

Decision No. 56455

**ORIGINAL**

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 car- )  
riers relating to the transportation of )  
petroleum and petroleum products in bulk )  
(commodities for which rates are provided )  
in Minimum Rate Tariff No. 6). )

Case No. 5436  
(Petition for  
Modification No. 21)

SUPPLEMENTAL OPINION AND ORDER

Decision No. 55964 of December 16, 1957, in Case No. 5436 (Petition No. 20), among other things, reduced from two hours to one and one-half hours the free time for unloading bulk shipments of asphalt and road oil when spreading is involved. By this petition, The California Trucking Associations, Inc., requests that the two hours free time for spreading be re-established. It also asks that common carriers be authorized to publish the proposed revision on one day's notice.

The petition states that the present provision is based on evidence submitted by the petitioner at recent hearings in this proceeding; that heretofore additional time was allowed when spreading was involved; and that, through inadvertence, petitioner omitted any provision from its proposals for additional time to cover the spreading operation. It further states that it was not the intention of petitioner to change the free time in connection with spreading of bulk petroleum. Petitioner asserts that the change has resulted in practical difficulties because of the different conditions surrounding the straight unloading of shipments as compared to unloading by spreading operations. It alleges that an allowance of one and one-half hours free time results in unreasonable charges for the spreading operations.

In the circumstances, it appears, and the Commission finds, that the petitioner's proposal is reasonable. The petition will be granted. Common carriers will be authorized to publish their tariff changes on two days' notice. A public hearing is not necessary.

Therefore, good cause appearing,

IT IS ORDERED:

(1) That Minimum Rate Tariff No. 6 (Appendix "C" to Decision No. 32608, as amended) be and it is further amended by incorporating therein to become effective May 4, 1958, Tenth Revised Page 11, which revised page is attached hereto and by this reference made a part hereof.


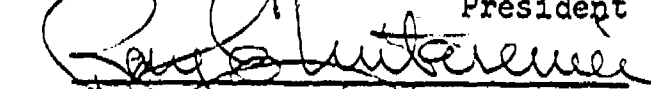

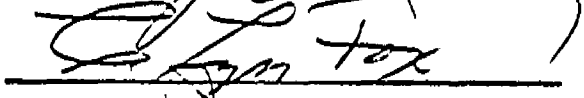
(2) That tariff publications authorized to be made by common carriers as a result of the order herein may be made effective on not less than two days' notice to the Commission and to the public, if filed not later than sixty days after the effective date of the tariff changes herein involved.

(3) That common carriers be and they are authorized to depart from the provisions of Article 12, Section 21, of the Constitution of the State of California, and Section 460 of the Public Utilities Code, to the extent necessary to carry out the effect of the order herein.

(4) That in all other respects said Decision No. 32608, 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 1<sup>st</sup> day of April, 1958.

  
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President  
  
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Commissioners

Item No.	SECTION NO. 1 - RULES AND REGULATIONS (Continued)
130-E Cancels 130-D	<p data-bbox="445 359 1298 422">SHIPMENTS DIVERTED, RETURNED, OR STOPPED IN TRANSIT FOR PARTIAL LOADING OR UNLOADING (Does not apply to split delivery shipments for which rates and charges are provided in Item No. 87.)</p> <p data-bbox="351 517 1454 715">(a) Charges upon a shipment which at request of consignor or consignee is either diverted or stopped in transit for partial loading or unloading, or any of them, 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 loading or unloading is performed. (Subject to Notes 1, 2, 3 and 5.)</p> <p data-bbox="351 741 1443 1118">(b) Charges upon a shipment or a portion of a shipment returned to point of origin, or to a point directly intermediate between last point of diversion and point of origin, shall be computed by adding to the full charge to last point of diversion the charge at one half the rate provided in Section 2 from the latter point to point of origin on the gallonage returned, subject to minimum charge provided in Item No. 80 applicable to the shipment or portion returned, or \$20, or the charge computed on the basis provided in paragraph (a) of this item for the round trip movement, whichever is the lowest. (Subject to Notes 1, 2, 3, 4 and 5.) The provisions of this paragraph will also apply to the return of contaminated shipments, or portions thereof. (Subject to Notes 1, 2, 3, 5 and 6.)</p> <p data-bbox="354 1156 1438 1251">NOTE 1 - Charges upon a shipment of crude oil transported under the provisions of Item No. 210 shall be computed at the highest rate provided to any point where diversion occurs or delivery is performed.</p> <p data-bbox="357 1284 1396 1347">NOTE 2 - Shipments shall be subject to an additional charge of \$6.25 for each stop in transit to partially load or unload.</p> <p data-bbox="357 1378 1399 1472">NOTE 3 - Shipments shall be subject to an additional charge of \$4.00 for each diversion. This charge shall be in addition to all other charges provided herein.</p> <p data-bbox="357 1505 1463 1569">NOTE 4 - Applies only to property returned prior to unloading from carrier's equipment.</p> <p data-bbox="357 1602 1399 1696">NOTE 5 - A diverted shipment is a shipment on which a point of destination or consignee is changed, or both are changed, after the shipment leaves the point of origin.</p> <p data-bbox="357 1730 1446 1824">NOTE 6 - Applies only to returns made in conjunction with an out-bound movement from the plant to which the contaminated property is returned.</p>
*140-F Cancels 140-E	<p data-bbox="665 1862 1132 1893">DEMURRAGE OR DETENTION CHARGES</p> <p data-bbox="357 1926 1459 1989">1. Applies only in connection with transportation of refined petroleum products, black oils, crude oil, and liquefied petroleum gas.</p> <p data-bbox="357 2023 1459 2142">(a) A charge of \$1.29 for each one-quarter hour, or fraction thereof, shall be assessed for the time carrier's equipment is detained through no fault of the carrier to complete loading or unloading in excess of the free time specified in paragraph (b).</p> <p data-bbox="357 2175 1399 2239">(b) Two hours free loading and three hours free unloading time shall be allowed.</p>

2. Applies only in connection with transportation of asphalt and road oil:

(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) The following free time shall be allowed (See Note 1):

(1) Except as otherwise provided in subparagraph (2), one hour free loading time and one and one-half hours free unloading time;

(2) When spreading is performed in connection with the delivery of a shipment, one hour free loading time and two hours free unloading time.

(c) The following detention or demurrage charges for excess loading, unloading or spreading shall be made:

(1) LOADING:

\$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 )  
o Reduction ) Decision No. 56455

EFFECTIVE MAY 4, 1958

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.  
Correction No. 179