

Decision No. 58232**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 carriers relating to the)
 transportation of motor vehicles and)
 related items (commodities for which)
 rates are provided in Minimum Rate)
 Tariff No. 12).

Case No. 5604
 Petition for Modification
 No. 3

Arlo D. Poe, J. C. Kaspar, James Quintrall,
 for California Trucking Associations, Inc.,
 petitioner.
T. A. L. Loretz, for himself, interested party.
Grant L. Malquist, for the Commission staff.

O P I N I O N

The minimum rates, rules and regulations established in Minimum Rate Tariff No. 12 for the transportation of motor vehicles and related items in secondary movement by truckaway service were last adjusted by the Commission on September 12, 1958, by Decision No. 57159, dated August 12, 1958, in Case No. 5604, Petition No. 1.

By petition filed January 29, 1959, the California Trucking Associations, Inc., seeks an upward adjustment in said rates by approximately 3 per cent.

Public hearing was held on the petition February 24, 1959, before Examiner Jack E. Thompson at San Francisco.

The presentation made by petitioner consisted of a supplement to a cost analysis presented in Petition No. 1 and received in that proceeding as Exhibit No. 1-2. The supplement, which was received in evidence as Exhibit No. 3-1, employs all of the cost factors used in Exhibit No. 1-2 except driver labor costs

and employers' contributions to Federal Old Age and Survivors' Insurance program. The wage levels reflected in Exhibit No. 1-2 were those in effect April 30, 1958. Since that date, the then effective contracts and agreements with drivers regarding wages and working conditions expired and new collective bargaining agreements have been made. While the agreements are not uniform, in general they provide for increases in wages, an additional paid holiday, greater vacation allowance, and higher contributions to the health and welfare plans. Effective January 1, 1959, the social security contribution of employers was increased from 2.25 per cent on maximum earnings of \$4,200 to 2.50 per cent on maximum earnings of \$4,800.

An employee of petitioner, who prepared Exhibit No. 1-2 and the supplement received as Exhibit No. 3-1, testified that because the data in the former exhibit is less than a year old, he did not attempt to re-evaluate any of the other cost factors. He said that the petitioner receives operating data from its members on a continuing basis; and from a review of the current reports of carriers and from discussions with operators performing truckaway services, he was of the opinion that cost factors other than wages and social security contributions reflected in Exhibit No. 1-2 would be representative of current operating conditions.

The supplementary cost analysis shows increases ranging from 2.33 per cent to 3.52 per cent, depending upon length of haul and the number of vehicles per shipment. Petitioner proposed a schedule of minimum rates which was developed by increasing the present rates by 3 per cent and rounding off to the nearest 25 cents.

No one opposed the granting of the petition. The Commission's staff participated in the proceeding by cross-examining the witness for petitioner.

Conclusion

Minimum rates for truckaway services were established by the Commission in Decision No. 50218, dated June 29, 1954, in Case No. 4808. The rates so established were based in large measure upon a cost analysis of then prevailing operating conditions prepared by an engineer of the Commission's staff. The cost analysis was received in evidence in that proceeding as Exhibit No. 1172. By Decision No. 57139 in Petition No. 1, aforesaid, the Commission increased the minimum rates and charges by twelve per cent. Cost evidence in that proceeding consisted of Exhibit No. 1-2, which was a re-evaluation of Exhibit No. 1172. The exhibit showed increases in the cost of operations ranging between 9.5 per cent and 18.9 per cent higher than the corresponding estimates in Exhibit No. 1172. The amounts of the increases were greater for the longer distances; for example, all were over seventeen per cent for distances of 150 miles and greater. The reverse is shown in Exhibit No. 3-1, in that the amounts of the increases diminish with the distance.

Ordinarily, repeated horizontal increases in rates distort the rate structure so that the resulting rates bear little relationship to the cost of providing the services for which the rates are applicable. In this instance, however, a comparison of the cost estimates set forth in Exhibit No. 3-1, which the record shows are representative of current operations, with those shown in Exhibit No. 1172, discloses an almost uniform increase on the order of twenty per cent in the costs of operations in all mileage brackets and for the various number of vehicles comprising a shipment. The rates proposed by petitioner are on the order of sixteen per cent higher than those established in Decision No. 50218.

After careful consideration of all of the facts and circumstances, the Commission is of the opinion and finds that the increases

sought have been justified and that the rates and charges proposed by petitioner are, and will be for the future, just, reasonable and nondiscriminatory minimum rates for the transportation of the property here involved.

Inherent in the petition is relief from the long-and-short-haul provisions of Article XII, Section 21, of the Constitution of the State of California, and Section 460 of the Public Utilities Code in order to comply with the order which follows. The authority is necessary because of the differences in the routes over which carriers may operate and those routes over which the constructive mileages are computed for minimum rate purposes.

O R D E R

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. 12 (Appendix "A" of Decision No. 50218, as amended) is further amended by incorporating therein, to become effective May 15, 1959, the revised pages attached hereto and listed in Appendix "A", which pages and appendix by this reference are made a part hereof.

2. That tariff publications required to be made by common carriers as a result of this order 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 tariff publications shall be made effective not later than May 15, 1959.

3. That common carriers, in establishing and maintaining the increased rates authorized hereinabove, be and they are authorized to depart from the provisions of Article XII, Section 21, of the Constitution, and 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 hereby modified only to the extent necessary to comply with this order; and that schedules containing the commodity descriptions published under this authority shall make reference to the prior orders authorizing long-and-short-haul departures and to this order.

4. That in all other respects Decision No. 50218, 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 7th
day of April, 1959.

E. L. Fox
President
W. S. [unclear]
W. S. [unclear]
Theodore H. [unclear]
Evelyn M. [unclear]
Commissioners

APPENDIX "A" TO DECISION NO. 58232

Revised Pages to Minimum Rate Tariff No. 12
Authorized by Said Decision

Second Revised Page	8
" Revised Page	9
" Revised Page	10
" Revised Page	11
" Revised Page	13
" Revised Page	19
" Revised Page	20

(END OF APPENDIX "A")

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
<p style="text-align: center;">SHIPMENTS TO BE RATED SEPARATELY</p> <p>Each shipment shall be rated separately. Shipments shall not be consolidated or combined by the carrier.</p>	90
<p style="text-align: center;">MIXED SHIPMENTS</p> <p>When one or more motor vehicles for which rates are provided in this tariff are included in a shipment containing one or more commodities for which rates are not provided herein, the motor vehicles for which rates are provided in this tariff shall be transported as a separate shipment at the rates provided herein, and the commodities for which rates are not so provided, at the rates, if any, applicable to separate shipments of such other commodities.</p>	100
<p style="text-align: center;">UNITS OF MEASUREMENT</p> <p>Rates or charges shall not be quoted or assessed by carriers based upon a unit of measurement different from that in which the minimum rates and charges in this tariff are stated.</p>	110
<p style="text-align: center;">SHIPMENTS DIVERTED, RECONSIGNED OR RETURNED</p> <p>(a) Charges upon a shipment or a portion of a shipment which is diverted or reconsigned after leaving point of origin shall be computed at the rate applicable from point of origin to the point or points of destination via each of the points where diversion or reconsignment occurs. (Subject to Note 1.)</p> <p>(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 or reconsignment and point of origin, shall be computed by adding to the full charge to last point of diversion or reconsignment the charge at one-half the rate applicable to the vehicle or vehicles returned as provided in Section No. 3 from the latter point to point of origin, or upon the basis provided in paragraph (a) of this item for the round-trip movement, whichever is lower. (Subject to Note 1.)</p> <p>NOTE 1.- Subject to an additional charge of \$2.30 for each diversion or reconsignment.</p>	*120-B Cancels 120-A
<p>* Change) ◊ Increase) Decision No. 58232</p>	
<p>EFFECTIVE MAY 15, 1959</p>	
<p style="text-align: center;">Issued by the Public Utilities Commission of the State of California, San Francisco, California.</p> <p>Correction No. 13</p>	

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
<p style="text-align: center;">SPLIT DELIVERY</p> <p>The charge for transportation of a split delivery shipment (as defined in Item No. 15) shall be the charge applicable under rates in Items Nos. 400 or 410, or any combination of said rates, for transportation of a single shipment of the same number of motor vehicles, computed on one of the following bases: (Subject to Notes 1 and 2.)</p> <p>(a) Under distance rates: Apply applicable rate for the distance from point of origin to any one of the points of destination via each of the other points of destination.</p> <p>(b) Under point-to-point rates: Point of origin and all points of destination must be located within the territories between which the point-to-point rates apply, or located between said territories on a single authorized route.</p> <p>(c) Under combination of point-to-point rates and distance rates: Add to the point-to-point rate the applicable distance rate or rates for the distance between the territory or authorized route and the point of origin or point or points of destination not located within the territories or along the authorized route.</p> <p>NOTE 1.- An additional charge of \$2.05 shall be made for each component part delivered.</p> <p>NOTE 2.- The provisions of this item shall not apply and each component part shall be rated as a separate shipment under other provisions of this tariff:</p> <p>(a) If split pickup service is accorded.</p> <p>(b) Unless at the time of or prior to the tender of the shipment a single bill of lading or other shipping document shall have been issued for the composite shipment and the carrier shall have been furnished with written instructions showing the name and address of each consignee, the point of origin, the points of destination, and a description of the motor vehicles in each component part.</p>	<p style="text-align: center;">*410-B Cancels 410-A</p>
<p>* Change } o Increase }</p>	<p>Decision No. 58232</p>
<p>EFFECTIVE MAY 15, 1959</p>	
<p>Issued by the Public Utilities Commission of the State of California, San Francisco, California.</p> <p>Correction No. 15</p>	

SECTION NO. 1 - RULES AND REGULATIONS (Continued)		Item No.																																																			
<p>SPECIAL LOADING AND UNLOADING CHARGES</p> <p>When a motor vehicle cannot be loaded onto or unloaded from carrier's equipment without the assistance of a separate vehicle or vehicles equipped with lifting device, furnished by the carrier or at the carrier's expense, a charge of \$5.65 shall be assessed for such separate vehicle used for loading and a charge of \$5.65 shall be assessed for such separate vehicle used for unloading, in addition to rates otherwise provided.</p>		<p>*150-B Cancels 150-A</p>																																																			
<p>PAYMENT OF ADVANCE CHARGES</p> <p>For the service of making payment of any charges outstanding against a vehicle in order to obtain its release for transportation, the following additional charges shall be assessed:</p> <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; vertical-align: top;"> <p>When the amount paid is:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;"><u>Over</u></td> <td style="width: 50%; text-align: center;"><u>Not Over</u></td> </tr> <tr> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$</td> </tr> <tr> <td style="text-align: center;">2.50</td> <td style="text-align: center;">2.50</td> </tr> <tr> <td style="text-align: center;">5.00</td> <td style="text-align: center;">5.00</td> </tr> <tr> <td style="text-align: center;">10.00</td> <td style="text-align: center;">10.00</td> </tr> <tr> <td style="text-align: center;">20.00</td> <td style="text-align: center;">20.00</td> </tr> <tr> <td style="text-align: center;">25.00</td> <td style="text-align: center;">25.00</td> </tr> <tr> <td style="text-align: center;">40.00</td> <td style="text-align: center;">40.00</td> </tr> <tr> <td style="text-align: center;">50.00</td> <td style="text-align: center;">50.00</td> </tr> <tr> <td style="text-align: center;">60.00</td> <td style="text-align: center;">60.00</td> </tr> <tr> <td style="text-align: center;">80.00</td> <td style="text-align: center;">80.00</td> </tr> <tr> <td style="text-align: center;">80.00</td> <td style="text-align: center;">100.00</td> </tr> </table> <p>Over \$100.00 at the rate of \$1.05 per \$100.00</p> </td> <td style="width: 30%; 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SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
<p style="text-align: center;">ALTERNATIVE APPLICATION OF SPLIT PICKUP UNDER RATES CONSTRUCTED BY USE OF COMBINATIONS WITH COMMON CARRIER RATES</p> <p>Charges on split pickup shipments may be computed by use of combinations with common carrier rates as follows, if a lower aggregate charge than that accruing under the basis provided in Item No. 130 results:</p> <p>(1) Compute the charge applicable under the rates provided in this tariff for a split pickup shipment from the point of origin, or points of origin, of the several component parts (See Item No. 130) to any team track or established depot.</p> <p>(2) Add to such charge the charge applicable under Item No. 190 for the composite shipment from such team track or established depot to point of destination.</p>	200
<p style="text-align: center;">ALTERNATIVE APPLICATION OF SPLIT DELIVERY UNDER RATES CONSTRUCTED BY USE OF COMBINATIONS WITH COMMON CARRIER RATES</p> <p>Charges on split delivery shipments may be computed by use of combinations with common carrier rates as follows, if a lower aggregate charge than that accruing under the basis provided in Item No. 140 results:</p> <p>(1) Compute the charge applicable under Item No. 190 for the composite shipment from point of origin to any team track or established depot.</p> <p>(2) Add to such charge the charges provided in this tariff for a split delivery shipment (See Item No. 140) from such team track or established depot to the point of destination or points of destination of the several component parts.</p>	210
<p style="text-align: center;">ACCESSORIAL SERVICES NOT INCLUDED IN COMMON CARRIER RATES</p> <p>In the event under the provisions of Items Nos. 180 to 210, inclusive, a common carrier rate is used in constructing a rate for highway transportation, and such rate does not include accessorial services performed by the highway carrier, the following charges for such accessorial services shall be added:</p> <p>(a) For loading onto carrier's equipment, \$3.35 per vehicle (plus charge provided in Item No. 150, where applicable).</p> <p>(b) For unloading from carrier's equipment, \$3.35 per vehicle (plus charge provided in Item No. 150, where applicable).</p> <p>(c) For other accessorial services for which charges are provided in this tariff, the additional charge or charges so provided.</p>	*220-B Cancels 220-A
<p>* Change) Decision No. 58232 ◊ Increase)</p>	
<p>EFFECTIVE MAY 15, 1959</p>	
<p style="text-align: center;">Issued by the Public Utilities Commission of the State of California, San Francisco, California.</p> <p>Correction No. 17</p>	

SECTION NO. 3 - RATES												Item No.
DISTANCE RATES IN DOLLARS PER VEHICLE												
MILES But Not Over Over		Number of Motor Vehicles Per Shipment				MILES But Not Over Over		Number of Motor Vehicles Per Shipment				
		1	2	3	4 or more			1	2	3	4 or more	
0	5	\$ 9.25	\$ 8.00	\$ 7.00	\$ 5.75	200	220	\$ 37.50	\$ 33.50	\$ 30.50	\$ 28.25	
5	10	10.00	8.75	7.50	6.00	220	240	40.25	35.75	33.00	30.50	
10	15	10.75	9.50	8.25	7.00	240	260	42.75	38.00	35.25	32.50	
15	20	11.50	10.25	9.25	7.75	260	280	45.50	40.75	37.25	34.50	
20	25	12.50	11.25	10.00	8.75	280	300	48.25	43.25	39.75	36.50	
25	30	13.75	12.00	10.75	9.50	300	325	51.25	45.75	42.00	39.00	
30	35	14.75	13.25	11.50	10.00	325	350	54.50	49.00	44.75	41.50	
35	40	16.00	14.25	12.25	10.75	350	375	58.00	52.00	48.00	44.25	
40	45	16.75	15.00	13.50	11.75	375	400	61.75	55.50	50.75	47.50	
45	50	18.00	16.00	14.25	12.25	400	425	65.25	58.75	54.00	50.25	
50	60	19.25	16.75	15.25	13.75	425	450	69.00	62.00	57.25	52.75	400-F
60	70	21.75	17.50	16.75	15.25	450	475	72.25	65.50	60.00	55.50	Cancels
70	80	23.75	20.50	18.50	16.75	475	500	76.25	68.50	63.00	58.50	400-A
80	90	24.50	21.25	19.00	17.25	500	525	79.50	71.75	66.50	61.25	
90	100	25.25	22.00	20.00	18.25	525	550	83.50	75.25	69.25	64.50	
100	110	26.00	22.75	20.75	18.75	550	575	86.75	78.25	72.25	67.25	
110	120	26.75	23.75	21.25	19.25	575	600	90.75	81.25	75.75	69.75	
120	130	27.50	24.50	22.00	20.00	600	625	94.00	85.00	78.50	72.50	
130	140	28.25	25.25	22.75	20.75	625	650	97.75	88.00	81.75	75.75	
140	150	29.00	25.75	23.75	21.75	650	675	101.25	91.50	84.75	78.50	
150	160	29.75	26.50	24.50	22.50	675	700	104.50	94.75	87.50	81.25	
160	170	31.50	27.50	25.75	23.50	700	725	108.50	98.00	91.00	84.25	
170	180	33.00	28.75	26.75	24.50	725	750	111.75	101.25	94.00	86.75	
180	190	34.00	30.50	28.00	25.25	750	775	115.50	104.50	96.75	89.50	
190	200	35.50	31.75	29.00	26.50	775	800	119.00	108.00	100.25	92.75	
						800 ---						
						(See Note 1)						

NOTE 1.--For distances over 800 miles add to rate for 800 miles the following rates for each 25 miles or fraction thereof:

- Column 1 - \$3.59 per vehicle
- Column 2 - \$3.27 per vehicle
- Column 3 - \$3.08 per vehicle
- Column 4 or more - \$2.82 per vehicle

o Increase, Decision No. **58232**

EFFECTIVE MAY 15, 1959

Issued by the Public Utilities Commission of the State of California,
 San Francisco, California.

Correction No. 18

SECTION NO. 3 - RATES (Concluded)				Item No.
POINT-TO-POINT RATES IN DOLLARS PER VEHICLE (1)				
<u>Between</u>	<u>And</u>	Number of Motor Vehicles Per Shipment		
Los Angeles Territory	San Francisco Territory	1	2	3
		4 or more		
		\$65.25	\$58.75	\$54.00
			\$50.25	
<p>(1) If charges accruing under rates in this item, applied on shipments from, to or between points intermediate between the Los Angeles and San Francisco Territories via routes shown in Section 4 are lower than charges accruing under the Distance Rates in Item No. 400, on the same shipment, such lower charges will apply. Rates in this item applied to intermediate points under these provisions apply at all points located within a distance of one mile on either side of the highway and at all points located within incorporated cities through which the highway route passes.</p>				<p>◊ 410-B Cancels 410-A</p>
<p>◊ Increase, Decision No.</p>		58232		
EFFECTIVE MAY 15, 1959				
<p>Issued by the Public Utilities Commission of the State of California, San Francisco, California.</p>				
Correction No. 19				