

**ORIGINAL**Decision No. 56128

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 Los Angeles and Orange Counties )  
 (transportation for which rates )  
 are provided in Minimum Rate Tariff )  
 No. 5).

Case No. 5435

Petition for Modification  
No. 13

Arlo D. Poe, J. C. Kaspar and James Quintrall,  
 for California Trucking Associations, Inc.,  
 petitioner.

O. H. Scott, for J. A. Clark Draying Co., and  
A. J. Deller, for Progressive Transportation,  
 respondents.

Ralph J. Staunton and Fred P. Hughes, for the  
 Commission's staff.

O P I N I O N

The Commission has established minimum rates to be observed by all highway carriers and all city carriers for the service of unloading, segregating or unloading and segregating property from pool cars within the Los Angeles Drayage Area. Said rates are set forth in Item 165 series of Minimum Rate Tariff No. 5.

By petition filed October 3, 1957, the California Trucking Associations, Inc., requests that the Commission restrict the application of the rates by adding the following paragraph to said Item 165:

"The provisions of this item do not apply on iron or steel articles, hereinafter listed, in open top rail cars when unloading is provided with crane facilities furnished by, or at the expense of, the rail carrier. Extra labor furnished by the truck carrier will be charged for at rates provided in Item 110."

The iron or steel articles listed are principally those used in construction.

Public hearing was held December 2, 1957 before Examiner Jack E. Thompson at Los Angeles. Testimony was presented by an employee of petitioner's research department and by an officer of a motor carrier regularly engaged in transporting iron and steel in the Los Angeles Drayage Area.

From the evidence we find the following facts:

Carloads of iron and steel are transported by railroad in open top cars from various points to points in the Los Angeles Drayage Area. While carloads destined for ultimate delivery to a single consignee at one location are in the majority, occasionally carloads are destined for ultimate delivery to two or more consignees, or a single consignee at more than one location. The latter carloads are "pool cars" within the meaning of that term in Item 165 of Minimum Rate Tariff No. 5, and the shipments comprising the pool car are subject to the minimum rates set forth in said item when the ultimate destination of said shipments are within the Los Angeles Drayage Area. Carloads of steel consigned for delivery at two or more points in Los Angeles are handled by motor carriers in the same manner as carloads of steel destined to a single consignee. In both cases the carloads are unloaded by crane furnished by, or at the expense of, the railroad at a team track. All of the major railroads serving Los Angeles have gantry crane facilities at one or more team tracks. The carload rate assessed by the railroad for the transportation of the iron or steel articles involved herein includes the service of unloading open top cars by crane at a team track. The participation of employees of the motor carrier in the

unloading of the rail cars and the loading of the trucks is limited to the designation of the order in which particular items are to be unloaded, the directing of the crane operator of the location on the truck where the items are to be placed, and, under the direction of the crane operator, set and remove the slings used in connection with the hoisting of the articles by the crane. The number of pounds per hour involved in unloading the rail cars is substantially no different whether or not the carload is ultimately destined to one or more consignees. Seldom are carloads destined to more than three consignees and it has been the practice of the shippers to segregate the consignments in the loading of the rail cars.

#### Conclusions

Minimum rates for the unloading or segregating of pool cars were established so that carriers would receive adequate compensation for unloading or segregating services performed in addition to those ordinarily accorded in the transportation of single lot shipments. The record here shows, in connection with carloads of iron and steel in open top rail cars, that the motor carrier performs only a small portion of the unloading process and that, with respect to the unloading or segregating of said carloads, the services performed by the motor carrier are substantially the same whether the carload is destined for ultimate delivery at two or more points in the Los Angeles Drayage Area or to only one point in said area.

Upon consideration of all of the facts and circumstances of record, the Commission is of the opinion and finds that the unloading and segregating of iron and steel, as described in the order which follows, when tendered to the carrier in pool cars should not be subject to the minimum rates prescribed in Item 165 series of

Minimum Rate Tariff No. 5. The proposal of the California Trucking Associations, Inc., is reasonable and is justified. The wording of the proposal does not conform with language used elsewhere in the tariff to cover exemptions and exceptions. Modified to that extent, the proposal will be adopted.

O R D E R

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

IT IS ORDERED:

1. That Minimum Rate Tariff No. 5 (Appendix "A" of Decision No. 32504, as amended) be and it is hereby further amended by incorporating therein, to become effective February 16, 1958, Thirteenth Revised Page 20, which page is attached hereto and by this reference made a part hereof.

2. That tariff publications authorized to be made by common carriers as a result of the order herein may be made effective on not less than five days' notice to the Commission and to the public if filed not later than sixty days after the effective date of the tariff changes herein involved.

3. That in all other respects the aforesaid Decision No. 32504, 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 21<sup>st</sup> day of January, 1958.

*Robert E. Decker*  
President  
*Raymond K. ...*  
*William ...*  
*R. ...*  
*E. ...*  
Commissioners

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
	POOL CARS
	(a) For the service of unloading, segregating, or unloading and segregating property tendered to the carrier in pool cars, the following charges shall be made in addition to transportation charges:
	Rates in cents per 100 pounds
	(1) Merchandise classified as
	First Class ----- 28
	Second Class ----- 23
	Third Class ----- 17
	Fourth Class, or lower ----- 16
	(1) Subject to minimum charge of 73 cents for each point of destination involved.
	(b) The term "Pool Car" as used in this item means a rail car or motor vehicle (other than carrier's equipment) containing property intended for delivery to two or more points of destination located within the zones described in Items Nos. 30 to and including 33.
*165-L Cancel 165-K	(c) Classification ratings shall be based upon the L.C.L. (less than carload) ratings in the Western Classification, Exception Sheet or this tariff.
	(d) Articles taking a rating higher than first class shall be computed upon the percentage of the first class rating, as set forth in the Western Classification, Exception Sheet or this tariff.
	(e) When rail pool cars are unloaded and segregated at and deliveries made from carrier's established depot, said depot will be considered as being located within Zone 1-A for the purpose of assessing transportation charges under this tariff, and transportation rates shall be applied from Zone 1-A as point of origin.
	(f) Rates named in this item alternate with rates for the same services contained in tariffs filed with the Commission, pursuant to the provisions of the Public Utilities Act, and in effect on the date the services are provided.
	#(g) The provisions of this item do not apply on iron or steel articles, hereinafter listed, in open top rail cars when unloading is provided with crane facilities furnished by or at the expense of the rail carrier. Provided, however, when more than one man is furnished by carrier for the unloading, help in addition to one man shall be charged for at the rates provided in Item No. 110.
	Iron or Steel Articles, viz.:
	Angles                      Columns                      Shoes
	Bars                         Girders                      Tees
	Bases, post                 Piling                         Tin Plate
	Beams                        Plates                         Trusses
	Billets                       Rods                            Zees
	Channels                     Sheets

DELAYED DELIVERY OF SHIPMENTS

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(a) Where carrier cannot effect delivery upon arrival of shipment at point of destination, a free storage period of 48 hours from the first 7:00 A.M. thereafter may be allowed. After said free storage period, storage charges shall be assessed at not less than  $1\frac{1}{2}$  cents per 100 pounds per day for each of the first five days and at not less than 3 cents per 100 pounds per day for the sixth and each succeeding day until such time as instructions regarding disposition of the shipment are received by the carrier. In computing time, Sundays and legal holidays shall be excluded.

(b) Subsequent delivery of the property from point of storage shall constitute a new shipment.

DISPOSITION OF FRACTIONS

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In computing a rate based on a percentage of another rate, the following rule shall be observed in the disposition of fractions:

Fractions of less than  $\frac{1}{2}$  or .50 of a cent, omit.  
Fractions of  $\frac{1}{2}$  or .50 of a cent or greater, increase to next whole figure.

\* Change )  
# Addition ) Decision No. 50128  
o Reduction )

EFFECTIVE FEBRUARY 16, 1958

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.  
Correction No. 242