

**ORIGINAL**

66748

Decision No. \_\_\_\_\_

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 relat- )  
 ing 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. 310  
 (Filed August 9, 1963;  
 Amended October 23, 1963)

In the Matter of the Investigation )  
 into the rates, rules, regulations, )  
 charges, allowances and practices )  
 of all common carriers, highway )  
 carriers and city carriers relat- )  
 ing to the transportation of )  
 petroleum and petroleum products )  
 in bulk (commodities for which )  
 rates are provided in Minimum Rate )  
 Tariff No. 6). )

Case No. 5436  
 Petition for  
 Modification No. 59  
 (Filed October 23, 1963)

Arlo D. Poe, C. D. Gilbert and James X. Quintrall,  
 for California Trucking Association, petitioner.  
C. W. Johnson and Leo McCorkle, for Consolidated  
 Freightways, respondent.  
John Hellman, for Allied Chemical Corporation;  
Warren P. Marsden, for State of California,  
 Department of Public Works; A. A. Fabrizio, for  
 Stauffer Chemical Co.; and T. Protsman, Union  
 Carbide Corp., interested parties.  
H. E. Frank and George Morrison, for the Commission  
 staff.

O P I N I O N

In these proceedings, California Trucking Association seeks the amendment of Minimum Rate Tariff No. 2 (general commodities statewide) and Minimum Rate Tariff No. 6 (petroleum and related commodities in tank trucks) to include therein rules relating to computation of constructive mileages for the transportation of

dangerous articles across state-owned toll bridges.<sup>1</sup> Specifically, petitioner requests the establishment of rules which provide that when a shipment is required to move via a circuitous route because of restrictions imposed under the rules promulgated by the State of California, as owner of said toll bridges, or by the Department of Public Works, or because of other restrictions or conditions imposed by a governmental agency, distances shall be computed along the shortest legal route available to the carrier in accordance with constructive mileage maps in the governing distance table. Petitioner also proposes that the essential portions of the State toll bridge regulations be incorporated into the minimum rate tariffs.

Public hearing in these matters was held before Examiner Mallory on December 10, 1963, on which date the matters were submitted. No one opposed the granting of the petitions. Interested parties and the Commission staff assisted in the development of the record.

Evidence in support of the petitions was submitted by a member of petitioner's Research Division staff. The witness testified that pursuant to the provisions of Section 35782 of the Vehicle Code of the State of California, the State of California as owner of certain toll bridges has established regulations governing the transportation of dangerous articles over such toll bridges.<sup>2</sup> The

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1 The dangerous articles are explosives, flammable liquids and solids, oxidizing materials, corrosive liquids, compressed gases, poisons (including radioactive materials), and other articles described in Interstate Commerce Commission regulations governing the transportation of dangerous articles.

2 The toll bridges are San Francisco-Oakland Bay Bridge, Richmond-San Rafael Bridge, Benicia-Martinez Bridge, Dumbarton Bridge, San Mateo-Hayward Bridge, and Vincent Thomas Bridge. All are located in the San Francisco Bay Area, except Vincent Thomas Bridge, which is between San Pedro and Terminal Island.

regulations are not uniform; Class A and Class B explosives are prohibited on the San Francisco-Oakland Bay Bridge and the Richmond-San Rafael Bridge, and corrosive liquids in shipments of more than 10 gallons are prohibited on the San Francisco-Oakland Bay Bridge. On the other bridges, there is only a requirement that the carrier maintain public liability and property damage insurance in specified amounts. However, wherever insurance requirements are set up, a permit must first be secured from the State of California, Division of Highways, for the transportation of dangerous articles across the bridges, except that flammable liquids and flammable compressed gases may be transported across all bridges other than Richmond-San Rafael and San Francisco-Oakland without said permit.<sup>3</sup> The witness also presented an exhibit showing the constructive mileage via the shortest route of actual movement compared with the mileages set out in Distance Table No. 4 for typical movements between San Francisco and East Bay points of commodities which can not be transported across the State-owned toll bridges. As an example, the constructive mileage between Oakland and San Francisco in Distance Table No. 4 is 27.0 miles; via the shortest route other than via the San Francisco-Oakland Bay Bridge the constructive mileage is 61.5 miles, developed via San Leandro and the San Mateo-Hayward Bridge. This exhibit also shows that Antioch, Livermore and Stockton are the approximate limits at which actual-route constructive mileages to San Francisco would exceed the short-line constructive mileages set forth in Distance Table No. 4.

The witness testified that the proposal would apply to mixed shipments of dangerous articles with other articles. The

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<sup>3</sup> There are also provisions relaxing permit requirements for small shipments under certain specified conditions.

witness did not offer any justification with respect to the portion of petitioner's proposal which would relate to restrictions or conditions imposed by governmental agencies other than State-owned toll bridges. The witness conceded that all of the regulations proposed to be incorporated in the minimum rate tariffs were not necessary for application of the proposed tariff rule.

The Commission finds that:

1. The California Vehicle Code provides for the issuance of permits and for the establishment of restrictions for use of State-owned toll bridges; under such statutes the State of California as owner of said toll bridges has promulgated regulations restricting or prohibiting the transportation of dangerous articles across certain of said bridges.

2. With respect to transportation of dangerous articles so prohibited from transportation across said State-owned toll bridges, highway carriers in certain instances must travel greater distances than the short-line constructive mileage distances set out in the governing distance table.

3. With respect to the prohibited transportation described in Finding 2 above, highway carriers, when they are required to traverse additional mileages, incur added expenses which are not compensated for under minimum rates set forth in Minimum Rate Tariffs Nos. 2 and 6 based upon the short-line constructive mileages in the governing distance table.

4. With respect to said prohibited transportation, determination of minimum rates based upon constructive mileages via the shortest legal route of actual movement will result in just, reasonable and nondiscriminatory minimum rates to be assessed by carriers subject to the provisions of Minimum Rate Tariffs Nos. 2 and 6, and the increases in rates resulting from such tariff changes are justified.

5. It has not been shown that the requirements that insurance coverage be obtained or that a permit be obtained for transportation of dangerous articles across certain State-owned toll bridges is a restriction that prohibits the use of said bridges, or that requires carriers to transport shipments for greater distances than the short-line constructive mileage distances set forth in the current distance table.

Based upon the foregoing findings, we conclude that the petitions herein should be granted to the extent set forth in the minimum rate tariff pages established pursuant to the orders herein, and in other respects the petitions should be denied. In order to avoid duplication of tariff distribution in the establishment of the rules, Minimum Rate Tariff No. 6 will be amended by a separate order.

O R D E R

IT IS ORDERED that:

1. Minimum Rate Tariff No. 2 (Appendix D to Decision No. 31606, as amended) is further amended by incorporating therein to become effective March 14, 1964, Twenty-fourth Revised Page 11, Twentieth Revised Page 18 and Original Page 18-A, which revised pages are attached hereto and by this reference are made a part hereof.

2. 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 shall be made effective not later than March 14, 1964.

3. Common carriers, in establishing and maintaining the rates authorized hereinabove, 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 references 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.

5. In all other respects Petition for Modification No. 310 in Case No. 5432 and Petition for Modification No. 59 in Case No. 5436 are denied.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 4<sup>th</sup> day of FEBRUARY, 1964.

Stallman W. Brownell  
President

George H. Dever

Fredrick B. Hallock

Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION
10	<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Items Nos. 10 and 11)</p> <p>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>CARRIER means a radial highway common carrier, a highway contract carrier or a cement contract carrier as defined in the Highway Carriers' Act, or a household goods carrier as defined in the Household Goods Carriers Act.</p> <p>CARRIER'S EQUIPMENT means any motor truck or other self-propelled highway vehicle, trailer, semi-trailer, or any combination of such highway vehicles operated as a single unit.</p> <p>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; 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; 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>CONSIGNOR means the person, firm or corporation shown on the shipping document as the shipper of the property received by the carrier for transportation.</p> <p>*DANGEROUS ARTICLES means articles described in Motor Carriers' Explosives and Dangerous Articles Tariff 11, Cal.P.U.C. 6, of American Trucking Associations, Inc., Agent, and supplements thereto or reissues thereof.</p> <p>DISTANCE TABLE means Distance Table No. 4, amendments thereto or reissues thereof.</p> <p>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>ESTABLISHED DEPOT means a freight terminal owned or leased and maintained by a carrier for the receipt and delivery of shipments.</p> <p>EXCEPTION RATINGS TARIFF means Exception Ratings Tariff No. 1 issued by the Commission.</p> <p>GOVERNING CLASSIFICATION means National Motor Freight Classification A-7(Cal) as governed by National Motor Freight Classification A-7.</p> <p>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>

MULTIPLE LOT SHIPMENT means a shipment transported in accordance with the provisions of Items Nos. 85 or 86.

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).

PERMIT SHIPMENT means a shipment which because of its width, length, height, weight or size requires special authority from a governmental agency regulating the use of highways, roads or streets for the transportation of such shipment in whole or in part.

PICKUP AND DELIVERY CHARGE means the full charge applicable without the deduction authorized by Item No. 110.

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.

(Continued in Item No. 11)

6 Change )  
\* Addition ) Decision No. 66748

EFFECTIVE MARCH 14, 1964

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.  
Correction No. 1428



Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
<p>100</p>	<p style="text-align: center;">COMPUTATION OF DISTANCES</p> <p>Distances to be used in connection with distance rates named herein shall be the shortest resulting mileage via any public highway route, computed in accordance with the method provided in the Distance Table, subject to the following exceptions:</p> <p>1. Distances from or to points located within zones described in Items Nos. 260-1 through 260-10 shall be computed from or to the mileage basing points designated in connection with such descriptions. The provisions of this exception will not apply in computing mileages between points located within a single zone.</p> <p>2. Except as provided in paragraph 4, from points of origin or to points of destination more than 70 miles distant from both the San Francisco and the Oakland Pickup and Delivery Zones (computed in accordance with the method hereinabove provided), distances from points of origin or to points of destination located within the San Francisco Pickup and Delivery Zone or located within the Oakland Pickup and Delivery Zone shall be the average of the distances from or to the San Francisco Pickup and Delivery Zone and the Oakland Pickup and Delivery Zone (computed in accordance with the method hereinabove provided). In the event such average distance is less than the distance computed from or to an intermediate point via the shortest constructive route, such lesser mileage shall apply from or to such intermediate point. (See Note.)</p> <p>3. For transportation under rates resulting from ratings in Item No. 377.5 from points in groups described in Item No. 724, distances shall be computed as follows:</p> <p>(a) For transportation from a point of origin within a group to a point of destination outside of the same group, the applicable distance shall be the distance between the basing point of the group and the point of destination.</p> <p>(b) For transportation between points within the same group, the applicable distance shall be the distance between the basing point of the group and the point of destination, except that such distance shall not be less than the distance between the point of origin and the basing point. (See Exception)</p> <p>EXCEPTION: When the distance between point of origin and point of destination is less than the distance between point of origin and the basing point, the applicable distance shall be the distance between point of origin and point of destination.</p>

4. When a permit shipment or a shipment of dangerous articles is required to move via a circuitous route because of conditions imposed by a governmental agency, distances shall be computed along the shortest legal route available to the carrier in accordance with constructive mileage maps in the governing distance table.

NOTE - The provisions of this paragraph will not apply in connection with split pickup or split delivery shipments having one or more components in the Oakland pickup and delivery zone, and one or more components in the San Francisco pickup and delivery zone.

(1) Item No. 110 formerly shown on this page transferred to Original Page 18-A.

Change, Decision No. 66748

EFFECTIVE MARCH 14, 1964

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.  
Correction No. 1129

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
(1)110	<p style="text-align: center;">APPLICATION OF RATES-DEDUCTIONS</p> <p>(a) Rates provided in this tariff are for the transportation of shipments, as defined in Item No. 11(k), (l) and (m) from point of origin to point of destination, subject to Items Nos. 120, 140, 142 and 143.</p> <p>(b) Subject to Notes 1, 2, 3 and 4 hereof, when point of origin or point of destination is carrier's established depot, rates shall be 5 cents per 100 pounds (or 5 cents per shipment when shipment weighs less than 100 pounds) less than those specifically named herein. When both point of origin and point of destination are carrier's established depots, rates shall be 10 cents per 100 pounds (or 10 cents per shipment when shipment weighs less than 100 pounds) less than those named herein. In no case shall the net transportation rate be less than 15 cents per 100 pounds when applying the provisions of this paragraph.</p> <p>NOTE 1.-No deduction from rates specifically named herein shall be made under this rule from rates based upon a minimum weight of 10,000 pounds or more, nor from small shipment charges provided by Item No. 149, nor from minimum charges provided by Item No. 150.</p> <p>NOTE 2.-No deduction from rates specifically named herein shall be made under this rule on shipments transported for persons, companies or corporations upon whose premises depots from or to which transportation is performed are located.</p> <p>NOTE 3.-When the commodity upon which charges are to be computed is rated as a percentage or multiple of classes 1, 2, 3 or 4, deductions under this rule shall be made from the resulting rate.</p> <p>NOTE 4.-Deductions under this rule on split pickup or split delivery shipments shall be made only on the weight of the component parts having point of origin or point of destination, or both (as the case may be), at the carrier's established depots.</p>
	<p>(1) Item No. 110 formerly appeared on Nineteenth Revised Page 18, Decision No. 65748</p>
EFFECTIVE MARCH 14, 1964	
<p>Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 1430</p>	