

Decision No. 66493

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 car-)
riers and city carriers relating to)
the transportation of property in)
Los Angeles and Orange Counties)
(transportation for which rates are)
provided in Minimum Rate Tariff No.5.)

Case No. 5435

SUPPLEMENTAL OPINION AND ORDER

On August 29, 1963, there was sent to various interested parties for study and comment a report prepared by the Commission's Transportation Division Rate Branch staff concerning the determination of gross weights and transportation charges in connection with palletized shipments transported under the provisions of Item No. 70 of Minimum Rate Tariff No. 5.¹ The parties were informed by transmittal letter that, in the absence of objection or request for public hearing, consideration may be given to the issuance of an ex parte order revising that minimum rate tariff in accordance with the staff recommendation.

The tariff item provides that the gross weight of a shipment shall be the basis for the assessment of transportation charges. The weight of the containers is included when determination of the weight of a shipment is made for purposes of assessing transportation charges. The staff report recommends that Item No. 70 of Minimum

¹ Minimum Rate Tariff No. 5 names minimum rates, rules and regulations for the transportation of property generally within the Los Angeles drayage area.

Rate Tariff No. 5 be amended to include provisions concerning palletized shipments the same as contained in Item No. 70 of Minimum Rate Tariff No. 2. The rule then would provide, among other things, that under certain conditions the weight of pallets used in palletized shipments shall not be used in determining the gross weight of the shipments nor the charges thereon.

No objection to the staff recommendation has been received. Written comments from the Los Angeles Chamber of Commerce and from several shippers indicate their approval of the recommendation.

The staff report is received in evidence as Ex Parte Exhibit No. 1 in Case No. 5435. The written comments thereon are received in evidence collectively as Ex Parte Exhibit No. 2 in said case.

Upon consideration of the evidence in this proceeding, the Commission finds that the proposed modification of Item No. 70 of Minimum Rate Tariff No. 5 is reasonable and that the resulting minimum rates and charges will be just, reasonable and nondiscriminatory minimum rates and charges for the transportation of property subject to the provisions of Minimum Rate Tariff No. 5. Minimum Rate Tariff No. 5 will be amended accordingly. This is a matter in which a public hearing is not deemed necessary.

Good cause appearing,

IT IS ORDERED that:

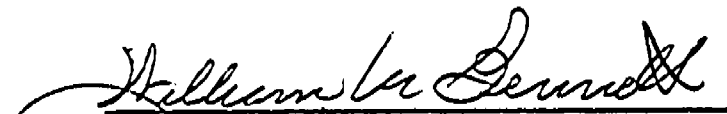
1. Minimum Rate Tariff No. 5 (Appendix "A" of Decision No. 3250⁴, as amended) is hereby further amended by incorporating therein, to become effective January 25, 1964, Fourteenth Revised Page 7 and Third Revised Page 14, which pages are attached hereto and by this reference made a part hereof.

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. In all other respects the aforesaid Decision No. 32504, 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 17 day of December, 1963.



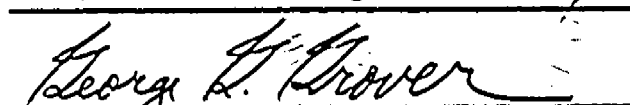
President




[unclear]



[unclear]



George H. Crover



Commissioners

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION
	<p data-bbox="591 432 1125 497" style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Items Nos. 10 and 11)</p> <p data-bbox="299 525 1384 651">ARMORED CAR means any motor truck and/or other highway vehicle which has been armored with bullet resistant metal and/or bullet proof glass, and which is manned by an armed crew.</p> <p data-bbox="299 685 1430 811">CARRIER means a carrier, as defined in the City Carriers' Act, or a radial highway common carrier, a highway contract carrier or a cement contract carrier, as defined in the Highway Carriers' Act.</p> <p data-bbox="299 842 1414 940">CARRIER'S EQUIPMENT means any motor truck or other self-propelled highway vehicle, trailer, semi-trailer, or any combination of such highway vehicles operated by the carrier.</p> <p data-bbox="299 971 1400 1321">COMMON CARRIER RATE means any intrastate rate or rates of any common carrier or common carriers, as defined in the Public Utilities Act, lawfully on file with the Commission and in effect at time of shipment; also any interstate or foreign rate or rates of any common carrier or common carriers, as defined in the Public Utilities Act, applying between points in California and in effect at time of shipment and covering transportation exempt from rate regulation of the Interstate Commerce Commission under Section 203 (b)(6) or Section 203(b)(8) of Part II of the Interstate Commerce Act.</p> <p data-bbox="211 1308 265 1342">10</p> <p data-bbox="299 1352 1364 1450">ESCORT SERVICE means the furnishing of pilot cars or vehicles by a carrier as may be required by any governmental agency to accompany a shipment for highway safety.</p> <p data-bbox="299 1481 1331 1579">EXCEPTION RATINGS TARIFF means Exception Ratings Tariff No. 1 and supplements thereto or reissues thereof issued by the Commission.</p> <p data-bbox="299 1610 1348 1707">EXCEPTION SHEET means Exception Ratings Tariff No. 1 and supplements thereto or reissues thereof issued by the Commission.</p> <p data-bbox="299 1738 1364 1836">GOVERNING CLASSIFICATION means National Motor Freight Classification A-7 and supplements thereto or reissues thereof.</p> <p data-bbox="299 1867 1400 1965">HOLIDAYS mean New Year's Day, Washington's Birthday, Decoration Day, Fourth of July, Labor Day, Thanksgiving Day, December 24 and Christmas Day.</p> <p data-bbox="299 1996 1405 2156">INDEPENDENT-CONTRACTOR SUBHAULER means any carrier who renders service for a principal carrier, for a specified recompense, for a specified result, under the control of the principal as to the result of the work only and not as to the means by which such result is accomplished.</p> <p data-bbox="299 2176 1447 2300">*PALLETIZED SHIPMENT means a shipment tendered to and transported by the carrier on pallets (elevating-truck pallets or platforms or lift-truck skids, with or without standing sides or ends, but without tops).</p> <p data-bbox="299 2305 1372 2357">PERMIT SHIPMENT means a shipment which because of its width, length, height, weight or size requires special</p>

authorized from a governmental agency regulating the use of highways, roads or streets for the transportation of such shipment in whole or in part.

POINT OF DESTINATION means the precise location at which property is tendered for physical delivery into the custody of the consignee or his agent. All points within a single industrial plant or receiving area of one consignee shall be considered as one point of destination. An industrial plant or receiving area of one consignee shall include only contiguous property which shall not be deemed separate if intersected only by public street or thoroughfare.

POINT OF ORIGIN means the precise location at which property is physically delivered by the consignor or his agent into the custody of the carrier for transportation. All points within a single industrial plant or shipping area of one consignor shall be considered as one point of origin. An industrial plant or shipping area of one consignor shall include only contiguous property which shall not be deemed separate if intersected only by public street or thoroughfare.

RATE includes charge, and also the ratings, minimum weight, rules and regulations governing, and the accessorial charges applying in connection therewith.

SAME TRANSPORTATION means transportation of the same kind and quantity of property and subject to the same limitations, conditions and privileges, although not necessarily in an identical type of equipment.

SHIPMENT means a quantity of freight tendered by one shipper on one shipping document at one point of origin at one time for one consignee at one point of destination. (See also Split Delivery Shipment.)

(Continued in Item No. 11)

Ø Change)
* Addition) Decision No. 66493

EFFECTIVE JANUARY 25, 1964

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

Correction No. 391

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
50	<p style="text-align: center;">APPLICATION OF GOVERNING CLASSIFICATION AND EXCEPTION RATINGS TARIFF</p> <p>(a) This tariff is governed to the extent shown herein by the Governing Classification and Exception Ratings Tariff.</p> <p>(b) Where the ratings, rules and regulations or other provisions or conditions provided in the Governing Classification or Exception Ratings Tariff are in conflict with those provided in this tariff, the provisions of this tariff will apply.</p>
60	<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. (Component parts of split delivery shipments, as defined in Item No. 11, may be combined under the provisions of Item No. 130.)</p>
670	<p style="text-align: center;">GROSS WEIGHT</p> <p>Charges shall be assessed on the gross weight of the shipment. No allowance shall be made for the weight of containers (See Exception).</p> <p>*EXCEPTION.-When palletized shipments subject to minimum weights of 20,000 pounds or more are loaded or unloaded by power-loading device, the weight of the pallets (elevating-truck pallets or platforms or lift-truck skids) shall not be used in determining the weight of the shipments nor the charges thereon. This exception applies only in connection with rates contained in this tariff and is not applicable to shipments of empty pallets. When rail rates are used under the provisions of Item No. 140 of this tariff, the weight of the pallets shall be included or excluded in accordance with the provisions of the governing rail tariff.</p>
80	<p style="text-align: center;">RATES BASED ON VARYING MINIMUM WEIGHTS</p> <p>When the charges accruing on a shipment based upon actual weight exceed the charges computed upon a rate based upon a greater minimum weight, the latter shall apply. For the purpose of applying this item to a mixed shipment, deficiency between actual weight of the shipment and the greater minimum weight shall be computed at the rate applicable to the lowest rated commodity in the shipment.</p>
85	<p style="text-align: center;">UNITS OF MEASUREMENT TO BE OBSERVED</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>
<p>o Change) * Addition)</p>	<p>Decision No. 66493</p>
EFFECTIVE JANUARY 25, 1964	
<p style="text-align: center;">Issued by the Public Utilities Commission of the State of California, San Francisco, California.</p> <p>Correction No. 392</p>	