

ORIGINAL

Decision No. 68356

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 relat-)
ing to the transportation of)
property within San Diego County)
(transportation for which rates)
are provided in Minimum Rate Tariff)
No. 9-B).)

Case No. 5439
(Petition for Modification
No. 34)
(Filed November 13, 1964)

And Related Matters.) Cases Nos. 5433 and 5438

OPINION AND ORDER

Minimum Rate Tariff No. 9-B names minimum rates, rules and regulations for the transportation of property by city and highway permit carriers within a defined San Diego Drayage Area. The class rates set forth in the tariff apply within and between the various zones described therein. By this petition, California Trucking Association seeks to have these drayage zones redesignated in terms of certain metropolitan zones described in Distance Table No. 5. Petitioner asks that all common carriers be authorized 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.

Petitioner avers that it is desirable for purposes of tariff simplification and uniformity to establish a single method for the description and designation of the various zones in all minimum rate tariffs and that one of the innovations of Distance Table No. 5 is the establishment of new territorial descriptions in the San Francisco,

Los Angeles and San Diego areas, designated as metropolitan zones. Petitioner further avers that these metropolitan zones represent the most logical method for zone description and designation in related tariffs. The metes and bounds of the San Diego Drayage Zones currently described in Items Nos. 30 through 40 of Minimum Rate Tariff No. 9-B are similar to those provided in Distance Table No. 5 for Metropolitan Zones 301 through 312. Petitioner asserts that the revisions proposed herein will benefit both shippers and carriers and are of such nature that they will provide tariff simplification without any increase or reduction in freight charges.

The adjustments herein sought in Minimum Rate Tariff No. 9-B require complementary adjustments in Minimum Rate Tariffs Nos. 3-A and 8.

Copies of the verified petition were mailed to various shipper associations, chambers of commerce and other interested parties on or about November 13, 1964. No objection to its being granted has been received.

In the circumstances, it appears, and the Commission finds, that petitioner's proposal is reasonable and 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 should be granted and appropriate adjustments in the complementary provisions of the other minimum rate tariffs should be made. Minimum Rate Tariff No. 9-B will be amended accordingly by the order herein.

In order to avoid duplication of tariff distribution, the other minimum rate tariffs involved will be amended by separate orders.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 9-B, Appendix A of Decision No. 67766, as amended, is further amended by incorporating therein, to become effective January 23, 1965, the revised pages attached hereto and listed in Appendix A, also 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 January 23, 1965; 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.

3. Common carriers, in establishing and maintaining the rules 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 rules published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

4. Common carriers need not file with this Commission a distance table for the transportation of property within the San Diego Drayage Area but may instead publish in their tariffs the following provision:

"Metropolitan zone descriptions named herein are described in Distance Table No. 5 issued by the Public Utilities Commission of the State of California."

5. In all other respects said Decision No. 67766, 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 15th day of December, 1964.

Fredrick A. Hallock
President
John C. Hatchell
Wesley B. King
George T. Hoover
William L. Blund
Commissioners

APPENDIX A TO DECISION NO. 68356

List of Revised Pages to Minimum Rate Tariff No. 9-B

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$\frac{1}{2}$ Change }
 ** Eliminated } Decision No. **68356**

EFFECTIVE JANUARY 23, 1965

Issued by the Public Utilities Commission of the State of California,
 San Francisco, California.
 Correction No. 2

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) Change
 ** Eliminated) Decision No. **68356**

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Issued by the Public Utilities Commission of the State of California,
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 Correction No. 3

SECTION NO. 1 - RULES AND REGULATIONS	Item No.
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Items Nos. 10 and 11)</p> <p>ARMORED CAR means any motor truck and/or other highway vehicle which has been armored with bullet resistant metal and/or bullet proof glass, and which is manned by an armed crew.</p> <p>CARRIER means a carrier, as defined in the City Carriers' Act, or a radial highway common carrier, a highway contract carrier or a cement contract carrier, as defined in the Highway Carriers' Act.</p> <p>CARRIER'S EQUIPMENT means any motor truck or other self-propelled highway vehicle, trailer, semitrailer, dolly or any combination of such highway vehicles operated by the carrier.</p> <p>COMMISSION means the Public Utilities Commission of the State of California.</p> <p>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; 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)(6) or Section 203(b)(8) of Part II of the Interstate Commerce Act.</p> <p>DEBTOR means the person obligated to pay the freight charges to the carrier, whether consignor, consignee or other party.</p> <p>*DISTANCE TABLE means Distance Table No. 5.</p> <p>ESCORT SERVICE means the furnishing of pilot cars or vehicles by a carrier as may be required by any governmental agency to accompany a shipment for highway safety.</p> <p>ESTABLISHED DEPOT means a freight terminal owned or leased and maintained by a carrier for the receipt and delivery of shipments.</p> <p>GOVERNING CLASSIFICATION means National Motor Freight Classification A-7(Cal) as governed by National Motor Freight Classification A-7.</p> <p>HOLIDAYS mean New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, December 24 and Christmas.</p>	<p>Ø10</p>

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.

PERMIT SHIPMENT means a shipment which because of its width, length, height, weight or size requires special authority from a governmental agency regulating the use of highways, roads or streets for the transportation of such shipment in whole or in part.

(Continued in Item No. 11)

∅ Change) Decision No. 68356
* Addition)

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San Francisco, California.

Correction No. 4

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
<p style="text-align: center;">DEFINITIONS OF TECHNICAL TERMS (Concluded) (Items Nos. 10 and 11)</p> <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.</p> <p>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.</p> <p>POOL LOT means a quantity of freight contained in a rail car or motor vehicle or located on a steamship wharf for delivery or reshipment to two or more points of destination in the San Diego Drayage Area, or to one or more points in the San Diego Drayage Area and one or more points outside thereof, such freight for delivery within the San Diego Drayage Area being consigned to:</p> <ol style="list-style-type: none"> (1) A carrier to segregate or to unload and segregate and deliver to consignees, their agents or to other carriers; or (2) A consignee, other than a carrier, when carrier is instructed to distribute and deliver to the consignees, subconsignees, their agents, or other carriers. <p>RATE includes charge and, also, the ratings, minimum weight, rules and regulations governing, and the accessorial charges applying in connection therewith.</p> <p>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.</p> <p>∅SAN DIEGO DRAYAGE AREA means the area encompassed by all of the zones described in Item No. 30. **</p> <p>SHIPMENT means a quantity of property tendered by one shipper on one shipping document at one point of origin at one time for one consignee at one point of destination. (See definition for Split Delivery Shipment for exceptions.)</p>	611

SPLIT DELIVERY SHIPMENT means a shipment consisting of several component parts delivered to (a) one consignee at more than one point of destination, or (b) more than one consignee at one or more points of destination, the composite shipment weighing (or transportation charges computed upon a weight of) not less than 4,000 pounds, said shipment being shipped by one consignor at one point of origin and charges thereon being paid by one debtor.

TON means 2,000 pounds.

UNIT OF EQUIPMENT means any motor truck or other self-propelled highway vehicle, trailer, semitrailer, dolly or any combination of such highway vehicles operated by the carrier.

~~Change~~) Decision No. 68356
** Eliminated)

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Correction No. 5

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MINIMUM RATE TARIFF NO. 9-B

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
<p style="text-align: center;">APPLICATION OF TARIFF - TERRITORIAL (Item No. 30)</p> <p>Ø Rates in this tariff apply for the transportation of shipments between points within the San Diego Drayage Area which consists of the following Metropolitan Zones as described in Section No. 2-A of the Distance Table: 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311 and 312.</p> <p>**</p>	Ø30
<p>Ø Change ** Zones 1 and 2 eliminated) Decision No. 68356</p>	
<p>EFFECTIVE JANUARY 23, 1955</p>	
<p>Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 6</p>	

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MINIMUM RATE TARIFF NO. 9-B

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<p>ø Change ** Eliminated } Decision No. 68356</p>	
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<p>6 Change) ** Eliminated) Decision No. 68356</p>	
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MINIMUM RATE TARIFF NO. 9-B

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MINIMUM RATE TARIFF NO. 9-B

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<p>ø Change) ** Eliminated) Decision No. 68356</p>	
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MINIMUM RATE TARIFF NO. 9-B

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
<p>**Item Canceled</p>	<p>640</p>
<p>o Change) Decision No. 68356 ** Eliminated)</p>	
<p>EFFECTIVE JANUARY 23, 1965</p>	
<p>Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 11</p>	

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.												
<p style="text-align: center;">POOL LOT</p> <p>(a) For the service of segregating, or unloading and segregating, a pool lot, the following shall be assessed for each shipment destined to points in the San Diego Drayage Area, in addition to transportation rates:</p> <p style="margin-left: 40px;">Merchandise classified as:</p> <table data-bbox="379 747 1181 888"><tr><td>First Class</td><td>27</td><td>cents per 100 pounds</td></tr><tr><td>Second Class</td><td>24</td><td>cents per 100 pounds</td></tr><tr><td>Third Class</td><td>21½</td><td>cents per 100 pounds</td></tr><tr><td>Fourth Class</td><td>19</td><td>cents per 100 pounds</td></tr></table> <p>(b) Classification ratings shall be based upon the LTL (less-truckload) ratings in the Governing Classification or this tariff.</p> <p>(c) Articles taking a rating higher than first class shall be computed upon the percentage of the first class rating, as set forth in the Governing Classification or this tariff, except that shipments consisting of articles rated higher than class 1½ in the Governing Classification or this tariff shall be subject to the rates applicable for class 1½.</p> <p>(d) No additional charge shall be made under this item on shipments for which transportation charges are based on a minimum weight of 20,000 pounds when the carrier performing the distribution service receives a transportation charge on such shipment from the distribution point.</p> <p>(e) See Item No. 220 for mixed shipments.</p> <p>(f) When a pool lot is segregated at and delivery is made from carrier's established depot, said depot will be considered as being located within Metropolitan Zone 301 for the purpose of assessing transportation charges under this tariff, and transportation rates shall be applied from Metropolitan Zone 301 as point of origin.</p> <p>(g) Rates named in this item alternate with rates for the same services contained in tariffs filed with the Commission pursuant to the provisions of the Public Utilities Act, and in effect on the date the services are performed.</p>	First Class	27	cents per 100 pounds	Second Class	24	cents per 100 pounds	Third Class	21½	cents per 100 pounds	Fourth Class	19	cents per 100 pounds	ø230
First Class	27	cents per 100 pounds											
Second Class	24	cents per 100 pounds											
Third Class	21½	cents per 100 pounds											
Fourth Class	19	cents per 100 pounds											
ø Change, Decision No. 68356													
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Correction No. 12													

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
<p style="text-align: center;">SPLIT DELIVERY</p> <p>The rate for transportation of a split delivery shipment shall be the rate applicable for the rate base determined as follows:</p> <p>(a) When point of origin and all points of destination are within a single zone, apply rate for rate basis B, subject to Notes 1, 2, and 3;</p> <p>(b) When point of origin and all points of destination are within the area encompassed by two adjoining Metropolitan Zones, apply rate for rate basis C, subject to Notes 1, 2, and 3 (Metropolitan Zone 305 does not adjoin any other zone, except Metropolitan Zone 311 for the purposes of this rule);</p> <p>(c) For all other shipments, apply rates for rate basis F, subject to Notes 1, 2, and 3.</p> <p>NOTE 1.-For each split delivery shipment a single bill of lading or shipping order shall be issued. It shall describe the kind and quantity of property for the entire shipment, and bear the date such property is physically accepted by the carrier. At the time of or prior to the tender of the shipment the carrier shall be furnished with written instructions showing the name of each consignee, the point or points of destination, and a description of the kind and quantity of property in each component part of the split delivery shipment.</p> <p>NOTE 2.-If shipping instructions do not conform with the requirements of Note 1 hereof, each component part of the split delivery shipment shall be rated as a separate shipment under other provisions of this tariff. When shipping instructions do conform with the requirements of Note 1 hereof, component parts of split delivery shipments shall not be treated as separate shipments.</p> <p>NOTE 3.-In addition to the rate for transportation, the following additional charges shall be assessed for split delivery service:</p>	6300

Weight of Component
Parts (Pounds)

Split Delivery Charge for Each
Component Part in Cents

Over	But not Over	
0	500	145
500	1000	175
1000	2000	250
2000	4000	345
4000	10000	395
10000		470

NOTE 4.- Rates provided in this tariff do not apply to transportation of split delivery shipments unless point of origin and all points of destination are within the San Diego Drayage Area. When point of origin or one or more points of destination are located outside of the San Diego Drayage Area, rates in Minimum Rate Tariff No. 2 shall apply.

Change, Decision No. **68356**

EFFECTIVE JANUARY 23, 1965

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San Francisco, California.
Correction No. 13

SECTION NO. 2 - RATE BASES AND RATES												Item No.	
RATE BASES													
<p>Rate bases applicable to rates for transportation of shipments from points of origin to points of destination located within the following Metropolitan Zones.</p>													
BETWEEN AND	MZ 301	MZ 302	MZ 303	MZ 304	MZ 305	MZ 306	MZ 307	MZ 308	MZ 309	MZ 310	MZ 311	MZ 312	
MZ 301	A	-	-	-	-	-	-	-	-	-	-	-	
MZ 302	B	B	-	-	-	-	-	-	-	-	-	-	
MZ 303	C	B	B	-	-	-	-	-	-	-	-	-	2100
MZ 304	B	B	C	B	-	-	-	-	-	-	-	-	
MZ 305	C	D	E	D	B	-	-	-	-	-	-	-	
MZ 306	B	C	D	C	D	B	-	-	-	-	-	-	
MZ 307	B	B	C	C	D	B	B	-	-	-	-	-	
MZ 308	C	C	D	D	E	C	B	B	-	-	-	-	
MZ 309	D	D	E	E	F	D	C	B	B	-	-	-	
MZ 310	C	C	D	D	E	C	B	B	B	B	-	-	
MZ 311	C	C	D	B	B	D	D	E	F	E	B	-	
MZ 312	C	C	D	B	C	D	D	E	F	E	B	B	
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<p>Correction No. 14</p>													

SECTION NO. 3 - EQUIPMENT RATES, RULES AND REGULATIONS	Item No.
<p style="text-align: center;">RULES AND REGULATIONS</p> <p>§(a) Rates named in this section are subject to Items Nos. 10 and 11, Definitions of Technical Terms; Item No. 20, Application of Tariff; Item No. 30, ** Application of Tariff - Territorial; Items Nos. 50 and 51, Application of Tariff - Commodities; Item No. 150, Charges for Escort Service; Item No. 160, Charges for Permit Shipments; Item No. 170, Collection of Charges; Items Nos. 180, 181 and 182, Collect on Delivery (C.O.D.) Shipments; Items Nos. 200 and 201, Issuance of Shipping Documents; Item No. 250, References to Items and Other Tariffs; and Item No. 260, Units of Measurement to Be Observed. They are not subject to the other rules and regulations provided in Section No. 1.</p> <p>(b) Rates named in this section are subject to Items Nos. 5 and 145 of the Governing Classification. They are not subject to the other rules of the Governing Classification.</p> <p>(c) Rates named in this section apply only when the property is transported by one carrier for one shipper.</p> <p>(d) Prior to the transportation of the property, the shipper must enter into a written agreement with the carrier to ship at rates no lower than those provided in this section, stating specifically the class of service desired. (See Item No. 510.) Except as herein provided, no single agreement shall cover shipments transported over a period in excess of 31 days. EXCEPTION: The agreement will not be necessary for transportation of overweight and/or oversize shipments for which a special permit has been issued pursuant to the provisions of Section No. 710 of the Vehicle Code, State of California, and attached to or identified on the shipping document.</p> <p>(e) Rates named in Item No. 520 are subject to an additional charge at the rate of \$5.35 per man, per hour, minimum charge one-half hour, when carrier furnishes help in addition to the driver. The time for computing the additional charge shall be not less than the actual time in minutes the helper or helpers are engaged in performing the services. The total time so computed shall be converted into hours and fractions thereof. Fractions of an hour shall be determined in accordance with the table provided in Note 1(c), Item No. 520.</p> <p>(f) When carrier's equipment is painted, lettered or marked, or when special equipment or accessories are furnished by the carrier, in connection with transportation which is performed subject to the rates named in Item No. 520, a charge not less than the cost of painting, lettering or marking or the costs applicable to the use of the special equipment or accessories shall be made.</p>	<p>500</p>
<p>§ Change) ** Eliminated) Decision No. 68356</p>	
<p>EFFECTIVE JANUARY 23, 1965</p>	
<p>Issued by the Public Utilities Commission of the State of California, San Francisco, California.</p> <p>Correction No. 15</p>	