

ORIGINAL

Decision No. 54690

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 in the)
 City and County of San Francisco and)
 the Counties of Alameda, Contra Costa,)
 Marin, Monterey, Napa, Santa Clara,)
 Santa Cruz, San Benito, San Mateo,)
 Solano and Sonoma.)

Case No. 5441
 Petition for Modification
 No. 21

Russell Bevans, for Draymen's Association of San Francisco, Inc., and Maurice A. Owens, for Draymen's Association of Alameda County; petitioners.

A. E. Norrbom, for Los Angeles Wholesale Institute, R. E. Tewson, for Montgomery Ward and Company, A. J. Mateik and Arlo D. Poe, for California Trucking Associations, Inc., and J. Quintrall, for Western Motor Tariff Bureau; interested parties.

John W. Mallory and Eric Mohr, for the Commission's staff.

O P I N I O N

City Carriers' Tariff No. 1-A names minimum rates, rules and regulations for the transportation of property between points in the City and County of San Francisco. City Carriers' Tariff No. 2-A - Highway Carriers' Tariff No. 1-A names minimum rates, rules and regulations for like transportation between points in the so-called East Bay drayage area. Items Nos. 220, 221 and 222 series of each of these tariffs contain rates, charges, rules and regulations governing various services, other than transportation, accorded pool shipments. Section 5 of each of the tariffs names hourly and monthly vehicle unit rates for transportation of property within the respective drayage areas.

By this petition, as amended, Draymen's Association of San Francisco, Inc., and Draymen's Association of Alameda County seek amendment of the title page of Section 5 of each of the above-mentioned tariffs by the addition thereto of a provision to the following effect:

"The rates and charges in this section will not apply for services for which rates and charges are provided in Items Nos. 220, 221 and 222 series of this tariff."

Public hearing of the petition was held before Examiner Carter R. Bishop in San Francisco on December 14, 1956. Testimony on behalf of petitioners was given by the secretary-manager of the San Francisco association and by the executive secretary of the East Bay organization.

The purpose of the proposed tariff changes, the record shows, is solely for clarification. The carriers have consistently held, the secretary-manager testified, that the vehicle unit rates apply only for the transportation of property, and do not include accessorial services for which charges are provided in the aforesaid Items Nos. 220, 221 and 222 series. Some shippers, he said, have taken the position, however, that such accessorial services are included in the vehicle unit rates. The modifications proposed herein, the witnesses asserted, will remove any doubts which may now exist concerning the correct application of the tariff provisions here in issue.¹

¹

The secretary-manager read into the record a letter, dated March 20, 1956, which he had received from the Commission in which the informal opinion was expressed that when property to be transported under the unit rates named in Section 5 of City Carriers' Tariff No. 1-A consists of a pool shipment as defined in Item No. 221-B of that tariff the charges set forth in Item No. 220-J shall be assessed in addition to the transportation charges accruing under Section 5.

Consideration of the tariff provisions in question and of the record herein leads to the conclusion that the interpretation placed upon those provisions by the San Francisco and East Bay draymen is correct. The Commission further concludes that the clarification of the minimum rate tariffs as proposed by petitioners has been justified. The petition will be granted. So that distribution of tariffs will be limited to those parties interested in each publication involved, a separate order covering City Carriers' Tariff No. 2-A - Highway Carriers' Tariff No. 1-A will be issued.

O R D E R

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

IT IS ORDERED that City Carriers' Tariff No. 1-A (Appendix "A" of Decision No. 41363 as amended) be and it is hereby further amended by incorporating therein, to become effective May 1, 1957, First Revised Page 44 Cancels Original Page 44, which page is attached hereto and by this reference made a part hereof.

In all other respects the aforesaid Decision No. 41363, as amended, shall remain in full force and effect.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 19th day of March, 1957.

[Signature]
President
[Signature]
[Signature]
[Signature]

Commissioners

First Revised Page ... 44
Cancels
Original Page 44

CITY CARRIERS' TARIFF NO. 1-A

SECTION NO. 5

HOURLY AND MONTHLY RATES

//The rates and charges in this Section will
not apply for services for which rates and
charges are provided in Items Nos. 220,
221 and 222 series of this tariff.

#Addition, Decision No. 54690

EFFECTIVE MAY 1, 1957

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 253