

ORIGINAL

Decision No. 56075

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 ) Case No. 5441  
 carriers, highway carriers, and city ) Petition for  
 carriers, relating to the transportation ) Modification No. 26  
 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. )

In the Matter of the Investigation into )  
 the rates, rules, regulations, charges, ) Case No. 5432  
 allowances and practices of all common ) Petition for  
 carriers, highway carriers and city car- ) Modification No. 91  
 riers relating to the transportation of )  
 general commodities (commodities for )  
 which rates are provided in Minimum Rate )  
 Tariff No. 2). )

Berol & Silver by Edward M. Berol, for Draymen's Association of San Francisco and Draymen's Association of Alameda County, and Russell Bevens, for Draymen's Association of San Francisco, petitioners.

Edwin C. Bennett, Natalie Gail, William J. Keane, Ralph S. Schmitt, Harry J. Scherer, John M. Hannigan, L. B. Raymond, and Edward P. White, for various carrier respondents.

J. C. Kaspar, A. D. Poe, J. X. Quintrall, A. E. Norrbom, W. M. Cheatham, Glenn T. Gleason, William G. Jackson, Omar E. Pullen, Harry W. Dimond, Charles C. Miller, James M. Cooper, Harry E. Rockwood, and Allan W. Stanbridge, for various organizations and shippers, interested parties.

Grant Malquist and John R. Laurie, for the Commission's staff.

## O P I N I O N

By petitions filed August 26, 1957, the Draymen's Association of San Francisco, and the Draymen's Association of Alameda County seek a twenty percent increase in the minimum rates, rules

and regulations for the handling and distribution of so-called pool car shipments at San Francisco, and increases in the corresponding minimum rates, rules and regulations for these services at other San Francisco Bay area points to bring them to the same level as the increased San Francisco rates.<sup>1/</sup>

Public hearing was held before Commissioner C. Lyn Fox and Examiner William E. Turpen at San Francisco on November 20 and 21, 1957. The matter was submitted December 2, 1957, upon receipt of a late-filed exhibit.

A pool car shipment consists of a consolidated lot of small shipments intended for different consignees and forwarded as a single carload shipment to a carrier at a destination point for unloading and distribution of the component parts to the ultimate consignees. By such consolidation, the shipper is able to enjoy lower freight charges from the origin to the distribution point than if the component parts were shipped as separate shipments. At the distribution point the carrier receiving the shipment for handling, unloads, segregates and delivers the component parts in accordance with instructions received from the shipper.

Minimum rates for the handling of pool car shipments at San Francisco are named in City Carriers' Tariff No. 1-A, and at points in the East Bay drayage area in City Carriers' Tariff No. 2-A - Highway Carriers' Tariff No. 1-A.<sup>2/</sup> These points

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<sup>1/</sup> The rates for pool car shipments at San Francisco are now ten percent higher than those applicable at the other points.

<sup>2/</sup> The East Bay drayage area consists of the Cities of Alameda, Albany, Berkeley, Emeryville, Oakland and Piedmont.

have long been distribution centers for pool car shipments. Following extensive studies by petitioners and as a result of petitions filed by them, Decision No. 43457, dated October 25, 1949, in Cases Nos. 4084, 4108 and 4109, established revised minimum rates, rules and regulations for handling pool car shipments that were identical, except for minor differences, in the two above-mentioned tariffs. Subsequently, Decision No. 45944, dated July 10, 1951, in Case No. 4084, increased all the rates in City Carriers' Tariff No. 1-A, including the pool car rates, by ten percent. Except for this increase applicable in San Francisco, the general rate level of pool car rates has not been changed since 1949.

Pursuant to petitions filed by the two draymen's associations, Decisions Nos. 47775 and 47776, dated September 30, 1952, in Cases Nos. 4084, 4108, 4109 and 4808, extended the application of the pool car rates to various surrounding communities in the Bay area.<sup>3/</sup> This was done as the record in that proceeding showed that pool car shipments were being consigned to these nearby points for trans-shipment to and distribution within the drayage areas at charges less than those applicable within the drayage areas. This practice, according to the testimony in that proceeding, caused a disruption of the stability of transportation and caused the carriers to lose needed revenues. Accordingly, minimum rates, rules and regulations were established in Minimum Rate Tariff No. 2 for handling pool car shipments when some portion of the car is destined to points within the drayage areas. ✓

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<sup>3/</sup> These points are San Pablo, El Cerrito, San Leandro, Hayward, Richmond, South San Francisco, Daly City, Colma, San Bruno, Sausalito, Mill Valley, Larkspur, Corte Madera and San Rafael.

Petitioners pointed out that, except for certain minor adjustments, the pool car rates have not been increased since 1949 in the East Bay drayage area and since 1951 in San Francisco. The Secretary-Manager of the San Francisco Draymen's Association testified that since 1949, the daily wages in San Francisco for helpers and for pickers have increased from \$13.00 and \$14.00, respectively, to \$19.20 and \$20.20, respectively, and in Oakland for platform men from \$14.00 to \$18.70. In addition to the wage rates there have been increases in vacation time and paid holidays, and establishment of health and welfare funds and pension plans. The witness also testified that most of the pool car shipments are handled by seven carriers in the East Bay area and by fourteen carriers in San Francisco. He further stated that an average of approximately 217 cars per month are unloaded in the East Bay and 830 cars per month in San Francisco. The witness further stated that to his knowledge no pool car shipments are handled in the communities outside of San Francisco and the East Bay drayage area, but that it is necessary to maintain the rates applicable at those points to prevent a diversion of the traffic to these points in an attempt to defeat the minimum rates.

A consultant employed by petitioners introduced into evidence studies he had made of the cost of performing pool car services. One of his exhibits showed that the wage rates, including provisions for pension funds, health and welfare funds, and vacation and holiday pay, had increased since 1949 by 53.2 percent in San Francisco and by 42.1 percent in Oakland. The witness made a study

of the unloading and segregating of 90 pool cars in San Francisco and Oakland involving a total weight of almost 2,000,000 pounds. This study showed the cost per 100 pounds for unloading and segregating pool car shipments for toys, candy and all other commodities exclusive of accessorial services. Another study developed the cost of clerical services, for which a separate charge is provided, and for advancing incoming freight charges. These studies show that the rates requested, in relation to costs, are not excessive.

The proposed rates apply when the carrier which does the unloading and segregating also performs transportation. A second scale of rates and charges, approximately 20 percent higher, is provided for application to those component parts for which the carrier does not perform transportation. The witness testified that the higher charges provided when the carrier does not perform transportation are necessary as additional expense is involved, such as extra handling, reduction of efficiency of operations, and clogging of dock space. No study was made of the actual additional costs incurred.

A number of shipper and carrier representatives and members of the Commission staff assisted in developing the record. No one opposed the granting of the petitions.

The record shows that since the pool car rates were last adjusted in 1949 and 1951, the costs of operation have increased considerably and that the increases as proposed by petitioners are necessary to offset the increased costs. The increases proposed by petitioners will be adopted. Petitioners also propose that charges for breaking down and installing dunnage in partially unloaded cars be related to other accessorial charges named in the minimum rate tariffs. This change appears proper and will be adopted.

Upon careful consideration of the facts and circumstances of record, the Commission is of the opinion and finds that the minimum rates, rules and regulations for the handling of pool car shipments set forth in City Carriers' Tariff No. 1-A (San Francisco drayage), City Carriers' Tariff No. 2-A - Highway Carriers' Tariff No. 1-A (East Bay drayage area) and Minimum Rate Tariff No. 2 (general commodities) should be increased as proposed by petitioners, and that such minimum rates, rules and regulations established by the order which follows will be just, reasonable and nondiscriminatory minimum rates and that modifications in the minimum rates have been justified to the extent provided in the order that follows.

Minimum Rate Tariff No. 2 will be amended by a separate order to avoid duplication of tariff distribution.

O R D E R

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

IT IS ORDERED:

(1) 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 February 16, 1958, Twelfth Revised Page 23 and Fourth Revised Page 23-A, which pages are attached hereto and by this reference made a part hereof.

(2) That City Carriers' Tariff No. 2-A - Highway Carriers' Tariff No. 1-A (Appendix "A" of Decision No. 41362 as amended) be and it is hereby further amended by incorporating therein, to become effective February 16, 1958, Eighth Revised Page 19 and Fourth Revised Page 19-A, which pages are attached hereto and by this reference made a part hereof.

(3) That common carriers be and they are hereby authorized to establish in their tariffs the rates, rules and regulations for handling pool car shipments established herein on commodities which minimum rates have not been established.

(4) That tariff publications required or authorized to be made by common carriers as a result of the order herein may be made effective not earlier than the effective date hereof on not less than

five days' notice to the Commission and to the public, and that such required tariff publications shall be made effective not later than February 16, 1958.

In all other respects the aforesaid Decisions Nos. 41362 and 41363, 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 14<sup>th</sup> day of January, 1958.

*W. L. ...*  
President  
*Paul ...*  
*W. ...*  
*R. Hardy*  
*E. Linton*  
Commissioners



Cancel

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

POOL SHIPMENTS (Items Nos. 220, 221 and 222 Series)  
 (Not applicable on shipments subject to Section 7 rates)  
 Rates do not include transportation

Pool shipments as described in Item No. 221 series shall be subject to rates and charges as follows for the services designated, viz.:

(a) Unloading or segregating, or unloading and segregating:

Column 1 rates apply only to component parts of the pool shipment in connection with which the city carrier performs transportation.

Column 2 rates apply only to component parts of the pool shipment in connection with which the city carrier does not perform transportation.

◊(2) Class rates in cents per 100 pounds							
Column 1				Column 2			
Minimum Charge				Minimum Charge			
53 cents per component part				102 cents per component part			

Articles for which rates are not otherwise specified in this item or Item No. 222 series-	Column 1				Column 2			
	1	2	3	4	1	2	3	4
	18	17	14½	(1)12	21½	19	17	(1)15½

(1) Applies on articles rated 4th class or lower.

(2) Subject to the less-than-carload ratings shown in the current Classification or in the exceptions thereto.

\*220-L  
 Canceled  
 220-K

	◊ Commodity Rates in cents per 100 Pounds	
	Column 1	Column 2
	Minimum Charge 53 cents per component part	Minimum Charge 102 cents per component part
Bicycles, K.D., as described in Item 92690 series in current Classification -----	27½	33½
Games or Toys as described under that heading in current Classification -----	27½	33½
Vehicles, other than motor, K.D., as described in Items 92660, 92680, 92720, 92730, 92760, 92850, 92930, 93040, 93120, 93190, 93200, 93210 and 93270 series in current Classification -----	27½	33½

(b) Clerical services consisting of preparing pool lot shipment file, manifesting and preparing delivery instructions, and issuance of freight bill to each subconsignee or shipper and accounting therefor, ◊33½ cents per component part.

(c) Listing and reporting market weights, gallonage or serial numbers, one cent per line per package or piece, minimum charge ◊30 cents per component part.

(d) Marking, tagging, stenciling or labeling, one cent per package or piece, minimum charge ◊49 cents per component part.

(e) Advancing, prorating and collecting inbound freight charges of other carriers, 1 percent of amount advanced, minimum charge ◊47 cents per component part.

(f) Advancing of outbound freight charges to other carriers, ◊33½ cents per component part.

◊(g) Breaking down, leveling off, installing dunnage in pool cars stopped for partial unloading, will be charged as provided in Item 80 series for helpers, plus cost of dunnage.

(h) Storage will be charged as provided in Item No. 140 series when carrier through no fault of its own is unable to effect delivery of a component part.

Minimum charge for handling pool shipment o \$8.23.

\*Change }  
oIncrease } Decision No. 56075

EFFECTIVE FEBRUARY 16, 1958

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.  
Correction No. 272

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
221-B Cancels 221-A	<p style="text-align: center;">POOL SHIPMENTS (Continued) (Items Nos. 220, 221 and 222 series)</p> <p>The term "pool shipment," as used herein, means a shipment consisting of component parts which are for reshipment to two or more points of destination, such shipment being consigned to:</p> <p>(1) A city carrier with instructions for unloading, distribution and delivery of one or more component parts to consignees, their agents, or to other carriers; or</p> <p>(2) A consignee (other than a city carrier) in connection with which pool shipment a city carrier is instructed to unload, distribute and deliver one or more component parts to the consignee, subconsignees, their agents or to other carriers.</p> <p>NOTE 1.--The rates and charges named in Items Nos. 220 and 222 series shall apply (subject to Exceptions below) to:</p> <p>(a) each component part contained in the pool shipment consigned to a carrier as indicated in paragraph (1) above; and to</p> <p>(b) each component part contained in the pool shipment consigned to a consignee (other than a carrier), as indicated in paragraph (2) above, that the carrier unloads or segregates or unloads and segregates and delivers to the consignee, subconsignees, their agents, or to other carriers.</p> <p style="text-align: center;">EXCEPTIONS.</p> <p>1. In connection with pool shipments stopped for partial unloading at San Francisco the charges named in Items Nos. 220 and 222 series shall apply only to the component part or parts that the carrier unloads or segregates or unloads and segregates and delivers to the consignee, subconsignees, their agents, or to other carriers.</p> <p>2. No charge shall be made on component parts weighing 20,000 pounds or more transported by the carrier.</p> <p>NOTE 2.--When a pool shipment contains one or more component parts for delivery to points beyond the commercial zone as described in (d) of this note, and the aggregate charges for unloading or segregating or unloading and segregating and other accessorial services are less</p> <p>(a) for the entire shipment,</p> <p style="text-align: center;">than</p> <p>(b) for a pool shipment of like kind and quantity, all of which is for delivery within the commercial zone described in paragraph (d) of this note, the following shall apply:</p> <p>(c) add the difference between the charges under (a) and what the charges would be under (b) to the charges applicable on the portion of the pool shipment for which rates are provided in Items Nos. 220 and 222 series. Such additional charges shall be assessed against the shipper or prorated among the various component parts destined within the commercial zone.</p> <p>(d) Commercial Zone Colma, Corte Madera, Daly City, Larkspur, Mill Valley, San Bruno, San Francisco, San Rafael, Sausalito, South San Francisco, Alameda, Albany, Berkeley, El Cerrito, Emeryville, Oakland, Piedmont, Richmond, and all unincorporated areas within five (5) miles of the corporate limits of San Francisco, and all of any other municipality any part of which is within five (5) miles of the corporate limits of the City of San Francisco. In the application of the foregoing mileage air line distance shall be used.</p>

NOTE 3.--The term "delivery" as used in this Item means relinquishing the property to the party or parties entitled to receive such property, whether at the point of distribution or elsewhere.

POOL SHIPMENTS (Continued)  
(Items Nos. 220, 221 and 222 series)

Pool shipments as described in Item No. 221 series, viz.: Furniture or Furniture Parts as described under those headings in current Classification:

+222-C  
Cancels  
222-B

(a) Unloading or segregating, or unloading and segregating; including transportation and accessorial services described in paragraphs (b), (c) and (e) of Item No. 220 series,  $92\frac{1}{2}$  cents per 100 pounds, minimum charge  $\$1.79$  per component part.

(b) Unloading or segregating, or unloading and segregating; including accessorial services described in paragraphs (b), (c) and (e) Item No. 220 series,  $66$  cents per 100 pounds, minimum charge  $\$1.26$  per component part.

\* Change )  
o Increase ) Decision No. 56075

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San Francisco, California.

Correction No. 273

Item No.	SECTION NO. 1 - RULES AND REGULATIONS (Continued)							
	. POOL SHIPMENTS (Items Nos. 220, 221 and 222 series) Rates do not include transportation Pool shipments as described in Item No. 222 series shall be subject to rates and charges as follows for the services designated, viz.: (a) Unloading or segregating, or unloading and segregating: Column 1 rates apply only to component parts of the pool shipment in connection with which the carrier performs transportation. Column 2 rates apply only to component parts of the pool shipment in connection with which the carrier does not perform transportation.							
	◊(2) Class rates in cents per 100 pounds							
	<u>Column 1</u> Minimum Charge 53 cents per component part				<u>Column 2</u> Minimum Charge 102 cents per component part			
Articles for which rates are not otherwise specified in this item or Item No. 221 series.	1	2	3	4	1	2	3	4
	18	17	14½	(1) 12	21½	19	17	(1) 15½
*220-H Cancels 220-G	(1) Applies on articles rated 4th class or lower. (2) Class ratings shall be determined as provided in Item No. 80 series.							
	◊ Commodity rates in cents per 100 pounds							
	<u>Column 1</u> Minimum Charge 53 cents per component part				<u>Column 2</u> Minimum Charge 102 cents per component part			
Bicycles, K.D., as described in Item 92690 series in current Classification.....				27½				33½
Candy, Confectionery, Chewing Gum, Chocolate, Cocoa and Fondant.....				14				16½
Games or Toys, as described under that heading in current Classification.....				27½				33½
Vehicles, other than motor, K.D., as described in Items 92660, 92680, 92720, 92730, 92760, 92850, 92930, 93040, 93120, 93190, 93200, 93210 and 93270 series in current Classification.....				27½				33½
	(b) Clerical services, consisting of preparing pool lot shipment file, manifesting and preparing delivery instructions, issuance of freight bill to each subconsignee or shipper and accounting therefor, ◊ 33½ cents per component part. (c) Listing and reporting marked weights, gallonage or serial numbers, one cent per line per package or piece, minimum charge ◊ 30 cents per component part.							

- (d) Marking, tagging, stenciling or labeling, one cent per package or piece, minimum charge 049 cents per component part.
- (e) Advancing, prorating and collecting inbound freight charges of other carriers, 1 percent of amount advanced, minimum charge 047 cents per component part.
- (f) Advancing of outbound freight charges to other carriers, 033½ cents per component part.
- o (g) Breaking down, leveling off, installing dunnage in pool cars stopped for partial unloading will be charged as provided in Item No. 90 series for additional labor, plus the cost of dunnage.
- (h) Storage will be charged as provided in Item No. 140 series when carrier through no fault of its own is unable to effect delivery of a component part.

Minimum charge for handling pool shipment 068.23.

\* Change ) Decision No. 56075  
 o Increase )

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 San Francisco, California.  
 Correction No. 175

Item No.	SECTION No. 1 - RULES AND REGULATIONS (Continued)
*221-B Cancels 221-A	<p style="text-align: center;">POOL SHIPMENTS (Continued) (Items Nos. 220, 221 and 222 series)</p> <p>Pool shipments as described in Item No. 222 series, viz.: Furniture or Furniture Parts as described under those headings in current Classification.</p> <p>(a) Unloading or segregating, or unloading and segregating; including transportation and accessorial services described in paragraphs (b), (c) and (e) of Item No. 220 series, 92<math>\frac{1}{2}</math> cents per 100 pounds, minimum charge \$1.79 per component part.</p> <p>(b) Unloading or segregating, or unloading and segregating; including accessorial services described in paragraphs (b), (c) and (e) of Item No. 220 series, 66 cents per 100 pounds, minimum charge \$1.26 cents per component part.</p>
222	<p style="text-align: center;">FOOL SHIPMENTS (Continued) (Items Nos. 220, 221 and 222 series)</p> <p>The term "pool shipment," as used herein, means a shipment consisting of component parts which are for reshipment to two or more points of destination, such shipment being consigned to:</p> <p>(1) A carrier, as named in Item No. 20 series, with instructions for unloading, distribution and delivery of one or more component parts to consignees, their agents, or to other carriers; or</p> <p>(2) A consignee (other than a carrier) in connection with which pool shipment a carrier, as named in Item No. 20 series, is instructed to unload, distribute and deliver one or more component parts to the consignee, subconsignees, their agents, or to other carriers.</p> <p>NOTE 1.-The rates and charges named in Items Nos. 220 and 221 series shall apply (subject to Exceptions below) to</p> <p>(a) each component part contained in the pool shipment consigned to a carrier, as named in Item No. 20 series, and to</p> <p>(b) each component part contained in the pool shipment consigned to a consignee (other than a carrier) that the carrier unloads or segregates or unloads and segregates and delivers to the consignee, subconsignees, their agents, or to other carriers.</p> <p style="text-align: center;">EXCEPTIONS.</p> <p>1. In connection with pool shipments stopped for partial unloading within the cities of Alameda, Albany, Berkeley, Emeryville, Oakland or Piedmont, the charges named in Items Nos. 220 and 221 series shall apply only to the component part or parts that the carrier unloads or segregates or unloads and segregates and delivers to the consignee, subconsignees, their agents or to other carriers.</p> <p>2. No charge shall be made on component parts weighing 20,000 pounds or more transported by the carrier.</p> <p>NOTE 2.-When a pool shipment contains one or more component parts for delivery to points beyond the commercial zone as described in (d) of this note and the aggregate charges for unloading, or segregating or unloading and segregating and other accessorial services are less</p> <p>(a) for the entire shipment, than</p> <p>(b) for a pool shipment of like kind and quantity, all of which is for delivery within the commercial zone described in paragraph (d) of this note, the following shall apply:</p>

(c) add the difference between the charges under (a) and what the charges would be under (b) to the charges applicable on the portion of the pool shipment for which rates are provided in Items Nos. 220 and 221 series. Such additional charges shall be assessed against the shipper or prorated among the various component parts destined within the commercial zone.

(d)-Commercial Zone

Alameda, Albany, Berkeley, El Cerrito, Emeryville, Hayward, Oakland, Piedmont, Richmond, San Francisco, South San Francisco, San Leandro, and all unincorporated areas within five (5) miles of the corporate limits of the City of Oakland, and all of any other municipality any part of which is within five (5) miles of the corporate limits of the City of Oakland. In the application of the foregoing mileage air line distance shall be used.

NOTE 3--The term "delivery" as used in this Item means relinquishing the property to the party or parties entitled to receive such property, whether at the point of distribution or elsewhere.

PROGRESSION OF CLASSES ABOVE FIRST CLASS

230

The progression of classes above first class is  $1\frac{1}{2}$ ,  $1\frac{3}{4}$ ,  $1-3/4$ , D1, 2 $\frac{1}{2}$ tl, 3tl, 3 $\frac{1}{2}$ tl and 4tl.

SHIPMENTS TO BE RATED SEPARATELY

240

Rates named herein apply to single shipments of property. Two or more single shipments shall not be combined and billed as one shipment, but must be carried as separate shipments, and at rates not less than the established minimum rates for each shipment.

When shipments are delivered to or received from other carriers, each bill of lading or freight bill shall be considered as a separate shipment and charges assessed accordingly.

CHARGES BASED ON VARYING MINIMUM WEIGHTS

250-A  
Cancels  
250

When charges accruing on a shipment based upon actual weight exceed the charges computed upon a rate based upon a greater minimum weight, the latter shall apply. For the purpose of applying this item to a mixed shipment, deficiency between actual weight of the shipment and the greater minimum weight shall be computed at the rate applicable to the lowest rated commodity in the shipment.

\* Change }  
o Increase } Decision No. 56075

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San Francisco, California.

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