3) That in all other respects the aforesaid Decision No. 44919, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 7th day of DECEMBER, 1954.

Edwin E. Mitchell
President
Walter J. Casper
Herbert P. Potts
Gene Deegins
Ray G. Lutermer
Commissioners

*MINIMUM RATE TARIFF NO. 4-A

(Formerly City Carriers' Tariff No. 3-A
Highway Carriers' Tariff No. 4-A)

Naming

Minimum Rates, Rules and Regulations

For The

Transportation of Used Property, Viz.:

Household Goods, Personal Effects and Office, Store and

Institution Furniture, Fixtures and Equipment Over

the Public Highways Within the

State of California

By

CITY CARRIERS

RADIAL HIGHWAY COMMON CARRIERS

HIGHWAY CONTRACT CARRIERS

And

HOUSEHOLD GOODS CARRIERS

* Important Notice

Reference in this or other tariffs to City Carriers' Tariff No. 3-A -
Highway Carriers' Tariff No. 4-A shall be construed as referring to
Minimum Rate Tariff No. 4-A.

The original tariff contains rates, rules and regulations established
in Decision No. 44919 in Case No. 4808. Changes will be made by issuing
revised or added pages or by issuing supplements.

* Change, Decision No. **50833**

EFFECTIVE JANUARY 1, 1955
(Original Tariff Effective November 20, 1950)

Correction No. 57

Issued by the
PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
State Building, Civic Center
San Francisco, California

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
<p style="text-align: center;">APPLICATION OF TARIFF - TERRITORIAL</p> <p>Rates in this tariff apply to transportation of shipments between all points within the State of California.</p>	30
<p style="text-align: center;">APPLICATION OF TARIFF - COMMODITIES</p> <p>(a) Except as otherwise provided by paragraph (b), rates in this tariff apply to the transportation of the following uncrated property:</p> <p>(1) Used household goods, viz: household or personal effects such as furniture, furnishings, clothing, radios, musical instruments, stoves and refrigerators.</p> <p>(2) Used office and store fixtures and equipment, viz: furniture, furnishings, and equipment such as is used in an office, store, hospital, library, museum, place of learning, or other institution.</p> <p>(b) Rates in this tariff will not apply to the following:</p> <p>(1) Property transported from, to, or between the place, or places, of business of a dealer in or auctioneer of the property described in paragraph (a) hereof, in connection with such business.</p> <p>* (2) Property transported for the United States, state, county or municipal governments.</p> <p>(3) Crated property consisting of commodities described in paragraph (a), except when transported in mixed shipments with uncrated property under the provisions of Item No. 120.</p> <p>(4) Baggage, except when transported in mixed shipments with uncrated property under the provisions of Item No. 120</p> <p>(5) Property shipped to or from producers of motion pictures or television shows when transported subject to the rates, rules, and regulations provided by Decision No. 33226, in Cases Nos. 4246 and 4434, as amended.</p> <p style="text-align: center;">***</p>	*40-C Cancels 40-B
<p style="text-align: center;">DUAL OPERATIONS</p> <p>Where highway common carriers, as defined in the Public Utilities Act, are affiliated with radial highway common carriers, as defined in the Highway Carriers' Act, or where highway common carriers engage radial highway common carriers as agents or representatives, the following requirements shall be observed:</p> <p>(a) The operations of each carrier shall be conducted as those of a separate entity.</p> <p>(b) When all of the services desired are offered to the public by one or more of such carriers joint undertakings shall be engaged in only upon the shipper's specific request.</p>	50-A Cancels 50

(c) Explanation shall be made to all inquirers, when two or more such carriers provide services between the same points, what services are available and any differences in the character of the service and in the rates therefor.

(d) All documents shall be issued and all records kept on a strictly individual carrier basis.

(e) In respect of the requirements specified in paragraphs (a) to (d), inclusive, and in all other respects, the affairs of each carrier shall be so conducted that there will be no doubt as to which carrier is involved in one-carrier transactions and the nature and extent of individual carrier participation in joint undertakings.

*Change
***Exception Canceled } Decision No. 50833

EFFECTIVE JANUARY 1, 1955

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

SECTION NO. 1 - RULES AND REGULATIONS (Continued)

Item
No.

COMPUTATION OF TIME UNDER HOURLY RATES
 NAMED IN ITEM NO. 400

(a) In computing hourly rates the time shall be the total of the loading, unloading, and double the driving time between the point of origin and the point of destination. (See paragraphs (b), (c), (d), and (e) hereof, and Items Nos. 290 and 300 for exceptions to this rule.)

(b) When two or more shipments are transported on a unit of equipment, time to be used shall be the total of the loading and unloading time, plus 15 minutes driving time, for each shipment.

(c) When shipper requests the service of an additional helper or helpers to assist in loading or unloading, but not both, the charge therefor shall be determined by applying the rate per man, per hour, provided in Item No. 400 for additional helpers, to the time such helper or helpers are engaged in performing these services.

(d) When two or more units of equipment are furnished for transportation of a single shipment and the driver and/or helper or helpers of any one unit assist in loading or unloading another unit, the time such persons are so engaged shall be charged for at the rate provided in Item No. 400 for additional helpers. During any such interval, time shall not accrue for the unit or units of equipment not being loaded or unloaded.

(e) After the total time has been determined under the provisions of paragraphs (a), (b), (c), or (d) hereof, it shall be converted into hours and/or fractions thereof. Fractions of an hour shall be determined in accordance with the following table:

<u>Over</u>	<u>Minutes</u> But not over	<u>Fractional hour</u>
0	7	omit
7	22	1/4
22	37	1/2
37	52	3/4
52	60	1

170

UNITS OF MEASUREMENT TO BE OBSERVED

Rates or 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 of this tariff are stated.

180

REFERENCES TO ITEMS AND OTHER TARIFFS

Unless otherwise provided, references herein to item numbers in this or other tariffs include references to such numbers with letter suffix, and references to other tariffs include references to amendments and successive issues of such other tariffs.

#185

Added, Decision No. 50833

EFFECTIVE JANUARY 1, 1955

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

Correction No. 59