

ORIGINALDecision No. 68507

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 RINGSBY-PACIFIC LTD., for permis-)
 sion to publish a minimum charge)
 for transportation of Class A and)
 Class B explosives.)

Application No. 47164
 Filed December 4, 1964

OPINION AND ORDER

Ringsby-Pacific Ltd. (formerly Fortier Transportation Company), a California corporation, operating as a highway common carrier between various points in California, seeks authority to establish rates predicated upon a minimum weight of 5,000 pounds per shipment for the transportation of Class A and Class B explosives. Applicant proposes to accomplish this objective by having published in its behalf certain provisions of Item No. 522 of Pacific Coast Tariff Bureau Exception Sheet No. 1, Cal. P.U.C. No. 4 of C. R. Nickerson, Agent. The pertinent provisions of the aforementioned tariff rule are set forth below:

"All LTL shipments of Classes A and B explosives, as defined in Dangerous Articles Tariff No. 11, MF-ICC No. 12, Cal. P.U.C. No. 6 of American Trucking Associations, Inc., Agent, or successive issues thereof, shall be assessed charges based on applicable LTL ratings, subject, however, to minimum weight of 5,000 pounds per shipment."

The proposed rule would result in increased freight charges for less-than-truckload shipments of Classes A and B explosives weighing less than 5,000 pounds.

Explosives are classified according to the degree of hazard as follows:

Class A - Those explosives of maximum hazard.

Class B - Less dangerous explosives, principal hazard being involvement in fire.

Class C - Relatively safe explosives.

In general, Class A and Class B include high explosives, black powder, initiating or primary explosives, ammunition for cannon, explosive projectiles, bombs, torpedoes, mines, grenades, Jato units, detonating fuzes and primers for high explosives, and blasting caps in quantities over 1,000. Class C explosives include blasting caps in quantities of 1,000 or less, combination fuzes and primers, common fireworks, electric ignitors or squibs, small arms ammunition, signal flares, smoke candles, pots and signals, percussion or time fuzes, Very signal cartridges, and toys such as "caps."

Class C explosives are not involved herein.

There are a number of statutes and administrative rules providing regulation for the transportation of explosives and other dangerous articles over the public highways by motor vehicular equipment. Regulations established by the Interstate Commerce Commission in M.C.13 are applicable to transportation of explosives between California points.¹ Division 14 of the Vehicle Code sets forth regulations, including provisions for obtaining permits to transport explosives, which adopt the standards of equipment prescribed by the ICC.² The State Fire Marshal has power to designate the routes which are to be used for the transportation of explosives and to designate locations for required inspection stops and safe parking and stopping places.

¹ Statutes 1963 Chapter 2148 added Division 14.8 to the Vehicle Code in which Section 34505 provides for the application of the safety regulations of the ICC in California intrastate traffic.

² Section 31603 of the Vehicle Code.

The action proposed by applicant is alleged to be fully justified by the abnormal costs experienced in the transportation of less-truckload shipments of explosives due to the unusual service requirements necessary to insure public safety. As a result of regulations governing the transportation of explosives, less-truckload shipments of Classes A and B explosives must be handled by Ringsby in a vehicle dedicated to the movement of single shipments, regardless of the weight thereof. Equipment must be furnished with special safety devices and placarded. It is difficult to synchronize applicant's line-haul operation, which is dedicated to the transportation of general freight, with the safety requirements governing movements of explosives. Normal direct routes of operations cannot be followed because of prescribed circuitous routing regulations. Vehicles transporting explosives are also subject to a maximum speed regulation of 45 miles per hour (Section 31614 of the Vehicle Code). Applicant also points out that safety rules require a vehicle transporting explosives in less-truckload lots must be under constant surveillance. Drivers used on equipment moving explosive traffic receive premium pay of an additional $\frac{1}{2}$ cent per mile, when wages are calculated on a mileage basis, and 15 cents per hour for driving time when wage scale is computed on a time basis.

Applicant cites a typical example of the costs incurred in moving a shipment of explosives, weighing 135 pounds, from Newhall to Concord, California. Three separate units of dedicated motor equipment were required (two pickup and delivery trucks and one line-haul unit). Each unit was subject to special maintenance and safety standards. The drivers received the required premium pay. The pickup and delivery equipment was required to use circuitous routes

in order to move between contact points with mainline equipment. Applicant estimates that the cost of handling this 135-pound shipment would be roughly equivalent to the cost of handling a like shipment weighing at least 5,000 pounds; whereas, applicant actually received, under the current applicable rate structure, \$8.34 for its entire services.

Unless the sought relief is granted, applicant asserts that it will seek authority to abandon a portion of its operating authority by requesting the Commission to restrict its certificate to shipments of explosives weighing not less than 5,000 pounds. Applicant points out that a number of carriers holding authority to transport explosives have similar restricted certificates. Applicant believes, however, that there is a public need for transportation of small shipments of explosives in emergency circumstances and that the shippers are able and willing to pay a proper charge for such service. Applicant desires, therefore, to maintain its certificate intact.

The Commission, in its Decision No. 67116, dated April 21, 1964, in Application No. 45943, granted Delta Lines, Inc., the same authority as herein sought by applicant. In fact, both Delta Lines and Ringsby are parties to the same tariff rule which applicant would have amended so as to apply to Ringsby LTL shipments of explosives as the rule currently applies with respect to like transportation over the lines of Delta. Applicant submits that the evidence it would present at any public hearing involving the subject application would be substantially the same as that submitted at the aforementioned Delta Lines, Inc., proceeding.³ For this reason, applicant

³ Applicants in the Delta Lines, Inc., proceeding were represented by the same counsel as is authorized to represent applicant in the subject Application No. 47164.

contends that no useful purpose would be served by setting the subject application for public hearing and, therefore, requests that this matter be handled ex parte. In Decision No. 67116 it was indicated that there were no protests to the authority granted in that proceeding.

We find that the tariff rule proposed by applicant is reasonable for the transportation performed by it of less-than-truckload shipments of Class A and Class B explosives and that the increases in charges that will result from the establishment by applicant of the proposed rule are justified. A public hearing is not necessary. We conclude that the application should be granted.

IT IS ORDERED that:

1. Ringsby-Pacific Ltd. (formerly Fortier Transportation Company) is authorized to establish the tariff rule proposed in Application No. 47164. Tariff publications authorized to be made as a result of the order herein may be made effective not earlier than thirty days after the effective date hereof on not less than thirty days' notice to the Commission and to the public.

2. The authority herein granted shall expire unless exercised within ninety days after the effective date of this order.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 19th day of JANUARY, 1965.

Frederick B. Hallock
President
John E. D. Smith
George T. Traver
William D. Bennett

Commissioners