

Decision No. 66625

CONFIDENTIAL

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)	Case No. 5432
carriers and city carriers re-)	(Petition for Modifica-
lating to the transportation of)	tion No. 313)
any and all commodities between)	(Filed November 12, 1963)
and within all points and places)	
in the State of California (includ-)	
ing, but not limited to, trans-)	
portation for which rates are)	
provided in Minimum Rate Tariff No. 2).)	

OPINION AND ORDER

By Petition for Modification No. 313 in Case No. 5432, California Trucking Association requests revision of Minimum Rate Tariff No. 14 to provide for the use of Distance Table No. 5 in determining distance rates. Petitioner asks that all common carriers be directed to establish in their respective tariffs such modifications as may be prescribed by the Commission's order in this proceeding, including relief from the long- and short-haul provisions of Section 460 of the Public Utilities Code.

Petitioner states that distance rates in Minimum Rate Tariff No. 14 are currently computed pursuant to the provisions of Distance Table No. 4 and that the Commission has developed a new and more realistic distance table by Decision No. 66288 dated November 5, 1963, in Case No. 7024.¹ Ordering paragraph 4 of said Decision No. 66288 states:

"Distance Table No. 5 shall be effective February 1, 1964, but shall not be applicable to any minimum rate tariff until so ordered in a minimum rate proceeding pertaining to that minimum rate tariff."

¹ Distance Table No. 5 was printed for service with, and by reference made a part of, Decision No. 66578 dated January 7, 1964, in Case No. 7024.

Petitioner avers that it filed this petition to effectuate such purpose and to provide a current and proper distance table for use in connection with Minimum Rate Tariff No. 14; similar filings will be made in connection with all other tariffs; and the simplicity of Minimum Rate Tariff No. 14 lends itself to the initial action.

Minimum Rate Tariff No. 14 provides minimum rates for the transportation of hay, fodder and straw in machine pressed bales. Petitioner alleges that the proposal herein has been made known to shippers and carriers of hay and their representatives, and petitioner is informed and believes that the revision as proposed is desired by, and will be in the best interest of, such parties. Petitioner further alleges that expedition of decision in this filing is necessary because of the seasonal characteristics of the transportation involved and the February 1, 1964, effective date of Distance Table No. 5.

Copies of the verified petition were mailed to various shipper associations, chambers of commerce and other interested parties on or about November 11, 1963. No objection to its being granted has been received. The California Farm Bureau Federation, California Hay, Grain and Feed Dealers Association, San Joaquin Valley Hay Growers Association and Edwin L. Kyte Co. have informed the Commission by letter that they are in agreement with the petition and urge that the matter be acted upon by ex parte action.

Upon consideration of the evidence in this proceeding, it appears, and the Commission finds, that (1) the constructive mileages set forth in Distance Table No. 5, when applied in conjunction with Minimum Rate Tariff No. 14, will result in just, reasonable and nondiscriminatory minimum rates for transportation governed by the tariff; (2) the provisions of Distance Table No. 5 are, and will be, reasonable provisions for the transportation of hay, fodder and straw, in machine pressed bales, by common carriers

as defined in the Public Utilities Act; and (3) rules, regulations and distances which are maintained by the common carriers for transportation involved herein within California are, and for the future will be, unreasonable, insufficient and not justified by the actual competitive rates of competing carriers or by the cost of other means of transportation insofar as they are lower in volume or effect than those set forth in Distance Table No. 5. A public hearing is not necessary. The petition will be granted. The effective date of the tariff revision will be the earliest practicable in consideration of necessary publication, service and compliance.

Good cause appearing,

IT IS ORDERED that:

1. Minimum Rate Tariff No. 14 (Appendix B of Decision No. 64580, as amended) is further amended by incorporating therein, to become effective February 22, 1964, Second Revised Page 4 attached hereto and by this reference made a part hereof.

2. The basis for constructively increasing highway mileages prescribed by the Commission in Decision No. 66578 dated January 7, 1964, in Case No. 7024, is hereby adopted, established and approved as the just, reasonable and nondiscriminatory basis for computing distances for use in applying distance rates in Minimum Rate Tariff No. 14.

3. The rates and charges set forth in Minimum Rate Tariff No. 14 determined under the provisions of Distance Table No. 5 and the rules and regulations governing such rates and charges are hereby established as the minimum reasonable and sufficient rates and charges to be published, assessed, charged, collected and observed by all common carriers as defined in the Public Utilities Act for the transportation of hay, fodder and straw,

in machine pressed bales, between the points for which rates are provided in the tariff.

4. Common carriers need not file with this Commission a distance table for the transportation of hay, fodder and straw in machine pressed bales, but may instead publish in their tariffs the following provision to be made applicable only to distance rates for the transportation of said commodities:

"Distances to be used in connection with distance rates named herein shall be determined in accordance with Distance Table No. 5 issued by the Public Utilities Commission of the State of California."

5. Tariff publications required 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 on not less than ten days' notice to the Commission and to the public and such tariff publications shall be made effective not later than February 22, 1964.

6. 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.

7. In all other respects said Decision No. 64580, 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 14th day of January, 1964.

Hallam La Bernard
President

Eric J. [unclear]

Everett W. [unclear]

George G. Hoover

Fredrick B. Hallock
Commissioners

Cancels

SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION	Item No.
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS NOT DEFINED IN INDIVIDUAL ITEMS</p> <p>(a) CARRIER means a radial highway common carrier or a highway contract carrier as defined in the Highway Carriers' Act.</p> <p>(b) CARRIER'S EQUIPMENT means any motor truck, motor tractor, trailer, semi-trailer, or any combination of such highway vehicles operated as a single unit.</p> <p>(c) COMMON CARRIER RATE means:</p> <ol style="list-style-type: none"> 1. 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; 2. any interstate or foreign rate or rates of any common carrier railroad or railroads applying between points in California by an interstate or foreign route, lawfully in effect at time of shipment; 3. 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)(5) or Section 203(b)(6) of Part II of the Interstate Commerce Act. <p>(d) CONSIGNEE means the person, firm or corporation shown on the shipping document as the party to whom the property is physically delivered by the carrier.</p> <p>(e) CONSIGNOR means the person, firm or corporation shown on the shipping document as the party who physically delivers the property to the carrier for transportation.</p> <p>(f) DEBTOR means the person obligated to pay the freight charges to the carrier, whether consignor, consignee, or other party.</p> <p>(g) DISTANCE TABLE means Distance Table No. 5.</p> <p>(h) POINT OF DESTINATION means the location at which property is delivered to the consignee or his agent. All points within a single storage yard or storage structure shall be considered as one point of destination.</p> <p>(i) POINT OF ORIGIN means the location at which property is delivered by the consignor or his agent to the carrier for transportation. All locations at a single field or roadside stack, or within a single storage yard or storage structure shall be considered as one point of origin.</p> <p>(j) RATE includes charge and, also, the ratings, minimum weight, rules and regulations governing, and the accessorial charges applying in connection therewith.</p>	<p style="text-align: right;">10</p>

(k) SAME TRANSPORTATION means transportation of the same kind and quantity of property between the same points, and subject to the same limitations, conditions and privileges, but not necessarily in an identical type of equipment.

(l) SHIPMENT means a quantity of property tendered by one consignor at one point of origin at one time for one consignee at one point of destination, for which a single shipping document has been issued.

(1) A shipment may be transported in two or more lots as provided in Item No. 120 (Multiple Lot Shipments).

(2) A shipment may be picked up from more than one point of origin as provided in Item No. 130 (Split Pickup) or delivered to more than one point of destination as provided in Item No. 140 (Split Delivery).

(m) SUBHAULER means any carrier hired by a principal carrier to perform transportation services which otherwise would be performed by the principal carrier.

(n) TEAM TRACK means a point at which property may be loaded into or unloaded from rail cars by the public generally.

Change, Decision No.

66625

EFFECTIVE FEBRUARY 22, 1964

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 9
