

ORIGINAL

Decision No. 59524

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation into
the rates, rules and regulations, charges,
allowances and practices of all common
carriers, highway carriers and city car-
riers relating to the transportation of
any and all commodities between and within
all points and places in the State of
California (including, but not limited to,
transportation for which rates are pro-
vided in Minimum Rate Tariff No. 2).

Case No. 5432
Petition for Modification
No. 129

In the Matter of the Application of
PACIFIC SOUTHCOAST FREIGHT BUREAU, J. P.
HAYNES, Chairman, for authority to pub-
lish charges for loading or unloading of
trailer-flatcar freight in Pacific South-
coast Freight Bureau Tariff No. 294-B,
M. A. Nelson, Tariff Publishing Officer,
for trailer-on-flatcar service.

Application No. 41280

Arlo D. Poe, J. C. Kaspar and James X. Quintrall, for
California Trucking Associations, Inc., Petitioner in
Case No. 5432 and Interested Party in Application No.
41280.

John MacDonald Smith, for Pacific Southcoast Freight
Bureau, Applicant in Application No. 41280.

W. N. Greenham, E. L. Krantz and W. J. Pope, for various
carriers, Respondents in Case No. 5432.

Eugene A. Read, Ralph Hubbard, Carl F. Breidenstein,
W. R. Donovan, John P. Hellmann, Robert H. Ivie, W. F.
McCann, Loren D. Olsen, E. R. Chapman, Ralph J. Graffis,
Peter N. Kujachich, Wilton A. Walker, Glen R. Baker, and
Joseph Q. Joynt, for various organizations and shippers,
Interested Parties.

Edward E. Tanner and Grant L. Malquist, for the Commission
staff.

O P I N I O N

By Decision No. 55704, dated October 15, 1957, in Case No. 5432, an additional charge of one cent per 100 pounds was established in Item No. 240 of Minimum Rate Tariff No. 2 for the service of loading of a carrier's equipment when that carrier uses an alternative

common carrier rate which does not contemplate loading or unloading services.^{1/} By Petition No. 129, in Case No. 5432, the California Trucking Associations, Inc., requests that the above-mentioned one-cent charge in Item No. 240 be increased to two cents.

By Application No. 41280, the Pacific Southcoast Freight Bureau seeks authority to establish similar provisions, with the two-cent charge, applicable to loading or unloading service performed by the carriers or their agents in connection with trailer-on-flatcar rates published in Section 2 of Pacific Southcoast Freight Bureau Tariff No. 294-B.^{2/}

The petition and the application were consolidated and heard on a joint record. Public hearings were held before Examiner William E. Turpen on November 3, 1959, at San Francisco, and on November 12, 1959, at Los Angeles.

The director of research of the California Trucking Associations, Inc., presented a study he had made of the cost of performing the service of loading or unloading. He stated that he found several methods of operations resulting in different levels of costs. The study he made was based on the lowest cost method, and showed a cost of loading or unloading of 4.5 cents per 100 pounds. The witness explained that an increase to only 2 cents is sought at this time, so as to provide the least disruption of present shipping practices. He pointed out that the tariff item provides for exemptions from the charge under certain conditions of loading or unloading being performed by the shipper. The witness felt that a higher charge would

^{1/} This charge was established by Decision No. 55249, dated July 9, 1959, but was suspended pending rehearing. Decision No. 55704 was the result of the rehearing and sustained the establishment of this charge.

^{2/} Tariff No. 294-B has been superseded by Tariff No. 294-C.

encourage more shipper loading and that increases in the charge should be by gradual steps.

By provisions of the minimum rate orders, railroads are not required to comply with the minimum rates with respect to carload shipments. The trailer-on-flatcar service has been construed as constituting a carload service and consequently the loading and unloading charge in Item No. 240 of Minimum Rate Tariff No. 2 has not been applied by the railroads. A witness for applicant Pacific Southcoast Freight Bureau testified that the rail rates that are involved in this application were established to meet truckload rates assessed by highway carriers, which in turn were established to meet rail carload rates. Another witness for applicant presented a study he had made of the costs involved in loading or unloading trailers used in the trailer-on-flatcar service. This study developed a cost of 4.7 cents per 100 pounds for loading or unloading the trailers.

The question of whether or not a charge for the loading or unloading service here involved is proper is not at issue in this proceeding. The propriety of the charge was definitely decided in Decision No. 55249 and Decision No. 55704. The evidence is clear that a greater increase than that sought in Petition No. 129 would be justified, but for the reasons stated by the director of research of the California Trucking Associations, Inc., at this time the increase should be no greater than that sought. In the circumstances, we are of the opinion and find that an increase in the charge named in Item No. 240 of Minimum Rate Tariff No. 2 for the service of loading or unloading carrier's equipment from one cent to two cents is justified. It is also clear that the service of loading and unloading performed in connection with shipments handled by the railroads in trailer-on-flatcar service is no different from that performed in connection with shipments handled by highway carriers. The evidence

of record clearly shows, and we so find, that establishment by the railroads of a similar charge as sought in Application No. 41280 is justified. The petition and the application will be granted.

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 Minimum Rate Tariff No. 2 (Appendix D of Decision No. 31606, as amended) be and it is hereby further amended by incorporating therein, to become effective February 26, 1960, Eighteenth Revised Page 26, attached hereto and by this reference made a part hereof.

2. That, except for tariff publications required to be made by ordering paragraph 4 hereof, 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 tariff publications as are required shall be made effective not later than February 26, 1960.

3. That in all other respects said Decision No. 31606, as amended, shall remain in full force and effect.

4. That Pacific Southcoast Freight Bureau be and it is hereby authorized to publish and file, on not less than five days' notice to the Commission and to the public, accessorial charges of two cents per 100 pounds for loading or unloading services performed in connection with trailer-on-flatcar rates published in Section 2 of Pacific Southcoast Freight Bureau Tariff No. 294-C, M. A. Nelson, Tariff Publishing Officer, subject to the same conditions as named in Item No. 240-0 of Minimum Rate Tariff No. 2.

5. That the authority granted by ordering paragraph 4, above, shall expire unless exercised within sixty days after the effective date of this order.

6. That common carriers maintaining, under outstanding authorizations permitting the alternative use of rail rates, rates below the specific minimum rate levels otherwise applicable on the commodities and between the points for which increases are authorized in Ordering Paragraph 4 hereof, are hereby authorized and directed to increase such rates, on not less than ten days' notice to the Commission and the public, to the level of the rail rates established pursuant to Ordering Paragraph 4 hereof; or to the level of the specific minimum rates, whichever is lower; and that such adjustments shall be made effective not later than thirty days after the effectiveness of the increased rail rates.

7. That common carriers, in establishing and maintaining the rates and charges authorized or directed 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 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.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this
12th day of January, 1960.

Carell B. [Signature]
President
[Signature]
[Signature]
[Signature]
Theodore [Signature]
Commissioners

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
	<p data-bbox="492 355 1275 419" style="text-align: center;">ACCESSORIAL SERVICES NOT INCLUDED IN COMMON CARRIER RATES</p> <p data-bbox="343 450 1428 644">In the event under the provisions of Items Nos. 200 to 230, inclusive, a rate of a common carrier 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 (except as otherwise provided in connection with individual rates):</p> <ol style="list-style-type: none"> <li data-bbox="421 674 1362 777">(1) For loading of carrier's equipment, + 2 cents per 100 pounds assessed on the weight on which transportation charges are computed (See Notes 1, 2, 4, 5 and 6); <li data-bbox="421 803 1362 906">(2) For unloading of carrier's equipment, + 2 cents per 100 pounds assessed on the weight on which transportation charges are computed (See Notes 1, 2, 4, 5 and 6); <li data-bbox="421 947 1318 986">(4) For C.O.D. service - charges provided in Item No. 180; <li data-bbox="421 1038 1291 1115">(5) For other accessorial services - charges provided in Item No. 145; <li data-bbox="421 1179 1412 1514">(6) Split pickup or split delivery shall not be accorded unless included in the common carrier rate (See Items Nos. 220 and 230 for exceptions) except that, on shipments of dried fruit, split delivery may be accorded, subject to the additional charges named in Note 1 of Item No. 170, when all component parts of the shipment are destined to one or more docks, piers or wharves at: <ol style="list-style-type: none"> <li data-bbox="574 1411 971 1450">(a) San Francisco only, or <li data-bbox="574 1450 1181 1488">(b) Alameda, Oakland and/or Richmond, or <li data-bbox="574 1488 845 1527">(c) Stockton only. <p data-bbox="327 1566 1384 1630">NOTE 1.-The charges for loading and/or unloading shall apply in all circumstances except:</p> <ol style="list-style-type: none"> <li data-bbox="327 1669 1362 1733">(a) When rates provided in this tariff are applied in combination with common carrier rates under the provisions of: <ol style="list-style-type: none"> <li data-bbox="416 1759 1321 1836">(1) Paragraph (a) of Item No. 210, only the accessorial charge for unloading shall be assessed, <li data-bbox="416 1862 1321 1939">(2) Paragraph (b) of Item No. 210, only the accessorial charge for loading shall be assessed, and <li data-bbox="416 1965 1445 2029">(3) Paragraph (c) of Item No. 210, no charge for either loading or unloading shall be assessed. <li data-bbox="327 2029 1428 2081">(b) When the shipment is loaded into and/or unloaded from the carrier's equipment as follows: <ol style="list-style-type: none"> <li data-bbox="327 2081 1367 2145">(1) On shipments of grain, in bulk, when loaded and/or unloaded by gravity. <li data-bbox="482 2145 1433 2300">(2) By the consignor and/or consignee as follows: <ol style="list-style-type: none"> <li data-bbox="541 2171 1400 2210">(a) With power equipment as described in Item No. 10, or <li data-bbox="482 2210 1433 2300">(b) When the carrier's equipment is a trailer or semi-trailer left for loading and/or unloading without the presence of carrier's employees. <li data-bbox="416 2300 1412 2454">(3) Provided that on shipments described under subparagraphs (1) and (2) above the Shipping Document (Freight Bill) issued pursuant to Item No. 255 indicates that the shipment was loaded and/or unloaded under one of the circumstances described in subparagraphs (1) and (2) above.

*240-O
Cancels
240-N

NOTE 2.-When shipments consisting in whole or in part of Oil, Water or Gas Well Outfits and supplies, and other Articles, as described in Item No. 365, moving between points located in Los Angeles and Orange Counties on the one hand and points located in California, Salinas, Fresno and south thereof, on the other hand, are transported:

(a) Under the provisions of Item No. 200, a charge of $3\frac{1}{2}$ cents per 100 pounds shall be added for loading, and a charge of $3\frac{1}{4}$ cents per 100 pounds shall be added for unloading;

(b) Under the provisions of Paragraph (a) of Item No. 210, a charge of $3\frac{1}{2}$ cents per 100 pounds shall be added for unloading;

(c) Under the provisions of Paragraph (b) of Item No. 210, a charge of $3\frac{1}{2}$ cents per 100 pounds shall be added for loading; or

(d) Under the provisions of Paragraph (c) of Item No. 210, no additional charge shall be added for loading or unloading.

NOTE 4.-When shipments consisting in whole or in part of Liquors, alcoholic, N.O.I.B.N., as described under that heading in the Western Classification, moving between San Francisco Territory and Los Angeles Territory are transported:

(a) Under the provisions of Item No. 200 a charge of 3 cents per 100 pounds shall be added for loading, and a charge of $2\frac{1}{2}$ cents per 100 pounds for unloading.

(b) Under the provisions of Paragraph (a) of Item No. 210, a charge of $2\frac{1}{2}$ cents per 100 pounds shall be added for unloading;

(c) Under the provisions of Paragraph (b) of Item No. 210, a charge of 3 cents per 100 pounds shall be added for loading; or

(d) Under the provisions of Paragraph (c) of Item No. 210, no additional charge shall be added for loading or unloading.

NOTE 5.-For loading or unloading of Cement, Portland (building), a charge of $2\frac{1}{2}$ cents per 100 pounds shall be added.

NOTE 6.-For pickup or delivery service at a point not at street level and where the minimum weight is less than 10,000 pounds, the loading or unloading provisions of this item will not apply and the additional charge provided in Item No. 120 will apply.

* Change)
↑ Increase) Decision No. 59524

EFFECTIVE FEBRUARY 26, 1960

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 980