

ORIGINAL

Decision No. 63157

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
by vacuum-type and pump-type tank
vehicles (including transportation
for which rates are provided in
Minimum Rate Tariff No. 13).

Case No. 6008

Petition No. 3
Filed September 25, 1961

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

James E. Ogden, for Chancellor & Ogden, Inc.,
respondent.

J. M. Jenkins and Robert I. Shoda, for the
Commission's staff.

O P I N I O N

By this petition the California Trucking Associations, Inc., seeks increases in the rates and charges in Minimum Rate Tariff No. 13 that apply for the transportation of liquid commodities and commodities in suspension in liquids or in semi-plastic form when such transportation is performed by for-hire highway carriers by means of vacuum-type and pump-type tank vehicles. Petitioner states that the costs of providing said transportation services have increased substantially since November 4, 1960, when the present rates and charges were first prescribed. It alleges that in relation to current costs of

service, said rates and charges are unreasonably low, and that increases therein are necessary to restore the rates and charges to a reasonable level.

Public hearing on the petition was held before Examiner C. S. Abernathy at Los Angeles on October 23, 1961. Evidence was presented by petitioner through its assistant director of research. Members of the Commission's staff participated in the development of the record.

According to petitioner's witness, the carriers that are engaged in the transportation involved herein have recently become committed to the payment of increased wages and related benefits to their drivers, automotive maintenance employees, and employees of various other classifications. Furthermore, they have been subjected to increases in federal highway taxes which became effective July 1, 1961. The witness submitted figures to show that as a result of these cost increases the carriers' total operating costs have been increased by amounts which, in terms of percent, range from about 3 to 7 percent.

The increases which petitioner seeks in the rates and charges in Minimum Rate Tariff No. 13 correspond to the increases in costs, as thus shown.¹

Advance notice of the hearing in this matter was sent to persons and organizations believed to be interested. No one appeared in opposition to the granting of the petition.

The present rates and charges in Minimum Rate Tariff No. 13 do not include allowance for the foregoing increases in the

¹ The present and proposed rates and charges are set forth in Appendix "A", attached hereto.

carriers' costs of operation. We find and conclude (a) that in relation to the increased costs of service the present rates and charges are unreasonably low; (b) that increases in said rates and charges as herein sought have been shown to be justified, and (c) that as so increased, the resulting rates and charges are, and will be, just, reasonable and nondiscriminatory minimum rates and charges for the services to which they will apply. To the extent that the provisions of Minimum Rate Tariff No. 13 have been found heretofore to constitute reasonable minimum rates, rules and regulations for common carriers as defined in the Public Utilities Act, said provisions as hereinafter amended are, and will be, reasonable minimum rate provisions for said common carriers. To the extent that existing rates and charges of said common carriers for the transportation involved are less in volume or effect than the minimum rates and charges herein designated as reasonable for said carriers, to that same extent the rates and charges of said carriers are hereby found to be, now and for the future, unreasonable, insufficient and not justified by the actual competitive rates of competing carriers or by the costs of other means of transportation. Said common carriers, as hereinafter listed in Appendix "B", attached hereto, will be directed by the Order below to increase their rates and charges to the level of those as herein prescribed in Minimum Rate Tariff No. 13. The directive herein shall not be construed, however, as authorizing or directing said common carriers to effect increases in their rates and charges for transportation services performed wholly in territory within the exterior boundaries of a city, or city and county, including the area of any city situated

wholly within such outside limits -- transportation services which are not within the scope of Minimum Rate Tariff No. 13.

O R D E R

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

IT IS ORDERED:

1. That Minimum Rate Tariff No. 13 (Appendix "B" of Decision No. 55584, as amended) be and it hereby is further amended by incorporating therein, to become effective March 10, 1962, the revised pages which are attached hereto and which are numbered as follows:

Third Revised Page 7

Third Revised Page 12.

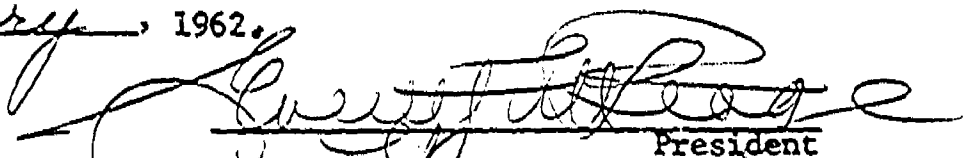
2. That those common carriers whose names are listed in Appendix "B" hereto, which appendix is made a part hereof by this reference, be and they are hereby directed to amend their respective tariffs to establish and maintain rates, charges, rules and regulations for their services (except those performed wholly within the exterior boundaries of a city) which are no lower in volume or effect than the rates, charges, rules and regulations set forth in Minimum Rate Tariff No. 13, as amended; that said common carriers shall thereafter abstain from maintaining charges or accessorial charges lower in volume or effect than those set forth in, or accruing under the provisions of, Minimum Rate Tariff No. 13, as amended, and from observing rules resulting in charges


lower in volume or effect than those set forth in said minimum rate tariff; that tariff publications required to be made by said common carriers as a result of the order herein may be made effective not earlier than the effective date hereof and upon 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


3. That in all other respects the aforesaid Decision No. 55584, as amended, shall remain in full force and effect.

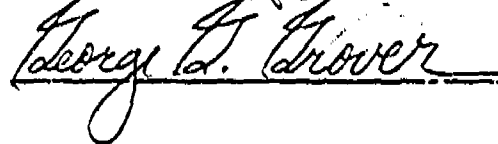
This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 23rd day of January, 1962.



President






Commissioners

Commissioner Frederick B. Holeboff, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX "A" TO DECISION NO. 63157Present and Proposed Rates and ChargesHourly Rates for Vacuum-Type Tank Vehicles (See Note)

| <u>Capacity of Equipment (in barrels)</u> | | <u>Present Rates</u> | | <u>Proposed Rates</u> | |
|---|------------------------------|--------------------------|----------|---------------------------|----------|
| <u>More than</u> | <u>But not more than</u> | <u>Territory</u> | | <u>Territory</u> | |
| | | <u>A</u> | <u>B</u> | <u>A</u> | <u>B</u> |
| 0 | 35 | \$ 9.65 | \$10.15 | \$10.35 | \$10.60 |
| 35 | 45 | 10.10 | 10.60 | 10.70 | 11.10 |
| 45 | 60 | 11.15 | 11.60 | 11.80 | 12.10 |
| 60 | 80 | 12.10 | 12.65 | 12.75 | 13.10 |
| 80 | 95 | 12.90 | 13.40 | 13.60 | 13.85 |
| 95 | - | 13.95 | 14.40 | 14.65 | 14.85 |

Territory "A" -- Counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego and Imperial.

Territory "B" -- All counties other than those in Territory "A".

Note: The hourly rates for pump-type tank vehicles are \$1.00 per hour less.

Rate for Help in Addition to Driver

| | <u>Rate per Man per Hour</u> |
|----------|----------------------------------|
| Present | \$4.35 |
| Proposed | \$4.85 |

(End of Appendix "A")

APPENDIX "B" TO DECISION NO. 63157

Common Carriers (as defined in the Public Utilities Act)
Required to Maintain Rates, Rules and Regulations No
Lower in Volume or Effect than the Rates, Rules and
Regulations in Minimum Rate Tariff No. 13.

J. T. Hutchison & T. R. Bellamy, dba (doing business as)
B & H Service
4705 South Blosser
Santa Maria, California

Perry A. Redwine, dba
B & R Service Company
Cuyama, California

9405 Marvin Street
Bakersfield, California * (mailing address)

Grace Barnett, dba
Marvin Barnett Vacuum Truck Service
337 Third Street
Fillmore, California

Capitol Tank Line, Inc.
2500 North Alameda
Compton, California

Chancellor & Ogden, Inc.
3365 Cherry Avenue
Long Beach 7, California

Coast Tank Service Co.
1634 East Denni Street
Wilmington, California

Gene W. East, dba
Gene W. East Vacuum Truck Service
1350 West 228th Street
Torrance, California

Fix & Brain Vacuum Truck Service
233 "D" Street
Wilmington, California

P. O. Box 76
Wilmington, California *

R. L. Floyd, dba
R. L. Floyd Vacuum & Pump Truck Service
San Bernardino, California

P. O. Box 1043
Wilmington, California *

Walter E. Gilliard & Glen E. Price, dba
W. E. Gilliard Vacuum Truck Service
918 Crenshaw Boulevard
Torrance, California

P. O. Box 584
Torrance, California *

Eddie Hanks Vacuum Truck Company
23550 West Lyons Avenue
Newhall, California

Leslie M. & Raymond R. Holbrook, dba
Holbrook & Sons
12637 Los Nietos Road
Santa Fe Springs, California

Hollow Rod of California
2176 North Ventura Boulevard
Ventura, California

J & G Oil Well Service
P. O. Box 595
Ventura, California

Jackson Supply Company, Inc.
P. O. Box 542
Taft, California

Roy L. Johnston, dba
Johnston Vacuum Tank Service
432 Naylor Avenue
Taft, California

Lacey Trucking Co.
27th & Lime Avenue
Long Beach 7, California

B. L. Lunsford, dba
Lunsford Tank Lines
P. O. Box 372
Maricopa, California

Kyle O. Mayes & Jimmie C. Mayes, dba
Kyle O. Mayes Co.
18703 South Broadway
Gardena, California

Frank McKay, dba
McKay Trucking Company
P. O. Box 516
Coalinga, California

V. B. Morgan Co.
P. O. Box 547
Barstow, California

R. H. Morrison
2705 Dawson Avenue
Long Beach, California

Homer Lee Myers, dba
Homer L. Myers Trucking
18813 Soledad Canyon Road
Saugus, California

2244 West 13th Street
Newhall, California *

National Tank Lines
812 South Greenleaf Avenue
Whittier, California

Thomas Neely, dba
Neely's Vacuum Truck Service
P. O. Box 1026
Newhall, California

Oilfield Vacuum Service, Inc.
James Road
Oildale, California

P. O. Box 288
Bakersfield, California *

Ottis E. Pittman & Earl T. Pittman, dba
Ott's Vacuum Truck Service
3618 Associated Road
Brea, California

Parker & Martin, Inc.
12282 Whittier Avenue
La Habra, California

P. O. Box 487
La Habra, California *

L. W. Potter Trucking Company, Inc.
403 Real Road
Bakersfield, California

President Tank Lines, Inc.
12500 East Rush Street
El Monte, California

Frank G. Silva, dba
Richards Trucking Company
605 Pinal Street
Orcutt, California

P. O. Box 1452
Orcutt, California *

Burnell H. Richards & Howard Sandage, dba
Rich-Sand Service Co.
P. O. Box 1803
Orcutt, California

Routh Transportation
800 West 15th Street
Long Beach, California

George W. Forguer, Joseph V. Brink & Max Rudolph, dba
Max Rudolph Company
P. O. Box 108
Santa Paula, California

L. A. (Mike) Schager
518 17th Street
Huntington Beach, California

Bill T. Small, dba
Bill T. Small Vacuum Truck Company
23928 Lyons Avenue
Newhall, California

1506 Lyons Avenue
Newhall, California *

T. A. Smith, dba
T. A. Smith Trucking
P. O. Box 1852
Ventura, California

L. L. Kirchhof, dba
Speed's Oil Tool Service
P. O. Box 816
Santa Maria, California

Superior Vacuum Trucks of Long Beach
3051 San Francisco Avenue
Long Beach, California

Marvin R. & Romona L. Tidwell, dba
Marvin Tidwell Trucking
2826 Channel Drive
Ventura, California

Union Truck Company, Inc.
2481 North Ventura Avenue
Ventura, California

P. O. Box 1131
Ventura, California *

Valley Vacuum Tank Truck Service, Inc.
1202 Crawford Street
Bakersfield, California

P. O. Box 1558
Bakersfield, California *

Webster Tank Truck Service, Inc.
12540 East Los Nietos Road
Los Nietos, California

Bob W. Clark, dba
Wilco Vacuum Service
301 Supply Road
Taft, California

500 Supply Road
Taft, California *

(End of Appendix "B")

| SECTION NO. 1 - RULES AND REGULATIONS (Continued) | | Item No. | | | | | | | | | | | | | | | | | | | | | |
|--|--------------------------|-------------------|--|--|------------------|--------------------------|--|---|---|------|---|----|-------------------|----|----|-------------------|----|----|-------------------|----|----|-----------------|----|
| <p style="text-align: center;">ACCESSORIAL CHARGES</p> <p>When carrier furnishes help in addition to the driver, an additional charge of \$4.85 per man per hour shall apply. The time for computing the additional charge shall be not less than the actual time in minutes the helper or helpers are engaged in performing the services. The total time so computed shall be converted into hours and fractions thereof. Fractions of an hour shall be determined in accordance with the table provided in Item No. 80.</p> | | *60 | | | | | | | | | | | | | | | | | | | | | |
| <p style="text-align: center;">MINIMUM CHARGE</p> <p>The minimum charge per shipment shall be that for two hours of service at the applicable rate.</p> | | 70 | | | | | | | | | | | | | | | | | | | | | |
| <p style="text-align: center;">COMPUTATION OF TIME</p> <p>Charges shall be computed on the basis of the total hours, and/or fraction thereof, from the time that driver and vehicle report for service pursuant to shipper's order to the time of completion of service under such order, less any time during such period that carrier's equipment is inactivated because of mechanical failure and/or driver is off duty, and less any time involved in performing transportation not subject to the provisions of this tariff. After the net time has been so determined, it shall be converted into hours and/or fractions thereof. Fractions of an hour shall be determined in accordance with the following table:</p> <table> <tr> <th colspan="2"><u>Minutes</u></th><th></th></tr> <tr> <th><u>More Than</u></th><th><u>But Not More Than</u></th><th></th></tr> <tr> <td>0</td><td>8</td><td>Omit</td></tr> <tr> <td>8</td><td>23</td><td>Shall be 1/4 hour</td></tr> <tr> <td>23</td><td>38</td><td>Shall be 1/2 hour</td></tr> <tr> <td>38</td><td>53</td><td>Shall be 3/4 hour</td></tr> <tr> <td>53</td><td>60</td><td>Shall be 1 hour</td></tr> </table> | | <u>Minutes</u> | | | <u>More Than</u> | <u>But Not More Than</u> | | 0 | 8 | Omit | 8 | 23 | Shall be 1/4 hour | 23 | 38 | Shall be 1/2 hour | 38 | 53 | Shall be 3/4 hour | 53 | 60 | Shall be 1 hour | 80 |
| <u>Minutes</u> | | | | | | | | | | | | | | | | | | | | | | | |
| <u>More Than</u> | <u>But Not More Than</u> | | | | | | | | | | | | | | | | | | | | | | |
| 0 | 8 | Omit | | | | | | | | | | | | | | | | | | | | | |
| 8 | 23 | Shall be 1/4 hour | | | | | | | | | | | | | | | | | | | | | |
| 23 | 38 | Shall be 1/2 hour | | | | | | | | | | | | | | | | | | | | | |
| 38 | 53 | Shall be 3/4 hour | | | | | | | | | | | | | | | | | | | | | |
| 53 | 60 | Shall be 1 hour | | | | | | | | | | | | | | | | | | | | | |
| <p style="text-align: center;">UNITS OF MEASUREMENT IN QUOTATION OF RATES AND CHARGES</p> <p>Rates or accessorial 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> | | 90 | | | | | | | | | | | | | | | | | | | | | |
| <p style="text-align: center;">SHIPMENTS TO BE RATED SEPARATELY</p> <p>Each shipment shall be rated separately. Shipments shall not be consolidated nor combined by the carrier.</p> | | 100 | | | | | | | | | | | | | | | | | | | | | |
| <p style="text-align: center;">REFERENCES TO ITEMS AND OTHER TARIFFS</p> <p>Unless otherwise provided, references herein to item numbers in this or other tariffs include references to such numbers with letter suffix, and references to other tariffs include references to amendments and successive issues of such other tariffs.</p> | | 110 | | | | | | | | | | | | | | | | | | | | | |
| <p>* Change o Increase } Decision No. 63157</p> | | | | | | | | | | | | | | | | | | | | | | | |
| EFFECTIVE MARCH 10, 1962 | | | | | | | | | | | | | | | | | | | | | | | |
| <p>Issued by the Public Utilities Commission of the State of California, San Francisco, California.</p> | | | | | | | | | | | | | | | | | | | | | | | |
| Correction No. 7 | | | | | | | | | | | | | | | | | | | | | | | |

| SECTION NO. 2 - HOURLY RATES | | | | Item No. |
|---|------------------------------|----------------------|------------------|-------------|
| ◊ Rates In Dollars per Hour (See Note) | | | | |
| Capacity of Equipment (in barrels) | | Territory "A"(1) | Territory "B"(2) | |
| <u>More Than</u> | <u>But Not More Than</u> | | | |
| 0 | 35 | \$10.35 | \$10.60 | |
| 35 | 45 | 10.70 | 11.10 | |
| 45 | 60 | 11.80 | 12.10 | |
| 60 | 80 | 12.75 | 13.10 | |
| 80 | 95 | 13.60 | 13.85 | |
| 95 | - | 14.65 | 14.85 | *200 |
| (1) Territory "A" consists of the counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego and Imperial. | | | | |
| (2) Territory "B" consists of all counties in California other than those included in Territory "A". | | | | |
| NOTE: -The rates named are for transportation by vacuum-type tank vehicles. Where the transportation is performed by pump-type tank vehicles, the applicable rates are \$1.00 per hour less than those for transportation in vacuum-type tank vehicles. | | | | |
| * Change ◊ Increase | |) Decision No. 63157 | | |
| EFFECTIVE MARCH 10, 1962 | | | | |
| Issued by the Public Utilities Commission of the State of California, San Francisco, California. | | | | |
| Correction No. 8 | | | | |