

ORIGINAL

Decision No. 67116

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 DELTA LINES, INC., for permission to
 publish a minimum charge for trans-
 portation of Class A and Class B
 explosives.

Application No. 45943

Frank Loughran, for applicant.Chas. D. Gilbert, A. D. Poe and J. Quintrall,
for California Trucking Association, interested
party.Henry E. Frank, for the Commission staff.O P I N I O N

This application was heard and submitted February 27, 1964,
 before Examiner Thompson at San Francisco. Copies of the application
 and the notice of hearing were served in accordance with the
 Commission's procedural rules. There were no protests.

Applicant is a highway common carrier serving many points
 and places in California. It here seeks authority to establish in
 its tariff the following rule:

"LTL shipments of Class A and Class B Explosives as
 defined in Motor Carriers' Explosives and Dangerous
 Articles Tariff No. 11, MF-I.C.C. No. 12, Cal. P.U.C.
 No. 6, of American Trucking Associations, Inc., Agent,
 or successive issues thereof, shall be assessed charges
 based on applicable LTL ratings, subject, however, to
 minimum weight of 5,000 pounds per shipment."

The proposed rule would result in increases in charges for LTL shipments of Class A and Class B explosives weighing less than 5,000 pounds.

Explosives are classified as follows, commensurate with the degree of hazard:

- Class A - Those explosives of maximum hazard
- Class B - Less dangerous explosives, principal hazard being involvement in fire
- Class C - Relatively safe explosives.

Generally speaking, Class A and Class B explosives include high explosives, black powder, initiating or primary explosives ammunition for cannon, explosive projectiles, bombs, torpedoes, mines, grenades, jato units, detonating fuzes and primers for high explosives, and blasting caps in quantities over 1,000. Class C explosives include blasting caps in quantities of 1,000 or less, combination fuzes and primers, common fireworks, electric ignitors or squibs, small arms ammunition, signal flares, smoke candles, pots and signals, percussion or time fuzes, Very signal cartridges, and toys such as "caps".

Class C explosives are not involved herein.

Testimony and exhibits were presented by applicant's general traffic manager and by its methods engineer. California Trucking Association and the Commission staff participated but did not offer direct evidence.

During the period June 1, 1963 through December 31, 1963, applicant transported seven LTL shipments of Class A and Class B explosives which weighed less than 5,000 pounds. Exhibit 4 describes the shipments and shows that the cost to applicant of transporting them totaled \$423.98, the revenue actually received was \$15.35, the

revenue it would have received at current rates is \$21.45 and the revenue it would have received at the proposed rates is \$376.40. Every shipment weighed less than 80 pounds. Six of the seven shipments originated at or were destined to corporations engaged in experiments and research in air and space vehicle propulsion under contracts with agencies of the United States Government. The methods engineer testified that, from information he could secure, the shipments could be characterized as emergency or urgent shipments. He stated that ordinarily high explosives for commercial use are shipped in truck-load quantities.

There are a number of statutes and administrative rules providing regulations for the transportation of explosives. Regulations for the transportation of explosives and other dangerous articles on public highways by motor trucks established by the Interstate Commerce Commission and promulgated in M.C. 13 are applicable to transportation of explosives between California points.^{1/} Division 14 of the Vehicle Code prescribes regulations, including provisions for obtaining permits to transport explosives, which adopt the standards of equipment prescribed by the I.C.C.^{2/} The State Fire Marshall has power to designate the routes which are to be used for the transportation of explosives and to designate locations of required inspection stops, safe parking places and safe stopping places. The State Fire Marshall has exercised that power and a copy of his regulations which became effective November 20, 1963, was received in evidence as Exhibit 3.

1/ Statutes 1963 Chapter 2148 added Division 14.8 to the Vehicle Code in which Section 34505 provides that the safety regulations promulgated by the Public Utilities Commission shall remain effective until 1965. The regulations of the I.C.C. were adopted by the Public Utilities Commission in Section 9.01 of General Order No. 99.

2/ Section 31603 of the Vehicle Code.

As a result of the regulations for the transportation of explosives, LTL shipments of Class A and Class B explosives must be handled by Delta in a vehicle dedicated to the movement of single shipments, regardless of the weight of the shipment. Any other kind of handling is prohibited, from a practical standpoint, by the various regulations which have been promulgated.

The regulations prohibit the transfer of Class A or Class B explosives from one vehicle to another at Delta's terminals. Because of this, it is impossible for it to pick up LTL shipments of such explosives and concentrate them at its terminals for movement in line-haul vehicles. There are stringent regulations concerning the mixing of such explosives with other cargoes which, from a practical standpoint, prevent applicant from transferring explosives to line-haul vehicles at designated safe areas. There are regulations concerning the types of equipment that must be used in transporting explosives and also regulations calling for special safety devices and accessories to the equipment. Section 31611 of the Vehicle Code requires the owner of a vehicle used in the transportation of explosives to furnish the driver of the vehicle with the latest maps of safe routes, a list of safe stopping places, and a summary of the provisions of Division 14 of the Vehicle Code. The owner is required to ascertain that the driver is thoroughly familiar with the regulations before operating any vehicle in the transportation of explosives. The methods engineer testified that Delta believes that it is impossible to supervise the drivers properly or to police the movement of the vehicles unless a dedicated unit of equipment is used and the driver fully realizes that his cargo consists entirely of dangerous explosives. Because of the aforesaid requirement of the

Vehicle Code, and also because public safety is involved, shipments of Class A and Class B explosives, regardless of the size of the shipment, are picked up by Delta and transported to destination in dedicated units of equipment. Therefore, the cost to applicant of transporting an LTL shipment is approximately the same regardless of the size of the shipment.

We find that the rule proposed by applicant is reasonable for the transportation performed by it of LTL shipments of Class A and Class B explosives and that the increases in charges that will result from the establishment by applicant of the proposed rule are justified.

We conclude that the application should be granted.

O R D E R

IT IS ORDERED that:

1. Delta Lines, Inc., is authorized to establish the rule proposed in Application No. 45943. Tariff publications authorized to be made as a result of the order herein may be made effective not earlier than thirty days after the effective date hereof on not less than thirty days' notice to the Commission and to the public.

2. The authority herein granted shall expire unless exercised within ninety days after the effective date of this order.

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

Dated at San Francisco, California, this
17th day of APRIL, 1964.

Hallmark Bennett
 President
George E. Trover
Fredrick B. Holloft
 Commissioners