

ORIGINAL

Decision No. 67902

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)	Case No. 5436
carriers, highway carriers and city)	(Petition for Modification
carriers relating to the transportation)	No. 64)
of petroleum and petroleum products in)	(Filed August 24, 1964)
bulk (commodities for which rates are)	
provided in Minimum Rate Tariff No. 6-A).)	

OPINION AND ORDER

By Petition for Modification No. 64 in Case No. 5436, California Trucking Association requests revision of Minimum Rate Tariff No. 6-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. 6-A provides rates for the transportation of petroleum and petroleum products in bulk in tank vehicles. 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 new and more realistic than Distance Table No. 4. Petitioner further states that the proposal herein has been made known to shippers and carriers of petroleum and petroleum products 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 August 21, 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; Minimum Rate Tariff No. 12 (motor vehicles and related items)⁵; and Minimum Rate Tariff No. 14 (hay and related commodities)⁶. 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. 6-A, will result in just, reasonable and nondiscriminatory minimum rates for transportation governed by the tariff;

¹ Decision No. 67531 dated July 14, 1964, as amended by Decision No. 67703 dated August 11, 1964, in Case No. 5432.

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

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

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

⁵ Decision No. 67566 dated July 21, 1964, in Case No. 5604.

⁶ Decision No. 66625 dated January 14, 1964, in Case No. 5432.

(2) the provisions of Distance Table No. 5 are, and will be, reasonable provisions for the transportation of petroleum and petroleum products in bulk in tank vehicles 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.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 6-A (Appendix A of Decision No. 67154) is hereby amended by incorporating therein, to become effective November 1, 1964, First Revised Page 6 and First Revised Page 24 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. 66573 dated January 7, 1964, in Case No. 7024, is hereby adopted, established and authorized as the just, reasonable and nondiscriminatory basis for computing distances for use in applying distance rates in Minimum Rate Tariff No. 6-A as hereinafter provided. ✓

3. The rates and charges set forth in Minimum Rate Tariff No. 6-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 petroleum and petroleum products in bulk in tank vehicles between the points for which rates are provided in the tariff. ✓

4. Common carriers are hereby authorized to adopt Distance Table No. 5 as the basis for computing distances for use in applying distance rates in their common carrier tariffs for the transportation of:

- (1) commodities for which minimum rates have not been established, or
- (2) commodities which are subject to higher rates than, or more restrictive provisions than, the minimum rates or provisions otherwise applicable.

5. Common carriers need not file with this Commission a distance table for the transportation of petroleum and petroleum products in bulk in tank vehicles 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."

6. 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 November 1, 1964; and the tariff publications which are authorized but not 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, and may be made effective on not less than ten days' notice to the Commission and to the public if filed not later than sixty days after the effective date of the minimum rate tariff pages incorporated in this order.

7. 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.

8. In all other respects said Decision No. 6715+ shall remain in full force and effect.

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

Dated at San Francisco, California, this 27th day of September, 1964.

Fredrick A. Holbeck
President
W. C. Mitchell
Wendell R. Kege
George L. Brown
William M. Bennett
Commissioners

SECTION NO. 1 - RULES AND REGULATIONS	Item No.
<p data-bbox="628 434 1089 502" style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Items Nos. 10 and 11)</p> <p data-bbox="249 529 1277 626">CARRIER means a petroleum contract carrier as defined in the Highway Carriers' Act, or a carrier as defined in the City Carriers' Act.</p> <p data-bbox="249 660 1277 765">CARRIER'S EQUIPMENT means any tank motor truck, tank trailer or tank semitrailer, or any combination of such highway vehicles operated by the carrier.</p> <p data-bbox="249 792 1339 1200">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; 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 III of the Interstate Commerce Act.</p> <p data-bbox="249 1226 1277 1305">DEBTOR means the person obligated to pay the freight charges to the carrier, whether consignor, consignee or other party.</p> <p data-bbox="309 1331 987 1371">DISTANCE TABLE means Distance Table No. 5.</p> <p data-bbox="249 1397 1304 1476">ESTABLISHED DEPOT means a freight terminal owned or leased and maintained by a carrier for the receipt and delivery of shipments.</p> <p data-bbox="249 1502 1321 1660">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 data-bbox="249 1687 1304 1805">LOADING TIME means that time which commences when carrier's equipment is placed in position to load and which terminates when carrier's equipment is released for departure from point of origin.</p> <p data-bbox="249 1831 1304 2200">MOBILE ROAD MIXER means contractor's or road making equipment that is equipped and being used in mobile service for the picking up of raw materials along a road or a proposed road, mixing them with petroleum products as described herein and dumped behind said moving road mixer. The equipment of carrier is attached to the mobile unit and proceeds with said unit in its road mixing service. The moving road mixer may either pump over the load or the carrier's equipment may pump over the load as the case may be. When carrier's equipment pumps the load, pumping charges as provided in paragraph (2)(b) of Item No. 170 apply in addition to the rates as otherwise provided herein.</p>	<p data-bbox="1402 1344 1448 1384" style="text-align: center;">10</p>

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.

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.

(Continued in Item No. 11)

Change, Decision No. **67902**

EFFECTIVE NOVEMBER 1, 1964

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

Correction No. 1

Added Page

C. 5436 (Pet. 64)*

First Revised Page . 24

Cancels

Original Page 24

MINIMUM RATE TARIFF NO. 6-A

SECTION NO. 2 - DESCRIPTIONS OF TERRITORIAL GROUPS AND CRUDE OIL GROUPS	Item No.
<p style="text-align: center;">GROUP NO. 2 - MILEAGE BASING POINT - PINOLE</p> <p>Beginning at the point where the Contra Costa-Alameda County boundary line meets San Francisco Bay, easterly along said boundary line to Eastshore Freeway (U.S. Highway 40 - Interstate Highway 80), northerly and easterly on Eastshore Freeway and U.S. Highway 40 - Interstate Highway 80 to State Highway No. 4, easterly on State Highway No. 4 to Solano Way, northwesterly on Solano Way and its prolongation to Suisun Bay, westerly, northerly, southerly and easterly along the shore lines of Suisun Bay, Carquinez Strait, San Pablo Bay and San Francisco Bay to point of beginning.</p> <p style="text-align: center;">GROUP NO. 4 - MILEAGE BASING POINT - BAKERSFIELD</p> <p>Beginning at the intersection of Brimhall Road and Calloway Road, northerly on Calloway Road to the prolongation of Olive Drive, easterly along the prolongation of Olive Drive and Olive Drive to Airport Drive, northerly on Airport Drive to Norris Road, easterly on Norris Road to Manor Street, northerly on Manor Street to China Grade Loop, easterly on China Grade Loop to the northerly prolongation of River Boulevard (southwest corner of Section 4, T.24S., R.28E.), northerly along the prolongation of River Boulevard to the easterly prolongation of Seventh Standard Road (northwest corner of Section 4, T.29S., R.28E.), easterly along the prolongation of Seventh Standard Road to the northerly prolongation of Mount Vernon Avenue (northeast corner of Section 4, T.29S., R.28E.), southerly along the prolongation of Mount Vernon Avenue and China Grade Loop to the Kern River, southwesterly along the Kern River to its intersection with the prolongation of Oak Street, southerly along the prolongation of Oak Street and Oak Street to the right-of-way of The Atchison, Topeka and Santa Fe Railway Company, westerly along The Atchison, Topeka and Santa Fe Railway Company right-of-way to the Kern River, southwesterly along the Kern River to its intersection with the prolongation of California Avenue-Brimhall Road (south boundary line of Section 27, T.29S., R.27E.), westerly along the prolongation of Brimhall Road and Brimhall Road to the point of beginning.</p> <p style="text-align: center;">△GROUP NO. 6 - MILEAGE BASING POINT - TORRANCE *(MZ-247)</p> <p>Beginning at the prolongation of Manchester Avenue and the Pacific Ocean, easterly along the prolongation of Manchester Avenue and Manchester Avenue to the San Diego Freeway (Interstate Highway 405), southerly on the San Diego Freeway to Imperial Highway, easterly on Imperial Highway to Valley View Avenue, southerly on Valley View Avenue to Artesia Boulevard, westerly on Artesia Boulevard and Artesia Avenue to Lakewood Boulevard, southerly on Lakewood Boulevard, Pacific Coast Highway, Xeneno Street and its prolongation to the Pacific Ocean, westerly and northerly along the shore line of the Pacific Ocean to the point of beginning.</p>	<p>Δ300</p>

Added Page

C. 5436 (Pet. 64)*

Δ Change, neither increase)
nor reduction)
* Addition)

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Correction No. 2