

ORIGINAL

Decision No. 68048

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 petroleum)
and petroleum products (commodities)
for which rates are provided in)
Minimum Rate Tariff No. 6-A).)

Case No. 5436
(Petition for Modification
No. 63)
(Filed August 14, 1964)

OPINION AND ORDER

Minimum Rate Tariff No. 6-A names minimum rates, rules and regulations for the transportation of petroleum and petroleum products in bulk in tank vehicles by petroleum contract carriers and city carriers between points in the State of California. By this petition, California Trucking Association seeks revisions in the vehicle unit volume tender rate provisions of that tariff to exclude the time that equipment is undergoing repairs from the time on which charges are assessed, and to clarify a provision relating to additional charges for miles in excess of basic mileage allowances. Petitioner requests that all common carriers be authorized to establish in their respective tariffs on the shortest possible notice 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.

Petitioner alleges that since Minimum Rate Tariff No. 6-A was issued on June 1, 1964, experience of shippers and carriers of petroleum products has indicated the need for the proposed revisions to clarify tariff language and to meet unanticipated circumstances,

and that such revisions have been the subject of consideration by affected carriers and shippers. Petitioner asserts that the proposed changes will result in some reductions, will ensure the continuing movement of volume tender traffic to for-hire motor carriers, and will provide just, reasonable and nondiscriminatory rates not otherwise provided by existing tariff provisions.

Copies of the verified petition were mailed to various petroleum shippers and carrier representatives on or about August 12, 1964. No objection to the granting of the petition 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. 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, as amended) is hereby further amended by incorporating therein, to become effective December 1, 1964, First Revised Page 38 and First Revised Page 39, which pages are attached hereto and by this reference made a part hereof.

2. Tariff publications authorized 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.

3. Common carriers, in establishing and maintaining the rates and charges 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 rates and charges 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 said Decision No. 67154, 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 13th day of October, 1964.

Frederick P. Halobloff
President
George G. Grover
Ernest A. Ray
William B. Dennis
Commissioners

Commissioner George G. Grover, being necessarily absent, did not participate in the disposition of this proceeding.

SECTION NO. 4 - VEHICLE UNIT RATES (Continued)	Item No.																										
<p style="text-align: center;">VEHICLE UNIT VOLUME TENDER RATES (Monthly Only)</p> <p>The rates in this item will apply for the transportation of all commodities as described in Item No. 30 (except Asphalt and Road Oil) between any points located within 200 miles of first point of origin when performed subject to and in accordance with the provisions of Item No. 520.</p> <p>The provisions of this item apply only when prior to the transportation of the property the shipper has requested in writing that the transportation be performed under the provisions of this item and when the rate per unit of carrier's equipment is prepaid. (For form of agreement, see Item No. 530.)</p> <p style="text-align: center;">RATES (Vehicle Unit Rates)</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 60%;"></td> <td style="text-align: right; vertical-align: bottom;">Per 30 Consecutive Days</td> <td style="width: 20%;"></td> <td style="width: 20%;"></td> </tr> <tr> <td>The basic charge per equipment unit shall be -----</td> <td style="text-align: right;">(1) \$550.00</td> <td></td> <td rowspan="2" style="vertical-align: middle; text-align: center;">6510</td> </tr> <tr> <td style="text-align: center;">PLUS</td> <td style="text-align: right;">(2) \$715.00</td> <td></td> </tr> <tr> <td colspan="4"> <p>an additional charge of \$4.75 per hour (see Note 1) or \$.20 per mile, whichever produces the higher total charge, for all time that a driver or drivers are assigned to operate the vehicle;</p> <p style="text-align: center;">PLUS</p> <p>an additional charge per mile per unit per tender as follows: (See Note 2.)</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 15%;">First</td> <td style="width: 45%;">5,000 Miles -----</td> <td style="width: 15%; text-align: right;">\$</td> <td style="width: 25%; text-align: right;">.20</td> </tr> <tr> <td>Next</td> <td>5,000 Miles -----</td> <td></td> <td style="text-align: right;">.15</td> </tr> <tr> <td>Over</td> <td>10,000 Miles -----</td> <td></td> <td style="text-align: right;">.10</td> </tr> </table> <p>(1) Applies to all commodities except those moving in pressurized equipment.</p> <p>(2) Applies only to commodities moving in pressurized equipment.</p> <p>NOTE 1.-Subject to a minimum charge based on 20 hours for each day that a driver or drivers are assigned to operate the vehicle.</p> <p>NOTE 2.-When the total loaded miles exceed the total empty miles of the tender, an additional charge of \$.05 per mile will be made for each excess loaded mile traveled by the unit.</p> </td> </tr> </table>		Per 30 Consecutive Days			The basic charge per equipment unit shall be -----	(1) \$550.00		6510	PLUS	(2) \$715.00		<p>an additional charge of \$4.75 per hour (see Note 1) or \$.20 per mile, whichever produces the higher total charge, for all time that a driver or drivers are assigned to operate the vehicle;</p> <p style="text-align: center;">PLUS</p> <p>an additional charge per mile per unit per tender as follows: (See Note 2.)</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 15%;">First</td> <td style="width: 45%;">5,000 Miles -----</td> <td style="width: 15%; text-align: right;">\$</td> <td style="width: 25%; text-align: right;">.20</td> </tr> <tr> <td>Next</td> <td>5,000 Miles -----</td> <td></td> <td style="text-align: right;">.15</td> </tr> <tr> <td>Over</td> <td>10,000 Miles -----</td> <td></td> <td style="text-align: right;">.10</td> </tr> </table> <p>(1) Applies to all commodities except those moving in pressurized equipment.</p> <p>(2) Applies only to commodities moving in pressurized equipment.</p> <p>NOTE 1.-Subject to a minimum charge based on 20 hours for each day that a driver or drivers are assigned to operate the vehicle.</p> <p>NOTE 2.-When the total loaded miles exceed the total empty miles of the tender, an additional charge of \$.05 per mile will be made for each excess loaded mile traveled by the unit.</p>				First	5,000 Miles -----	\$.20	Next	5,000 Miles -----		.15	Over	10,000 Miles -----		.10
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Change, Decision No. 68048

EFFECTIVE DECEMBER-1, 1964

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 5

SECTION NO. 4 - VEHICLE UNIT RATES (Continued)	Item No.
VOLUME TENDER QUALIFICATIONS (Applies only in connection with items making reference hereto.)	
<p>1. Each engagement shall commence at time of arrival of carrier's equipment at point of origin and shall terminate at the expiration of the calendar period requested in advance by the shipper or when released by the shipper within the requested calendar period, provided that the engagement shall not be deemed to be terminated until carrier's equipment is returned or charges are paid for return of carrier's equipment to the point of origin of the shipment.</p>	
<p>2. Charges for time used in excess of the calendar period requested shall be computed as follows: (1) At the rate of \$1.45 for each quarter-hour or fraction thereof plus 21 cents per mile until delivery of the product is completed; (2) At the rate of 39 cents per mile for return of equipment from the point of final delivery to the point of origin of the shipment. Said charge based on actual mileage shall apply whether or not carrier's equipment is physically returned to point of origin of the shipment.</p>	
<p>3. (a) Each unit of equipment shall be made available to the shipper for the full calendar period requested less only that time necessary for the fueling and servicing of the equipment. *(b) In the event equipment is not available to shipper because it is undergoing repairs, waiting for repairs, traveling for repairs, or waiting for replacement of equipment requiring repairs, time that equipment is not available to shipper and which is ascribable to the foregoing reasons shall be used to extend the calendar period requested by shipper.</p>	
<p>4. As used in this item "unit of carrier's equipment" means any power unit, tank trailer or tank semitrailer, or any combination of such highway vehicles operated together as a single unit. It also includes any of such vehicles used in the replacement of the unit of carrier's equipment, or a portion thereof, which has become inoperable while engaged in transportation under this item.</p>	
<p>5. Mileages applicable in connection with this item shall be actual mileages. Actual mileage shall not include mileage that equipment operates to and from carrier's terminal for any purpose.</p>	
<p>6. When transportation is performed under the provisions of this item, the following rules will not apply:</p>	
<ul style="list-style-type: none">Item No. 70 - Allowance for Delivery After HoursItem No. 110 - Application of Rates on Two Separate Shipments Transported in One Unit of Carrier's EquipmentItem No. 160 - Demurrage or Detention ChargesItem No. 170, paragraph 2(b) - Pumping ChargeItem No. 190 - Minimum ChargeItem No. 210 - Issuance of Shipping DocumentsItem No. 220 - Shipments Diverted, Returned or Stopped in Transit for Partial Loading or UnloadingItem No. 230 - Split DeliveryItems Nos. 300 and 330 through 350 - Descriptions of Territorial Groups	

6520

7. All required tolls, ferry, special permits and weighmaster fees shall be in addition to the above-named rates and charges.

8. A shipping document shall be issued by the carrier to the shipper for each engagement for transportation. The form of shipping document in Item No. 610 will be suitable and proper. A copy of each shipping document shall be retained and preserved by the issuing carrier for a period of not less than three years from the date of issuance.

9. The charge for collecting and remitting amounts collected on C.O.D. shipments transported under the provisions of this item shall be \$2.60 per collection.

10. When pumping service is performed by the carrier, a charge of \$3.00 per hour with a one-half hour minimum shall apply.

11. In the event that other volume tender provisions are available for the use of the same service contemplated, the shipper must elect in advance as to which type of service is to be utilized.

6 Change)
* Addition) Decision No. 68048

EFFECTIVE DECEMBER 1, 1964

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 6