

ORIGINAL

Decision No. 67620

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 (com-) modities for which rates are provided) in Minimum Rate Tariff No. 10).)

Case No. 5440
(Petitions for Modification
Nos. 20 and 21)
(Filed June 30, 1964 and
July 1, 1964)

And Related Matters.)

Cases Nos. 5432, 5435,
5439 and 5441.

OPINION AND ORDER

Minimum Rate Tariff No. 10 names rates, rules and regulations for the transportation of cement by highway and city carriers within the State of California. By Petitions for Modification Nos. 20 and 21 in Case No. 5440, California Trucking Association seeks to amend the minimum charge provisions of Item No. 90 and the mixed shipment provisions of Item No. 65, respectively, of the above tariff. Petitioner asks that the proposed tariff changes be expedited to meet the October 1, 1964, deadline established for common carrier filings and that all common carriers be directed to establish in their respective tariffs such modifications as may be prescribed by the Commission's order in these proceedings, including relief from the long- and short-haul provisions of Section 460 of the Public Utilities Code.

Petitioner alleges that since 1954 the conditions surrounding the movement of cement in this State have been materially changed particularly in connection with improvements in equipment technology which permit substantially higher average loadings.

It is further alleged that petitioner's studies on the carrying capacities of cement equipment indicate that virtually all

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of the motor vehicle units operated by for-hire carriers currently have a carrying capacity in excess of 47,500 pounds and that it is the practice of the cement mills to load equipment to full capacity. Accordingly, petitioner proposes that the minimum charge per shipment shall be the charge at the applicable rate for 47,500 pounds in lieu of 40,000 pounds as at present.

Petitioner avers that, since the last revision of the rule governing the rating of mixed shipments in 1960, the needs of the carriers and shippers have changed. Current practices occasionally dictate the transportation of a few sacks of cement together with a full load of bulk cement in order to meet special job site requirements. Similarly, the use of separate trailing units to transport sacked and bulk cement in a single shipment has become increasingly necessary and a basis for recouping the added cost of such service should be contained in the tariff to reflect current circumstances. It is further averred that petitioner's proposed amendment of the mixed shipment provisions recognizes the aforementioned needs of the carriers and shippers.

Petitioner states that the proposed filings have been made known to shippers and carriers of cement, and their representatives. It is asserted that the requested changes are generally desired by such parties and will be in their best interests. Ex parte action is requested.

Copies of verified Petitions Nos. 20 and 21 were mailed to known interested parties on or about June 29 and 30, 1964, respectively. No objection to their being granted has been received.

In the circumstances, it appears, and the Commission finds, that petitioner's proposals are reasonable and that the resulting minimum rates and charges will be just, reasonable and nondiscriminatory minimum rates and charges for the transportation involved

herein. A public hearing is not necessary. The petitions will be granted. Minimum Rate Tariff No. 10 will be amended accordingly by the order herein. In order to avoid duplication of tariff distribution, the other minimum rate tariffs will be amended by separate orders.

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 October 1, 1964, Fifth Revised Page 6 and Second Revised Page 6-A attached hereto and by this reference 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 such tariff publications shall be made effective not later than October 1, 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 reference to the prior orders authorizing long- and short-haul departures and to this order.

4. In all other respects Decision No. 44633, as amended, shall remain in full force and effect.

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This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 28th day of July, 1964.

Fredrick B. Holluff
President
John J. ...
Ernest ...
George L. Trover
William ...
Commissioners

SECTION NO. 1 - RULES AND REGULATIONS(Continued)	Item No.
<p style="text-align: center;">MIXED SHIPMENTS</p> <p>ø(a) When commodities covered by this tariff, in bulk and in packages, are included in a single shipment separate weights shall be obtained for the bulk and the sacked commodities, subject to Item No. 60. Charges will be computed at the separate rates applicable to each such commodity in straight shipments of the combined weight of the mixed shipment. The minimum weight for such mixed shipment shall be ø47,500 pounds for each unit of carrier's equipment. The charge for any deficiency between actual weight of the shipment and the minimum weight provided herein shall be computed at the rate applicable to the lowest rated commodity in the shipment.</p> <p>* (b) Except as provided in Paragraph (c) carriers will transport not to exceed five (5) sacks of cement on bulk equipment. Charges for such sacked cement shall be at the applicable rate or charge for such sacked cement, based on total weight of the mixed shipment.</p> <p>* (c) Except as provided in Paragraph (b) shipments containing a mixture of sacked cement and bulk cement, (part of which is transported in or on flat bed or van equipment, with the other part transported in bulk equipment operating as a single unit of carrier's equipment) shall be subject to an added charge in the amount of \$10.00 per load (unit of carrier's equipment), in addition to the rates otherwise applicable under other provisions of this tariff.</p>	ø65
<p style="text-align: center;">APPLICATION OF TARIFF - TERRITORIAL</p> <p>Rates in this tariff apply for the transportation of commodities named in Item No. 40 between all points within the State of California.</p>	70
<p style="text-align: center;">TERRITORIAL DESCRIPTIONS</p> <p>NORTHERN TERRITORY includes all points north of the following boundary line: Beginning at a point on the shore line of the Pacific Ocean due south of Gaviota, thence north-easterly along an imaginary straight line to the junction point of Santa Barbara, Ventura and Kern County boundaries, northerly and westerly along the westerly boundary of Kern County to the junction point of Kern, San Luis Obispo and Kings Counties, thence easterly along the northerly boundary lines of Kern and San Bernardino Counties to the California-Nevada boundary line.</p> <p>SOUTHERN TERRITORY includes all points south of the southern boundary line of northern territory.</p>	80

MINIMUM CHARGE

∅ The minimum charge per shipment shall be the charge for ∅47,500 pounds at the applicable rate.

∅90

(1) Items Nos. 100 and 110 formerly shown on this page transferred to Second Revised Page 6-A.

∅ Change)
* Addition) Decision No. 67620
∅ Increase)

EFFECTIVE OCTOBER 1, 1964

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 61

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.												
<p style="text-align: center;">ACCESSORIAL SERVICES</p> <p>When carrier performs any accessorial or incidental service which is not authorized to be performed under rates named in this tariff, and for which a charge is not otherwise provided, additional charges shall be assessed as follows:</p> <p style="text-align: center;">Charges in Cents</p> <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th style="text-align: center;">For First 30 Minutes or Fraction Thereof</th> <th style="text-align: center;">For Each Additional 15 Minutes or Fraction Thereof</th> <th></th> </tr> </thead> <tbody> <tr> <td>(a) For Driver, Helper, or Other Employee per Man....</td> <td style="text-align: center;">147</td> <td style="text-align: center;">74</td> <td style="text-align: right;">Δ(1) 100</td> </tr> <tr> <td>(b) For Unit of Equipment</td> <td style="text-align: center;">63</td> <td style="text-align: center;">32</td> <td></td> </tr> </tbody> </table> <p>The charge for unit of equipment shall apply whenever the accessorial or incidental service requires its use, or whenever the unit of equipment is inactivated by reason of its driver or helper being engaged in such service.</p>		For First 30 Minutes or Fraction Thereof	For Each Additional 15 Minutes or Fraction Thereof		(a) For Driver, Helper, or Other Employee per Man....	147	74	Δ(1) 100	(b) For Unit of Equipment	63	32		
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(a) For Driver, Helper, or Other Employee per Man....	147	74	Δ(1) 100										
(b) For Unit of Equipment	63	32											
<p style="text-align: center;">DIVERTED SHIPMENTS</p> <p>Charges upon shipments diverted at request of consignor or consignee shall be assessed upon the basis of the charge established for the constructive mileage applicable via the point or points where diversion occurs, subject to Item No. 100.</p>	<p>Δ(1) 110</p>												
<p style="text-align: center;">SHIPMENTS TRANSPORTED IN MULTIPLE LOTS</p> <p>(a) When a carrier is unable to pick up an entire shipment at one time, or when more than one vehicle, or connected train of vehicles, are used to pick up the entire shipment, the following provisions shall apply in addition to other applicable rules and regulations:</p> <ol style="list-style-type: none"> 1. The entire shipment shall be available to the carrier for immediate transportation at the time of the first pickup. 2. A single shipping document for the entire shipment tendered shall be issued prior to or at the time of the first pickup. 3. An additional shipping document shall be issued for each pickup and shall give reference to the single shipping document and shall be attached thereto and become a part thereof. 													

4. The entire shipment shall be picked up by the carrier within a period of two calendar days computed from 12:01 a.m. of the date on which the first pickup commences, excluding Saturdays, Sundays and legal holidays.

5. The separate pickups made in accordance with the foregoing provisions shall constitute a composite shipment which shall be subject to the rates named or provided for in this tariff.

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(b) Any property separately picked up without complying with the foregoing provisions shall constitute a separate shipment and shall be subject to the rates, rules and regulations applicable thereto.

(1) Items Nos. 100 and 110 formerly appeared on Fourth Revised Page 6.

Δ Change, neither
increase nor reduction) Decision No. 67620

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San Francisco, California.

Correction No. 62