

ORIGINAL

Decision No. 67566

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 motor vehicles and related items)
(commodities for which rates are pro-)
vided in Minimum Rate Tariff No. 12).)

Case No. 5604
Petition for Modification
No. 12
(Filed June 30, 1964)

OPINION AND ORDER

By Petition for Modification No. 12 in Case No. 5604, California Trucking Association requests revision of Minimum Rate Tariff No. 12 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. 12 provides rates for the transportation of motor vehicles and related items. 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.

Petitioner states that Distance Table No. 5 is now and more realistic than Distance Table No. 4. Petitioner further states that the proposal herein has been made known to shippers and carriers of motor vehicles and their representatives. It is asserted that the requested change is generally desired by such parties and will be in their best interest. Ex parte action is requested.

Copies of the verified petition were mailed to various interested parties on or about June 29, 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 has made Distance Table No. 5 applicable to Minimum Rate Tariff No. 2 (general commodities)¹; Minimum Rate Tariff No. 3-A (livestock)²; Minimum Rate Tariff No. 10 (cement and related commodities)³; Minimum Rate Tariff No. 11-A (uncrated new furniture)⁴; and Minimum Rate Tariff No. 14 (hay and related commodities)⁵. 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. 12, 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 motor vehicles and related items 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

¹Decision No. 67531 dated July 14, 1964, in Case No. 5432.

²Decision No. 66788 dated February 11, 1964, in Case No. 5433.

³Decision No. 67123 dated April 21, 1964, as amended by Decision No. 67404 dated June 16, 1964, in Case No. 5440.

⁴Decision No. 67364 dated June 10, 1964, in Case No. 5603.

⁵Decision No. 66625 dated January 14, 1964, in Case No. 5432.

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.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 12 (Appendix "A" of Decision No. 50218, as amended) is further amended by incorporating therein, to become effective August 29, 1964, Fourth Revised Page 4 and First Revised Page 7, 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. 12 as hereinafter provided.

3. The rates and charges set forth in Minimum Rate Tariff No. 12 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 motor vehicles and related items 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 motor vehicles and related items 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 August 29, 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. 50218, 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 July, 1964.

Fredrick B. Holoboff
President
John J. [Signature]
Charles A. [Signature]
George H. [Signature]
William A. [Signature]
Commissioners

SECTION NO. 1 - RULES AND REGULATIONS	Item No.
DEFINITION OF TECHNICAL TERMS (Items Nos. 10 and 15)	
<p>(a) CARRIER means a carrier as defined in the City Carriers' Act, or a radial highway common carrier or highway contract carrier, as defined in the Highway Carriers' Act.</p>	
<p>(b) CARRIER'S EQUIPMENT means any motor truck, tractor, or other self-propelled highway vehicle, used for the transportation of property over the public highways and any other vehicle drawn thereby.</p>	
<p>(c) COMMISSION means the Public Utilities Commission of the State of California.</p>	
<p>(d) 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 for transportation by land; 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) (8) of Part II of the Interstate Commerce Act.</p>	610
<p>(e) DISTANCE TABLE means Distance Table No. 5.</p>	
<p>(f) ESTABLISHED DEPOT means a freight terminal owned or leased and maintained by a carrier for the receipt and delivery of shipments.</p>	
<p>(g) 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>	
<p>(h) MOTOR VEHICLE means any self-propelled vehicle designed for the transportation of persons or property or persons and property (other than upon fixed rails or tracks), whether or not in operating condition, including any such vehicle without one or more parts which may have been damaged, removed, broken off or torn away; also any auto show motor vehicle with one or more integral parts useful for exhibit purposes only.</p>	
<p>(i) 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.</p>	

(j) 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.

(k) RAILHEAD means a railroad or industrial facility from or to which common carrier railroad rates apply for the transportation of motor vehicles.

(l) RATE includes charge and, also, the rules and regulations governing and the accessorial charges applying in connection therewith.

(m) 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.

(Continued in Item No. 15)

Change, Decision No. 67566

EFFECTIVE AUGUST 29, 1964

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

Correction No. 34

First Revised Page 7
 Cancels
 Original Page 7

MINIMUM RATE TARIFF NO. 12

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 commodities described in paragraph (a) of Item No. 50 from point of origin to point of destination, and include the following:</p> <ol style="list-style-type: none"> 1. Loading into and unloading from carrier's equipment, except as provided in Item No. 150. 2. Gross receipts taxes to be paid to the State of California. 3. Bridge and ferry tolls. 	60
<p style="text-align: center;">SHIPMENTS TRANSPORTED BY TWO OR MORE CARRIERS</p> <p>When property in continuous through movement is transported consecutively by two or more carriers, the rates provided herein from point of origin to point of destination shall be the minimum rates for the combined transportation.</p>	70
<p style="text-align: center;">COMPUTATION OF DISTANCES</p> <p>Distances to be used in connection with rates provided herein shall be the shortest resulting mileage via any public highway route, computed in accordance with the method provided in the Distance Table.</p> <p style="text-align: center;">**</p>	80
<p>Change) ** Note 1 eliminated) Decision No. 67566</p>	
<p>EFFECTIVE AUGUST 29, 1964</p>	
<p>Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 35</p>	