

Decision No. 65065

**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 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 provided in Minimum Rate )  
Tariff No. 2). )

Case No. 5432  
Petition for Modification  
No. 286  
(Filed January 2, 1963)

OPINION AND ORDER

By this petition, California Trucking Associations, Inc., seeks to have the application of certain rates on grain and grain products described in Minimum Rate Tariff No. 2 broadened to include additional grain commodities. The rates in question are subject to a minimum weight of 48,000 pounds per shipment and are set forth in Item No. 654½ of the tariff.<sup>1</sup> Petitioner also seeks a revised basis of minimum weights to apply on shipments in multiple loads, and asks that common carriers be authorized to establish in their respective tariffs all such modifications as may be prescribed by any and all orders made herein; that common carriers be authorized to depart from the long- and short-haul provisions of Section 460 of the Public Utilities Code to the extent necessary to carry into effect such modifications; and for such other and further relief as may be deemed reasonable and proper.

<sup>1</sup> The 48,000-pound scale of rates in Item No. 654½, currently restricted to apply on movements of grain and related articles described in commodity Lists 1, 6 and 10 in the tariff, is proposed to be made applicable to all commodities described in Lists 1 through 10 of the tariff. The 48,000-pound scale of rates was established effective March 17, 1962, by Decision No. 63215 dated February 6, 1962, in Case No. 5432 (Petition No. 239).

According to petitioner, the 48,000-pound scale of grain rates established by Decision No. 63215, supra, was originally proposed by it to meet the needs of carriers for rates related to the larger truckload capacities that are now possible with modern truck equipment. These rates, petitioner states, were limited initially to apply on certain designated grains, grain products and rice, inasmuch as those commodities were found to possess transportation characteristics which permitted relatively heavy loading of carriers' equipment.

Petitioner states that it has been observing the utilization of the new 48,000-pound scale of rates and has been conferring with interested shippers and carriers concerning necessary improvements therein. According to petitioner, its investigation discloses that the present tariff provisions are still deficient to the extent that the existing commodity restrictions unreasonably deprive carriers of complete economic utilization of modern equipment, and deprive shippers of the lower rates possible through use of such increased minimum weights. Petitioner states that the cubic capacity of modern equipment is such that a commodity density of some 30 to 35 pounds per cubic foot, or greater, is required in order to load to the 48,000-pound truckload minimum for a single unit of carrier's equipment. According to petitioner, information supplied by the industry indicates that a substantial number of commodities now excluded from the lower rate application meet this density criteria, but that many of these commodities vary in density dependent upon their composition or processing. Accordingly, the naming of additional commodities by means of sub-listing them in Item No. 654 $\frac{1}{2}$  was discarded by petitioner and the shipper

representatives as impracticable and productive of unreasonable results. Instead, petitioner herein proposes to remove the commodity restrictions and substitute a method of tariff publication similar to that which the Commission has established in Item No. 275 of Minimum Rate Tariff No. 3-A for certain truckload shipments of livestock.

Petitioner's proposal is set forth in detail in Exhibit A of the petition. Petitioner asserts that its proposal is designed to provide to shippers of all commodities subject to the rates named in Item No. 654½ an equal opportunity to utilize the lowest possible rates, and to maintain adequate revenues for the carriers to compensate them for dedicating a full equipment unit to such service where the density factor might preclude achieving the weight minimum. Petitioner states that it is informed and believes that the proposed revision is desired by and will be in the best interests of both shippers and carriers. In view of the rapidly approaching harvest seasons, petitioner suggests that this is a matter which properly may be handled by ex parte action of the Commission. According to petitioner, the proposed changes will result in no increases in rates.

A copy of the petition was served by petitioner on various interested parties, including the San Francisco Grain Exchange, the California Hay, Grain & Feed Dealers Association, the Stockton Grain Exchange and the California Farm Bureau Federation. The California Farm Bureau Federation and the Stockton Grain Exchange have informed the Commission by letter that they support the granting of this petition by ex parte order at the earliest possible date. Albers Milling Company has informed the Commission by letter

that it supports petitioner's proposal with the qualification that, unless the proposed rule for varying minimum weights is made subject to current tariff rules governing shipments transported in multiple lots, increased charges may result under some circumstances.

Upon consideration of this petition and the written comments thereon received from the California Farm Bureau Federation, the Stockton Grain Exchange and Albers Milling Company, the Commission finds that, although increased charges may result under some limited circumstances, modification of the tariff as proposed by petitioner and as provided by the order hereinafter will result generally in reduced rates and charges and will promote full utilization of equipment to the advantage of both shippers and carriers. The Commission also finds that the rate adjustments hereinafter established will provide just, reasonable and nondiscriminatory minimum rates for the transportation of the property involved. A public hearing is not necessary.

Good cause appearing,

IT IS ORDERED that:

1. Minimum Rate Tariff No. 2 (Appendix "D" of Decision No. 31606, as amended) is hereby further amended by incorporating therein, to become effective April 27, 1963, Tenth Revised Page 51 and Seventh Revised Page 51-A attached hereto and by this reference made a part hereof.

2. Tariff publications authorized to be made by common carriers as a result of the order herein may be made effective not earlier than the tenth day after the effective date of this order, and may be made effective on not less than ten days' notice to the Commission and to the public if filed not later than sixty days after the effective date of the minimum rate tariff pages incorporated in this order.

3. Common carriers are hereby authorized to depart from the provisions of Section 460 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; such outstanding authorizations are hereby modified only to the extent necessary to comply with this order; and schedules containing the rates published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

4. In all other respects said Decision No. 31606, 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 12<sup>th</sup> day of March, 1963.

George J. Hoover  
President

John E. Ditchet

Gene E. Page

Frederick B. Holdhoff

Dallan G. Bennett  
Commissioners

Item No.	SECTION NO. 3 COMMODITY RATES (Continued)
APPLICATION OF RATES IN ITEMS MAKING SPECIFIC REFERENCE HERETO	
653†	<p>1. Demurrage:</p> <ul style="list-style-type: none"><li>(a) (Applies only in connection with shipments of grain as set forth in List No. 1 of Item No. 652.) Shall be computed in accordance with the provisions of Item No. 143.</li><li>(b) (Applies only in connection with shipments of grain, rice, grain products and related articles as described in Lists 2 through 10, Items Nos. 652-653.) Shall be computed in accordance with the provisions of Item No. 142.</li></ul> <p>2. Field pickup shipments:</p> <ul style="list-style-type: none"><li>(a) Field pickup shipment means a quantity of property transported by one carrier for one shipper from more than one point in a single field or farm site. If in loading, truck equipment is not moved more than its own length, it shall not be considered as loaded at more than one point.</li><li>(b) A single field or farm site is that area devoted exclusively to the production of grain or rice as described in Lists 1 and 10 of Items Nos. 652-653. In no event shall such field or farm site exceed 1 section (640 acres).</li><li>(c) The point of origin of a field pickup shipment shall be the point in a single field or farm site nearest the point of destination.</li><li>(d) A single shipping document for the entire field pickup shipment shall be issued prior to or at the time of the first pickup. Such shipping document shall show the name of the shipper, the name of the carrier, point of origin, point or points of destination, date, kind and estimated quantity of property to be transported.</li><li>(e) A single freight bill for each field pickup shipment transported stating the rate and charge shall be issued no later than seven days from the date of the first pickup. Such freight bill shall show the point of origin, point of destination, the name of the shipper, the name of the carrier, date, description and weight of the property in each component part separately transported. A separate document may be issued for each component part, showing the point of origin, point of destination, date, description and weight of each component part so transported, and shall give reference to the single freight bill covering the entire field pickup shipment and shall be attached thereto and become a part thereof.</li></ul>

3. Two stops in transit for inspection and receipt of delivery instructions or other purposes will be permitted in connection with each shipment of grain described in List No. 1, Item No. 652. Distances shall be computed via the transit points. A charge of \$2.00 shall be assessed for the second stop.
4. Premiums and Advertising Matter:
  - (a) The rates on articles in package containing premiums shall be 110 percent of the rates applicable to the same article without premiums.
  - (b) Advertising matter, not to exceed 5 percent of the gross weight of the shipment, may be included at the rate applicable to the lowest rated article in the shipment.

APPLICATION OF RATES IN ITEM NO. 65<sup>+</sup> MAKING  
SPECIFIC REFERENCE HERETO

Rates referring to this item are subject to varying minimum weights per shipment, dependent upon the number of units of carrier's equipment used, as shown below, regardless of the weight loaded in each unit of equipment. In no event shall the minimum weight per shipment be less than 48,000 pounds, or actual weight, whichever is greater.

Number of Units of Carrier's Equipment Used	Minimum Weight (In Pounds)
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\* ◊ ◊  
653-3/4

1	48,000
2	96,000
3	144,000
4	192,000

Over 4—Add to the minimum weight for 4 units of carrier's equipment 48,000 pounds for each unit of carrier's equipment in excess of 4.

* Addition, new item)	} Decision No. 65065
◊ Increase	
◊ Reduction	

EFFECTIVE APRIL 27, 1963

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

Correction No. 1299

Item No.	SECTION NO. 3		COMMODITY RATES (Continued) In Cents Per 100 Pounds							
	GRAIN, RICE, GRAIN PRODUCTS AND RELATED ARTICLES as described in Lists Nos. 1 through 10 of Items Nos. 652-653. (See Item No. 653½ for Application of Rates in this item.)									
MILES		RATES (See Note)								
Over	But Not Over	MINIMUM WEIGHT IN POUNDS								
		10,000	20,000	30,000		40,000		(2) 45,000		
				Package	Bulk	Package	Bulk	Package	Bulk	
0	3	12½	10	8½	7½	8	6	8	6	
3	5	13½	11½	9	8½	8½	6½	8½	6½	
5	10	14½	12½	10	9½	9½	7½	9½	7½	
10	15	15½	13½	12	10½	11	8½	10½	8½	
15	20	18	14½	13	11½	12	9½	11½	9	
20	25	20	15½	14	12½	13	10½	12½	10	
25	30	21	16½	15	13½	14	11½	13½	11	
30	35	23	18	16	14½	15	12½	14½	12	
35	40	24	19	17½	15½	16	13½	15½	13	
40	45	26	20	18½	16½	17½	14½	16½	14	
45	50	28	21½	20	17½	18½	15½	17½	15	
50	60	31	23	21	18½	20	16½	19	16	
60	70	33	24	22	19½	21	17½	20	17	
70	80	35	25	23	20½	22	18½	21	18	
80	90	37	27	24	21½	23	19½	22	19	
90	100	40	28	25	24	24	20½	23½	21	
100	110	42	30	27	26	25	23	25	22	
110	120	45	31	28	27	26	24	26	23	
120	130	47	32	29	28	27	25	27	24	
130	140	50	34	31	30	29	27	29	25	
140	150	53	36	32	31	30	28	30	26	
150	160	55	38	33	32	31	29	31	27	
160	170	57	39	35	34	33	31	32	28	
170	180	59	40	36	35	34	32	33	29	
180	190	61	42	37	36	36	34	34	30	
190	200	65	44	40	39	37	36	36	32	
200	220	68	47	43	42	39	38	38	34	
220	240	71	49	45	44	41	40	40	36	
240	260	75	52	48	46	43	42	42	38	
260	280	78	55	50	47	45	44	44	40	
280	300	82	58	53		48		45		
300	325	85	60	55		50		46		
325	350	88	62	58		52		48		
350	375	91	66	60		54		50		
375	400	95	68	62		56		52		
400	425	98	71	64		58		54		
425	450	102	74	67		60		56		
450	475	105	78	70		62		58		
475	500	108	80	72		64		60		
500	-	Over 500 miles, class rates apply					(1)		(1)	

654½



NOTE.-(a) Except as to Rice, Exception 2 of Item No. 100 will not apply in connection with rates in this item.

(b) For the transportation of whole grain, the distance between Simmler and Paso Robles shall be 60 constructive miles; between Simmler and Santa Margarita shall be 56.5 constructive miles; and between Simmler and Blackwells Corner shall be 39 constructive miles.

(c) On all Field Pickup Shipments, as defined in Item No. 653 $\frac{1}{2}$ , add 2 cents per 100 pounds to the rates otherwise applicable.

(1) Add to rate for 500 miles, 2 $\frac{1}{2}$  cents per 100 pounds for each 25 miles or fraction thereof.

⌘ (2) Rates in this column are subject to the provisions of Item No. 653-5/4.

⌘ Change )  
⌘ Increase ) Decision No. 65065  
⌘ Reduction )

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San Francisco, California.  
Correction No. 1300