

ORIGINAL

Decision No. 69336

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 any and)
all commodities between and within)
all points and places in the State)
of California (including, but not)
limited to, transportation for)
which rates are provided in)
Minimum Rate Tariff No. 2).)

Case No. 5432
Petition for Modification
No. 380
(Filed May 7, 1965)

OPINION AND ORDER

By this petition, Container Corporation of America seeks an amendment of Item No. 240 of Minimum Rate Tariff No. 2 which contains accessorial charges and related provisions applicable in connection with the alternative use of common carrier rates.¹ Specifically, petitioner seeks to have excluded from the charges and other provisions of that item the transportation of truckload shipments of pulpboard in rolls weighing not less than 750 pounds each when unloaded from carrier's equipment by gravity.

Petitioner is engaged in the manufacture of pulpboard and pulpboard products at ten plants located throughout California. At two of these plants, located in Los Angeles and Santa Clara, it produces many thousands of tons of pulpboard in rolls annually for distribution in California. The size of these pulpboard rolls ranges from 50 to 60 inches in diameter and from 20 to 84 inches in width and the weight thereof varies from 750 pounds to 5,000 pounds each.

¹The charges and other provisions in question are applicable when a common carrier rate is used in lieu of the minimum rate in Tariff No. 2 to construct a rate for highway transportation and such common carrier rate does not include accessorial services performed by the highway carrier.

Petitioner's product principally moves in truckload lots on motor vehicles consisting of a tractor and flat bed trailers from said production points to manufacturing plants of petitioner located in Fresno and Oakland. Since the origin and destination points involved are located on rail, all of these pulpboard shipments move under alternatively applied rail rates subject to the provisions of Item No. 240 with respect to the type of loading and unloading services performed by the highway carrier.

According to the petition, the rolls of pulpboard are secured on the trailers while in transit by wooden wedges placed under each roll. Prior to unloading the rolls at destination, the securing wedges are removed from under each roll except the roll resting on the rear end of the trailer. The binding chain is then removed from the load and, when the remaining wedges are removed, all of the rolls come off the carrier's trailers by the force of gravity because the surface upon which the carrier's equipment rests is inclined toward the receiving dock. Petitioner estimates that this method of unloading consumes not more than five minutes and alleges that such unloading is comparable in time and effort to that involved in unloading bulk commodities by gravity. Assertedly, other firms engaged in the manufacturing and shipping of pulpboard in r unload such shipments by gravity in the same manner as described herein.

Petitioner states that truck shipments of bulk moving at rail rates and unloaded from carrier's equipment are exempt from the charges set forth in Item No. 240 of Tariff No. 2 for such accessorial service. Since the time in unloading the above pulpboard shipments is approximately

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Petitioner states that truck shipments of bulk commodities moving at rail rates and unloaded from carrier's equipment by gravity are exempt from the charges set forth in Item No. 240 of Minimum Rate Tariff No. 2 for such accessorial service. Since the time consumed in unloading the above pulpboard shipments is approximately equivalent

to that involved in unloading bulk commodities by gravity, petitioner avers that exemption of pulpboard shipments from the aforementioned accessorial charges would be just and equitable.

The certificate of service shows that a copy of the petition was served by mail upon California Trucking Association on May 6, 1965. No objection to the granting of the petition has been received. Fibreboard Paper Products Corporation has informed the Commission by letter that its shipping procedures for the commodity in question are substantially the same as those of petitioner and that it fully supports the modification of Item No. 240 as proposed herein.

In the circumstances, it appears, and the Commission finds, that petitioner's proposal is 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 should be granted.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 2 (Appendix D to Decision No. 31606, as amended) is hereby further amended by incorporating therein, to become effective August 7, 1965, Twenty-fifth Revised Page 26 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 page incorporated in this order.

3. Common carriers, in establishing and maintaining the rule 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 rule 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. 31606, 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 29th day of June, 1965.

Frederic B. Holcomb
President
George A. Baker
W. J. ...
William L. ...
Commissioners

Item
No.SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL
APPLICATION (Continued)

ACCESSORIAL SERVICES NOT INCLUDED IN COMMON CARRIER RATES

In the event under provisions of Items Nos. 200 to 230, inclusive, a rate of a common carrier is used in constructing a rate for highway transportation, and such rate does not include accessorial services performed by the highway carrier the following charges for such accessorial services shall be added (except as otherwise provided in connection with individual rates):

(1) For either loading or unloading of carrier's equipment:

(a) 2¢ per 100 pounds assessed on the weight on which transportation charges are computed when the shipment is loaded into or unloaded from the carrier's equipment by the consignor or consignee with the physical assistance of a single carrier employee (either a driver or a helper) by use of power equipment, as described in Item No. 11, furnished by the consignor or consignee without expense to carrier, provided the Shipping Document (Freight Bill) issued pursuant to Item No. 255 indicates that the shipment was loaded and/or unloaded under said circumstances (see Notes 1, 2, 3, 4 and *5);

(b) 4¢ per 100 pounds assessed on the weight on which transportation charges are computed when the shipment is loaded into or unloaded from the carrier's equipment other than as provided in paragraph (1)(a) or when information required by paragraph (1)(a) is not contained on the Shipping Document (Freight Bill), except as provided in Notes 1, 2, 3 and *5.

(2) For other accessorial services (including the furnishing of additional helpers as governed by Item 140) for which charges are provided in this tariff, the additional charge or charges so provided.

(3) Split pickup or split delivery shall not be accorded unless included in the common carrier rate (see Items Nos. 220 and 230 for exceptions).

NOTE 1.—The charges for loading and/or unloading shall apply in all circumstances except:

(a) When rates provided in this tariff are applied in combination with common carrier rates under the provisions of:

(1) Paragraph (a) of Item No. 210, only the accessorial charge for unloading shall be assessed,

(2) Paragraph (b) of Item No. 210, only the accessorial charge for loading shall be assessed, and

(3) Paragraph (c) of Item No. 210, no charge for either loading or unloading shall be assessed.

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- (b) When the shipment is loaded into and/or unloaded from the carrier's equipment as follows:
- (1) On shipments of any commodity, in bulk, when loaded and/or unloaded by gravity,
 - (2) By the Consignor and/or Consignee as follows:
 - (a) With power equipment, as described in Item No. 11, furnished and used without expense to carrier, and when no services are performed at carrier expense, or
 - (b) When the carrier's equipment is a trailer or semi-trailer left for loading and/or unloading without the presence of carrier's employees.
 - (3) Provided that on shipments described under subparagraphs (1) and (2) of this Note 1(b) the Shipping Document (Freight Bill) issued pursuant to Item No. 255 indicates that the shipment was loaded and/or unloaded under one of the circumstances described in said subparagraphs.

NOTE 2.-Where the minimum weight is less than 10,000 pounds, the loading or unloading provisions of this item will not apply and Item No. 120 will apply.

NOTE 3.-For loading or unloading of granulated sugar in bulk, the provisions of this item will not apply.

NOTE 4.-The labor performed by the single carrier employee is restricted to work within or on carrier's equipment.

*NOTE 5.-The charges for unloading provided in this item will not apply on truckload shipments of pulpboard in rolls weighing not less than 750 pounds each when unloaded from carrier's equipment by gravity.

} Change * Addition & Reduction	}	Decision No. 69336
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EFFECTIVE AUGUST 7, 1965

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

Correction No. 1648