

Decision No. 66788

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 relat-)
ing to the transportation of)
livestock and related items (com-)
modities for which rates are)
provided in Minimum Rate Tariff)
No. 3-A).)

Case No. 5433
Petition for Modification No. 19
(Filed January 21, 1964)

OPINION AND ORDER

By Petition for Modification No. 19 in Case No. 5433, California Trucking Association requests revision of Minimum Rate Tariff No. 3-A 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.

Minimum Rate Tariff No. 3-A provides minimum rates for the transportation of livestock. Petitioner alleges that the proposal herein has been made known to shippers and carriers of livestock, 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. Accordingly, petitioner alleges that this is a matter which properly may be handled by ex parte action.

Petitioner states that distance rates in Minimum Rate Tariff No. 3-A are currently computed pursuant to the provisions of Distance Table No. 4, and that the Commission has developed the new and more realistic Distance Table No. 5. 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. It has been served upon all respondent carriers and appearances. However, ordering paragraph 2 of the decision 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."

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. 3-A.

Copies of the verified petition were mailed to various shipper associations, chambers of commerce and other interested parties on or about January 20, 1964. No objection to its being granted has been received.

The Commission heretofore has ordered the new distance table to be applicable to Minimum Rate Tariff No. 14, which provides rates for the transportation of hay, fodder and straw in machine pressed bales, (Decision No. 66625 dated January 14, 1964, in Case No. 5432).

Upon consideration of the instant petition, 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. 3-A, will result in just, reasonable and nondiscriminatory minimum rates for transportation governed by the tariff; (2) the provisions of the distance table are, and will be,

reasonable provisions for the transportation of livestock, 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.

Good cause appearing,

IT IS ORDERED that:

1. Minimum Rate Tariff No. 3-A (Appendix A of Decision No. 55587, as amended) is further amended by incorporating therein, to become effective March 21, 1964, First Revised Page 6 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. 3-A.

3. The rates and charges set forth in Minimum Rate Tariff No. 3-A 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 livestock 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 livestock, 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 March 21, 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. 55587, as amended, shall remain in full force and effect.

SECTION NO. 1-RULES AND REGULATIONS (Continued)	Item No.
<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>	50
<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, except that component parts of split pickup or split delivery shipments, as defined in Item No. 11 may be combined under the provisions of Items Nos. 170 and 180.</p>	60
<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>	70
<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 Distance Table No. 5.</p>	80
<p style="text-align: center;">LOSS AND DAMAGE CLAIMS</p> <p>A carrier shall not remit payment on loss or damage claims unless such claims are presented to the carrier in accordance with the terms of the agreement for carriage (See Items Nos. 250 and 251, paragraph A, 6.)</p> <p>No payment shall be made by any carrier concerning any loss or damage unless such loss or damage was caused by the negligence of the carrier.</p> <p>Records of all loss and damage claims shall be maintained by the carrier for a period of not less than three years.</p>	90
<p style="text-align: center;">LOADING AND UNLOADING</p> <p>Rates include service of the driver only for loading into and unloading from carrier's equipment and the furnishing of bedding material incidental to the transportation of livestock.</p>	100
<p>Change, Decision No. 66788</p>	
<p>EFFECTIVE MARCH 21, 1964</p>	
<p style="text-align: center;">Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 41</p>	