

ORIGINAL

Decision No. 67123

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 relating)
to the transportation of cement and)
related products (commodities for)
which rates are provided in)
Minimum Rate Tariff No. 10).)

Case No. 5440
Petition for Modification
No. 17
(Filed March 24, 1964)

OPINION AND ORDER

By Petition for Modification No. 17 in Case No. 5440, California Trucking Association requests revision of Minimum Rate Tariff No. 10 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. 10 provides rates for the transportation of cement (and related commodities shipped therewith) in truckload quantities. Distance rates in this tariff are governed by distances established in Distance Table No. 4. Petitioner's proposal herein is that the rates be governed instead by Distance Table No. 5. A proposed tariff exception would modify the distances from certain Southern California mills to the Metropolitan Zones in the Los Angeles area.

Petitioner states that Distance Table No. 5 is new and more realistic than Distance Table No. 4. Assertedly, many carriers which recently applied for cement carrier certificates are presently constructing tariffs to be effective July 1, 1964, and expedited action on the proposed distance table change will eliminate unnecessary complications, reduce the need for tariff filing

revisions, and simplify the transitions required by the recently revised statutory provisions governing cement transportation. Petitioner requests that an early decision be rendered on its requested change to Distance Table No. 5, and that the effective date of the tariff changes be July 1, 1964.

Petitioner states that the proposal herein has been made known to shippers and carriers of cement, and their representatives, and that petitioner is informed and believes that the requested change is generally desired by such parties and will be in their best interest. The indicated tariff exception, according to the petition, was jointly developed by Southern California cement interests as a solution to the complications of marketing practices and in recognition of the peculiar needs of the cement industry in that area. Petitioner alleges that this is a matter which properly may be handled by ex parte action.

Copies of the verified petition were mailed to various interested parties on or about March 23, 1964. No objection to its being granted has been received.

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. 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."

The Commission heretofore, by ex parte orders, has made Distance Table No. 5 applicable to Minimum Rate Tariff No. 3-A (livestock)¹ and to Minimum Rate Tariff No. 14 (hay and related commodities)². Upon consideration of the instant petition, it

¹ Decision No. 66788 dated February 11, 1964, in Case No. 5433.

² Decision No. 66625 dated January 14, 1964, in Case No. 5432.

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. 10, 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 cement (and related commodities shipped therewith) 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.³

IT IS ORDERED that:

1. Minimum Rate Tariff No. 10 (Appendix "A" of Decision No. 44633, as amended) is further amended by incorporating therein, to become effective July 1, 1964, Fourth Revised Page 2, Tenth Revised Page 5, Original Page 5-A and Original Page 5-B 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. 10 as hereinafter provided.

3. The rates and charges set forth in Minimum Rate Tariff No. 10 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,

³The tariff exception proposed by petitioner will be set forth in table form in the interest of clarity.

collected and observed by all common carriers as defined in the Public Utilities Act for the transportation of cement (and related commodities shipped therewith) 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 cement (and related commodities shipped therewith), 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. (See Exception)"

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 July 1, 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. 44633, 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 21st day of April, 1964.

William B. Bennett
President
W. E. H. H. H. H.
W. E. H. H. H. H.
George G. Trover
Fredrick B. Holst
Commissioners

ARRANGEMENT OF TARIFF

This is a loose-leaf tariff arranged as follows:

Section No. 1 - Rules and Regulations

Section No. 2 - Rates

Section No. 3 - Form of Shipping Document

TABLE OF CONTENTS	Item Number Except as Shown (Inclusive)
Correction Number Checking Sheet.....	Page 1
Form of Shipping Document	210
Rates	200, 220
Rules and Regulations:	
Accessorial Charges Not To Be Offset by	
Transportation Charges	195
Accessorial Services	100
Accessorial Services Not Included in Common	
Carrier Rates	170
Alternative Application of Common Carrier Rates...	150
Alternative Application of Combinations with	
Common Carrier Rates.....	160
Application of Rates	20
Application of Tariff - Carriers	30
Application of Tariff - Commodities	40
Application of Tariff - Territorial	70
Collect on Delivery (C.O.D.) Shipments	140-142
Computation of Charges - Weights	60
Computation of Distances	50
*Computation of Distances - Exception	*55-56
Definitions	10
Diverted Shipments	110
Issuance of Shipping Documents	180
Minimum Charge	90
Mixed Shipments	65
References to Items and other Tariffs.....	135
Returned Shipments	120
Shipments Transported in Multiple Lots.....	115
Split Delivery	130
Territorial Descriptions	80
Units of Measurement to be Observed	190

Change)
*Addition) Decision No. 67123

EFFECTIVE JULY 1, 1964

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

Correction No. 52

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
<p style="text-align: center;">APPLICATION OF RATES</p> <p>Rates provided in this tariff are for the transportation of shipments from point of origin to point of destination, and include the services of the driver only for loading into and unloading from carrier's motor vehicle (See Note).</p> <p>NOTE.-Rates do not apply to the transportation of property of the United States, or property transported under an agreement whereby the United States contracted for the carrier's services.</p>	20
<p style="text-align: center;">APPLICATION OF TARIFF-CARRIERS</p> <p>Rates provided in this tariff are minimum rates, established pursuant to the City Carriers' Act, and the Highway Carriers' Act. They apply for the transportation of property by carriers as defined in said City Carriers' Act, and radial highway common carriers, highway contract carriers and cement contract carriers, as defined in said Highway Carriers' Act.</p> <p>When property in continuous through movement is transported by two or more such carriers, the rates (including minimum charges) provided herein shall be the minimum rates for the combined transportation.</p> <p>Rates, rules and regulations named in this tariff shall not apply to transportation by independent-contractor subhaulers when such transportation is performed for other carriers. This exception shall not be construed to exempt from the tariff provisions carriers for whom the independent contractors are performing transportation service.</p>	30
<p style="text-align: center;">APPLICATION OF TARIFF-COMMODITIES</p> <p>Rates in this tariff apply for the transportation of Cement, hydraulic, masonry, natural or Portland, in bulk or in packages (subject to Item No. 65).</p> <p>Rates in this tariff apply also to the following commodities when shipped in mixed shipments with cement in packages and when the shipments originate in Northern Territory as defined in Item No. 80:</p> <p style="padding-left: 40px;">Lime, common, including magnesium lime, hydrated or hydraulic, quick or slaked, in packages; Cement flue dust, in packages; and/or Limestone, powdered, in packages.</p> <p>Except as otherwise provided in Item No. 220, rates in this tariff do not apply to shipments of empty pallets.</p>	40

COMPUTATION OF DISTANCES

Subject to the exception provided in Items Nos. 55 and 56, 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.

øø
50

(1) Item No. 60 formerly shown on this page transferred to Original Page 5-B.

ø Change)
ø Increase) Decision No. 67123
ø Reduction)

EFFECTIVE JULY 1, 1964

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 53

SECTION NO. 1 - RULES AND REGULATIONS (Continued)						Item No.
<p>COMPUTATION OF DISTANCES - EXCEPTION (Items Nos. 55 and 56)</p> <p>Between Cushenbury, Creal, Monolith, Oro Grande and Victorville on the one hand, and Metropolitan Zones 201 to 262, inclusive, on the other hand, the mileages shown in this item and in Item No. 56 shall apply to the exclusion of those provided in Distance Table No. 5. The mileages provided in Items Nos. 55 and 56 shall not apply at intermediate points nor be used in combination with any other constructive mileage.</p>						
Between And Metropolitan Zones	Cushenbury	Creal	Monolith	Oro Grande	Victorville	
201	143	102	108	112	107	
202	137	96	102	106	101	
203	133	92	98	102	97	
204	139	98	104	108	103	
205	143	102	108	112	107	
206	137	111	117	111	106	*55
207	126	122	128	100	95	
208	117	130	136	91	86	
209	109	138	144	83	78	
210	102	145	151	76	71	
211	97	141	148	71	66	
212	148	107	113	117	112	
213	142	101	107	111	106	
214	145	104	110	114	109	
215	143	108	114	117	112	
216	140	115	121	114	109	
217	136	111	117	110	105	
218	134	118	124	108	103	
219	125	126	132	99	94	
220	117	132	138	91	86	
221	113	135	141	87	82	
222	107	142	148	81	76	
223	159	124	130	133	128	
224	149	109	115	119	114	
225	153	118	124	127	122	
226	146	115	121	120	115	
227	140	118	124	114	109	
228	133	118	124	107	102	
229	130	120	126	104	99	
230	125	128	134	99	94	

231	147	117	123	121	116
232	153	125	131	127	122
233	145	123	129	119	111
234	139	126	132	113	108
235	135	130	136	109	104
236	127	128	134	101	96
237	126	135	141	100	95
238	115	139	145	89	84
239	108	146	152	82	77
240	156	132	138	130	125
241	147	131	137	121	116
242	139	135	141	113	108
243	133	135	141	107	102
244	129	138	144	103	98
245	118	144	150	92	87

(Continued in Item No. 56)

* Addition, Decision No. **67123**

EFFECTIVE JULY 1, 1964

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

Correction No. 54

SECTION NO. 1 - RULES AND REGULATIONS						Item No.
COMPUTATIONS OF DISTANCES - EXCEPTION (Concluded) (Items Nos. 55 and 56)						
Between And	Cushenbury	Creal	Monolith	Oro Grande	Victorville	
Metropolitan Zones						
246	124	145	151	98	93	
247	151	137	143	125	120	
248	143	140	146	117	112	
249	136	140	146	110	105	
250	158	145	151	132	127	
251	148	143	149	122	117	
252	145	145	151	119	114	
253	141	150	156	115	110	
254	133	149	155	107	102	
255	122	152	158	96	91	*56
256	130	156	162	104	99	
257	141	155	161	115	110	
258	136	161	167	110	105	
259	135	163	169	109	104	
260	132	160	166	106	101	
261	124	157	163	98	93	
262	119	150	156	93	88	

COMPUTATION OF CHARGES - WEIGHTS		
Charges shall be assessed on the gross weight of the shipment. No allowance shall be made for the weight of the containers. (See Exceptions)		
EXCEPTIONS-		
(1) On shipments packed in cloth or 3, 4, 5 or 6-ply paper bags or sacks the following applies:		
Commodity	When the Packed Net Weight Per Package Is:	Charges Will be Assessed on Gross Weight Per Package of:
Cement, hydraulic, natural or Portland	94 pounds	95 pounds
Cement, masonry or mortar	70 pounds	71 pounds
Cement flue dust	84 pounds	85 pounds
Cement, plastic, gun	96 pounds	97 pounds
Lime	50 pounds	50½ pounds
Lime	60 pounds	60½ pounds
Lime	100 pounds	101 pounds
Limestone, powdered	100 pounds	101 pounds

(1)
Δ60

(2) When palletized shipments are loaded or unloaded by power equipment (Power loading includes loading of pallets in place on motor vehicle from conveyor-type loading equipment when loading is done by shipper), the weight of the pallets (elevating truck pallets or platforms or lift truck skids) shall not be used in determining the weight of the shipment nor the charges thereon. When palletized shipments are loaded or unloaded by other than power equipment, the weight of the pallets (elevating truck pallets or platforms or lift truck skids) shall be used in determining the gross weight of the shipment and the charges thereon. This exception applies only in connection with the rates contained in this tariff and is not applicable to shipments of empty pallets. When rail rates are used under the provisions of Items Nos. 150 through 170 of this tariff, the weight of the pallets shall be included or excluded in accordance with the provisions of the governing rail tariff.

(1) Item No. 60 formerly appeared on Ninth Revised Page 5.

* Addition)
Δ Change, neither increase) Decision No. 67123
nor reduction)

EFFECTIVE JULY 1, 1964

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

Correction No. 55