ORIGINAL

Decision No. 56458

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 general) commodities (commodities for which) rates are provided in Minimum Rate) Tariff No. 2).

Case No. 5432 Petition for Modification No. 103

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

John MacDonald Smith, for Northwestern Pacific Railroad Co., Petaluma and Santa Rosa Railroad Co., Arcata and Mad River Railroad Co., Southern Pacific Co., The Atchison, Topeka and Santa Fe Railway Company, Pacific Electric Railway, and Pacific Motor Trucking Co., respondents.

E. J. McSweeney, for Pacific Motor Trucking Co. and Pacific Motor Transport Co., respondents.

Edward W. Elliott, for Intercity Motor Lines, Inc., respondent.

Armand Karp, for Callison Truck Lines, Inc., respondent.

<u>W. G. Walkup, Jr</u>., for Merchants Express of California, respondent.

<u>Chas. C. Miller</u>, for San Francisco Chamber of Commerce, interested party.

A. R. Day, M. J. Gagnon and Grant L. Malquist, for the Commission's staff.

$\underline{O \ P \ I \ N \ I \ O \ N}$

Minimum rates, rules and regulations for the transportation of property by highway carriers are prescribed in Minimum Rate Tariff No. 2. Said rates are also the prescribed minima for the transportation of less-than-carload shipments by railroad. The minimum class

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rates in the tariff were adjusted by the Commission in Decision No. 55704, dated October 15, 1957, and became effective November 18, 1957.

By petition filed November 19, 1957, the California Trucking Associations, Inc., alleges that the minimum class rates prescribed in Decision No. 55704 are, and for the future will be, unreasonably low and inadequate for the transportation of less-thantruckload shipments to and from points in Humboldt and Del Norte Counties (hereinafter referred to as the Redwood Empire Territory). It requests that said rates be increased by ten percent.

Public hearing was held before Examiner Jack E. Thompson on December 17, 1957, at San Francisco and on January 21, 1958, at Eureka. The matter was taken under submission at the close of the hearing at Eureka.

Practically all of the California intrastate shipments of less-than-truckload quantities transported by highway carriers to and from the Redwood Empire Territory are transported by three highway common carriers; namely, Merchants Express of California, Intercity Motor Lines and Callison Truck Lines.

Del Norte County is not served by railroad. All rail shipments moving into or out of Humboldt County must move via the Northwestern Pacific Railroad Company, a subsidiary of the Southern Pacific Company. The terminus of the N.W.P. is San Francisco.

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The vast majority of shipments weighing less than 20,000 pounds moving to or from the Redwood Empire Territory are handled across the platforms of the Southern Pacific,¹ Merchants Express, Intercity and Callison at San Francisco and Oakland. There follows a summary of the less-than-truckload and less-than-carload traffic transported to and from the Redwood Empire Territory by the four carriers on July 30, 1957, together with the revenues earned under the rates then in effect, the revenues which would have accrued at the minimum rates prescribed in Decision No. 55704, and the revenues which would have been earned under the proposed rates.

	No. of	Billed Wt.	R	evenue	
Carrier	Shipments	in Pounds	Actual	D.55704	Proposed
Merchants	214	133,326	\$1,927.51	\$1,929.21	\$2,070.24
Callison	614	272,299	4,539.03	4,515.48	4,958.43
Intercity	94	75,913	621.88	623.39	666.16
N.W.P.	38	10,294	199.93	202.04	222.52
Totals	960	491,832	\$7,288.35	\$7,270.12	\$7,917.35

A transportation analyst of Southern Pacific Company presented Exhibit No. 103-3 which shows that said company, and its subsidiary N.W.P., incur out-of-pocket losses on the transportation of less-than-carload shipments from San Francisco and Oakland to Eureka. He stated that he had selected those points because the largest volume of less-than-carload traffic moving into and out of Humboldt County is from San Francisco and Oakland to Eureka. According to the witness, the out-of-pocket loss is greater to other points where there is a smaller volume of traffic.

While N.W.P. serves San Francisco, freight is loaded in cars at S.P. terminals at San Francisco and Oakland. The cars are interchanged at Schellville.

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The director of research of petitioner presented a summary of the profit and loss statements of the three highway carriers. It shows that for the period January 1, 1957, to November 30, 1957, one carrier had an operating ratio of 98.3 percent and another carrier an operating ratio of 104.2 percent. The third carrier had changed ownership in June 1957. Its operating ratio for the period June to November 30, 1957, was 113.5 percent.

It was the opinion of the director of research that the cost per 100 pounds of transporting less-than-truckload shipments to and from the Redwood Empire Territory is greater than the cost per 100 pounds of transporting such traffic throughout the State generally. He presented exhibits in which various cost elements involved in transporting traffic to and from the Redwood Empire Territory are compared to elements which form a part of the costs of transporting less-than-truckload shipments state-wide.²

According to the witness, the greater cost per 100 pounds results from several circumstances and conditions which cause lower average loads, higher costs of pickup and delivery and greater terminal costs. The carriers engaged in transporting intrastate less-than-truckload shipments do not go beyond Del Norte County.

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The state-wide costs are those set forth in Exhibit No. 62-26, presented by the director of research in Case No. 5432, Petition No. 62. For comparison purposes, the witness used the same bases, in point of time, as used in Exhibit No. 62-26 in developing the cost elements involved in the transportation of less-than-truckload shipments to and from the Redwood Empire Territory.

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According to the director of research there is little, if any, small shipment traffic moved via U. S. 101 between California and Oregon. The carriers, therefore, have available to them only the traffic originating at or destined to the Redwood Empire Territory in performing transportation to and from that territory. The transportation of less-than-truckload traffic requires the use of van type equipment. While Humboldt and Del Norte Counties provide substantial southbound tonnage, practically all of it is lumber and forest products. These commodities cannot be transported efficiently in van type equipment. The carriers, therefore, have an imbalance of traffic and circumstances prevent them from ameliorating the situation. Lower average round-trip loads, or load factors, than that experienced throughout the State generally is the result. Petitioner had made a study of average loads. The witness stated that the study revealed that, on a round-trip basis, the average load of less-thantruckload traffic to and from the Redwood Empire Territory was 29,600 pounds as compared to 35,960 pounds state-wide.

San Francisco is the "gateway" of less-than-truckload traffic moving to and from the territory. All less-than-truckload traffic originating at or destined to points beyond San Francisco is interchanged at that point. This requires an additional platform handling which in turn results in a greater cost.

The distance from San Francisco to Eureka makes the trip an "overnight haul". Because the time at which the trucks pass through intermediate points is prior to the start of the normal working day, and in order to maintain schedules for the efficient

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use of line haul equipment, the highway carriers transport all shipments to Eureka. Traffic to intermediate points is delivered in a peddle trip operation from Eureka. The cost of transporting the traffic to the intermediate points is greater than the cost of transportation to the terminal points.

The director of research testified that, while the above are the principal reasons for the higher cost per 100 pounds, there are other circumstances which, although difficult to measure, do contribute to the higher costs. He stated that the highway in the Redwood Empire Territory is continuously being repaired, widened and realligned necessitating the use of detours. This, he stated, increases the wear on tires and increases maintenance and repair expenses.

The evidence in this proceeding relates only to transportation into and out of the Redwood Empire Territory and not to transportation performed between points within the territory. Petitioner stated that it does not seek an increase in the rates for the transportation of shipments within the territory.

Conclusions

Petitioner has clearly shown that the cost per 100 pounds of transporting shipments weighing less than 20,000 pounds to and from Humboldt and Del Norte Counties is greater than that which was presented as the "state-wide" costs in the proceedings

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resulting in the establishment of the minimum rates by the Commission in Decision No. 55704. This circumstance, however, is not necessarily peculiar to transportation to and from the Redwood Empire Territory. If minimum rates were to be established throughout the State purely upon the actual cost of performing service, the end result would be a hodge-podge of rate scales under which rates to intermediate points would be higher than the rates to more distant points, and there would be wide variations in rates to adjacent communities. The policy of the Commission in minimum rate making is clearly stated in Decision No. 55704 (55 Cal. P.U.C. 778 at page 788). To depart from that policy and to embark upon a program of establishing differentials in rates solely upon the basis of differences in the actual costs of providing service is not practical, is not desirable and would be detrimental not only to the public but also to the trucking industry itself.

Three motor carriers and the Northwestern Pacific Railroad Company transport practically all of the traffic here involved. The rail line has been providing such service at an out-of-pocket loss. It has been shown that, at the time of the proceedings resulting in Decision No. 55704, the three motor carriers were in need of additional revenues. The rate adjustments established in said decision have not ameliorated the financial conditions of these carriers nor have they provided increases in revenues as was contemplated by the Commission in the aforesaid decision.³ We find that an increase of ten percent in the

See 55 Cal. P.U.C. 778 at pages 791-792.

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minimum class rates for the transportation of shipments, subject to minimum weights of 10,000 pounds or less, to and from the Redwood Empire Territory is necessary to assure to the public adequate and dependable transportation service. The petitioner requested that the increase be made applicable to transportation between the Redwood Empire Territory and all points in California. The minimum rates increase with the distance and, therefore, the proposed ten percent increase would have a greater impact upon rates to points beyond San Francisco. The evidence does not warrant increases in rates to that extent. On the other hand, in this proceeding and in others concerning the Redwood Empire Territory, parties have stressed the importance of maintaining present rate relationships among various trade centers, including Sacramento and Los Angeles, with the Bay Area.⁴ An arbitrary will be established which will accomplish this result.

The minimum rate differentials which will be established herein should be maintained only as long as they are urgently needed to assure the maintenance of dependable service. So that the situation will come before the Commission periodically for review, the minimum rate adjustments which will be established herein will be made effective for a period of one year subject to cancellation, modification or extension upon further order of the Commission.

Upon consideration of all of the facts and circumstances of record, the Commission is of the opinion and finds that the minimum class rates for shipments subject to minimum

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Case No. 5432, Petition 62, 55 Cal. P.U.C. 778 (1957). Case No. 5432, Petition 35, 53 Cal. P.U.C. 686 (1954).

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weights of 10,000 pounds or less as prescribed in Decision No. 55704, and as set forth in Minimum Rate Tariff No. 2, are, and for the future will be, insufficient for the transportation of such shipments to or from points and places in Humboldt and Del Norte Counties; that an increase of ten percent in said rates for the transportation of such shipments is justified; and, that the minimum rates established by the order which follows are, and for the future will be, the just, reasonable and nondiscriminatory minimum rates for the transportation of shipments subject to minimum weights of 10,000 pounds or less to or from Humboldt and Del Norte Counties.

<u>ORDER</u>

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

IT IS ORDERED:

1. That Minimum Rate Tariff No. 2 (Appendix D of Decision No. 31606, as amended) be and it is further amended by incorporating therein, to become effective May 1, 1958, the revised pages attached hereto, and by this reference made a part hereof, which pages are numbered as follows:

> Fifteenth Revised Page 20 First Revised Page 35-B Thirteenth Revised Page 41 Twelfth Revised Page 42 Tenth Revised Page 43 Thirteenth Revised Page 44

2. That common carriers subject to Part I of the Public Utilities Code, including common carriers by railroad with respect to their less-than-carload rates and charges, subject to said Decision No. 31606, as amended, be and they are authorized and directed to establish in their tariffs the increases necessary to conform with the further adjustment herein of that decision.

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3. That common carriers, including common carriers by railroad, be and they are hereby authorized to establish in their tariffs increases in class rates and charges, subject to minimum weights of 10,000 pounds or less, for the transportation of property for which minimum rates have not been established; but that such increases shall be no greater in volume or effect them the corresponding class rate increases established herein.

4. That highway common carriers and express corporations subject to Decision No. 31606 which maintain in their tariffs rates for the transportation of commodities under refrigeration differentially higher than the minimum rates for such transportation be and they are authorized to establish the increases required to maintain the differential in rates under those circumstances.

5. That common carriers, in establishing and maintaining the rates and charges authorized hereinabove, be and they are authorized to depart from the provisions of Article XII, Section 21, of the Constitution of the State of California, and of Section 460 of the Public Utilities Code, to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; that such outstanding authorizations be and they are modified only to the extent necessary to comply with this order; and that common carriers in publishing rates under the authority conferred in this ordering paragraph shall make reference in their schedules to the prior orders authorizing the long- and short-haul departures and to this order.

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6. That common carriers be and they are authorized to depart from the provisions of Tariff Circular No. 2 and General Order No. 80 of the Commission to the extent necessary to publish the tariff changes authorized by this order.

7. That tariff publications required or authorized to be made by common carriers as a result of the order herein may be made effective on or after the effective date hereof on not less than five days' notice to the Commission and to the public, and that such tariff publications as are required shall be made effective not later than May 1, 1958, and that as to tariff publications which are authorized but not required, the authority herein granted shall expire unless exercised within sixty days after the effective date hereof.

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

Dated at _____ San Francisco , California, this day of _____ **1958.** esident

Commissioners

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MINIMUM RATE TARIFF NO. 2

Item No.	SECTION NO. 1 - RULES AND REGULATION APPLICATION (Contin	DNS OF GENERAL nucd)								
	MINIMUM CHARGE									
	The minimum charge per shipment shall be as	follows:								
	*(a) For distances not exceeding 150 constru Exceptions 1 and 2):	active miles (See								
		mum Chargo in Cents)								
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	75 100	175 200								
	100 150	250								
	150 200 200 250	300								
	200 250 250 -	350 400								
	*(b) For distances exceeding 150 constructiv charge per shipment shall be (See Exceptions 1 ar	e miles, the minimum nd 2):								
150-M ancels 150-L	l. If classified first class or lower, for 100 pounds at the class or commodity rate applicable thereto; or									
190-1	2. If classified higher than first class, for 100 pounds at the first class rate; or									
	3. If shipment contains different article article is rated higher than first class, f at the class or commodity rate applicable t taking the highest rate; or if any article higher than first class, for 100 pounds at class rate; but	or 100 pounds o the article is rated								
	4. In no event shall the minimum charge	be less than:								
		mum Charge n Cents)								
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	EXCEPTION 1: For shipments (a) having point of or: of destination on steamship wharves or docks ported beyond public highways to or from oil sites, the minimum charges shall in no even those set forth in Paragraph (b) 4 plus an a cents per shipment.	igin or point s, or (b) trans- l or gas well t be less then								

(1)# OEXCEPTION 2: For shipments transported between points in the Redwood Empire Territory, as described in Item No. 271-3, Redwood impire territory, as described in item No. 2(1-5) on the one hand, and points within the areas described in Paragraphs (b) and (c) of Item No. 512, on the other hand, the minimum charge shall be the applicable charge set forth in this item plus 10 percent per shipment. Fractions of less than one-half cent shall be dropped and fractions of one-half cent or greater shall be increased to one cent. (1) Expires with May 1, 1959) * Change) Decision No. 56458 ♦ Increase) # Addition j EFFECTIVE MAY 1, 1958 Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 811

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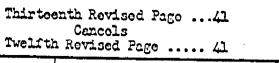
First Revised Page 35-B Cancels Original Page 35-B

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MINIMUM RATE TARIFF NO. 2

Item No.	SECTION NO. 1-RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
	TERRITORIAL DESCRIPTIONS (Concluded) (Items Nos. 270-1 through 271-3)
	$7\frac{1}{2}$. PALO VERDE TERRITORY includes that area within California lying within a radius of 25 miles of Lovekin Boulevard and Hobson Way, Blythe.
	$\#7\frac{3}{2}$. REDWOOD EMPIRE TERRITORY includes the area consisting of the Counties of Del Norte and Humboldt.
	8. SALTON SEA TERRITORY includes that area lying directly be- tween the Coachella and Imperial Valleys, as these latter are defined above.
	9. SAN DIEGO TERRITORY includes that area embraced by the fol- lowing imaginary line starting at the northerly junction of U.S. Highways 101E and 101W (4 miles north of La Jolla); thence easterly to Miramar on State Highway No. 395; thence southeasterly to Lakeside on the El Cajon-Ramona Highway; thence southerly to Bostonia on U.S. Highway No. 80; thence southeasterly to Jamul on State Highway No. 94; thence due south to the International Boundary Line, west to the Pacific Ocean and north along the coast to point of beginning.
*271-3 (1)	92. SOUTH KERN TERRITORY includes that area lying within the following boundaries: Commencing at the southeastern corner of North Kern Territory on State Highway No. 178, thence due south along an imaginary straight line to a point on U. S. Highway No. 466 approx imately 1.7 miles east of Edison, southeasterly on U.S. Highway No. 466 to its junction with County Road approximately 4.6 miles west of Caliente, thence southwesterly along an imaginary straight line to the junction of U.S. Highway No. 99 and State Highway No. 166, wester ly on State Highway No. 166 to U.S. Highway No. 399 at Maricopa, northerly on U.S. Highway No. 399 to its junction with State Highway No. 33 at Taft, northwesterly on State Highway No. 33 to the souther ly boundary of North Kern Territory, thence along the southerly boundary of North Kern Territory to starting point.
	10. TULARE TERRITORY includes that area lying within the follow ing boundaries: Commencing at the point of intersection of the Kings, Monterey and San Luis Obispo County boundary lines; thence easterly along the southerly boundary of Kings and Tulare Counties to its intersection with the westerly boundary line of Sequoia National Forest; northerly along the latter boundary line to its in- tersection with the westerly boundary of Sequoia National Park; northerly and westerly along the westerly boundary line of Sequoia National Park to its intersection with State Highway No. 198; south- westerly along State Highway No. 198 to County Road approximately on mile north of Lemon Cove; westerly along said County Road through Woodlake to junction of said County Road with State Highway No. 65; northerly along State Highway No. 65 to point of intersection with northerly along the northerly boundaries of Tulare and Kings Counties and westerly boundary of Kings County to point of beginning
	Cancels that portion of Item No. 271-C appearing on Original Page 35-B.
	hange) Decision No. 56458
	EFFECTIVE MAY 1, 1958 Issued by the Public Utilities Commission of the State of California,



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MINIMUM RATE TARIFF NO. 2

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MINIMUM RATE TARIFF NO. 2

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Tenth Revised Page 43 Cancels Ninth Revised Page 43 C. 5432*

MINIMUM RATE TARIFF NO. 2

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Thirteenth Revised Page 44 Cancels Twelfth Revised Page 44

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