

ORIGINAL

Decision No. 69937

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 cement and)
related products (commodities for)
which rates are provided in Minimum)
Rate Tariff No. 10).)

Case No. 5440
Petition for Modification
No. 29
(Filed September 13, 1965)

OPINION AND ORDER

By this petition, California Trucking Association seeks to have Minimum Rate Tariff No. 10 amended to provide a basis for the determination of constructive highway mileages in connection with certain split delivery shipments of cement.¹ Petitioner requests that all common carriers be directed to establish in their respective tariffs such modifications as may be prescribed by the Commission in this proceeding, including relief from the long- and short-haul provisions of Section 460 of the Public Utilities Code.

Petitioner proposes to amend the tariff by providing that the rate for the transportation of a split delivery shipment of cement shall be based on the distance from origin to final destination via the route that the carrier actually travels when it is instructed by the consignor to effect delivery to a destination or destinations in a manner which results in a greater distance than that provided in the tariff.

¹ The tariff provisions governing split delivery shipments are set forth in Item No. 130 of Minimum Rate Tariff No. 10.

Petitioner alleges that consignors, in order to meet certain delivery requirements, occasionally will instruct a carrier to deviate from the normal route of travel when transporting a split delivery shipment. In such cases, the carrier is required to back-track over a portion of the route involved in order to perform subsequent deliveries. According to the petition, the tariff rule in question currently contains no provision whereby the carrier may be compensated when required to perform such additional transportation service. Petitioner asserts that its proposal will rectify this situation.

According to petitioner, its proposal has been made known to shippers and carriers of cement and their representatives and is generally desired by such parties and will be in their best interest. Copies of the verified petition were mailed to various cement shippers on or about September 10, 1965. The petition was listed on the Commission's Daily Calendar of September 14, 1965. No objection to the granting of the petition has been received.

In the circumstances, it appears, and the Commission finds, that petitioner's proposal, as hereinafter modified, is reasonable and justified by transportation conditions and that the resulting minimum rates will be just, reasonable and nondiscriminatory minimum rates for the transportation involved. The distance governing the rates for a split delivery shipment will be based on the distance computed from origin to final destination via each individual destination in the order of delivery designated by the consignor. Otherwise, distances based on the route actually traveled may, in some instances, include excess distances attributable to carrier's convenience. A public hearing is not necessary. We conclude that the petition, as modified, should be granted.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 10 (Appendix A of Decision No. 44633, as amended) is hereby further amended by incorporating therein, to become effective December 18, 1965, Sixth Revised Page 7 and Original Page 7-A 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 December 18, 1965.

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. 44633, as amended, shall remain in full force and effect.

5. Petition for Modification No. 29 in Case No. 5440 is denied to the extent that it would permit the rate to be based on the distance via the route which the carrier actually travels.

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

Dated at San Francisco, California, this 9th day of November, 1965.

Fredrick B. Halshoff
President
George T. Brown
William B. Bennett
Commissioners

SECTION NO. 1--RULES AND REGULATIONS (Continued)	Item No.
<p style="text-align: center;">RETURNED SHIPMENTS</p> <p>Articles refused by consignee may be returned to original shippers at original point of shipment at one-half of the outbound rate current at time of return movement upon the following conditions only:</p> <p>(a) Goods for the return movement properly identified must be presented to the carrier within ten days from the date that the outbound shipment was tendered to the carrier for transportation.</p> <p>(b) All charges must be prepaid or guaranteed. Shipping order for the return movement must show reference to original outbound shipment.</p> <p>(c) Goods must be returned over the lines of the carrier that transported the original outbound movement.</p> <p>NOTE.--The minimum charge specified in Item No. 90 does not apply in connection with return movements made in accordance with the foregoing provisions of this item.</p>	120
<p>(1)Item No. 130 formerly shown on this page transferred to Original Page 7-A.) Decision No. 69937</p>	
EFFECTIVE DECEMBER 18, 1965	
<p>Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 86</p>	

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
<p style="text-align: center;">SPLIT DELIVERY</p> <p>Shipments may consist 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, subject to the following conditions and additional charges:</p> <ol style="list-style-type: none"> 1. The composite shipment shall consist of not to exceed three component parts. 2. Charges shall be paid by the consignor when there is more than one consignee. 3. At the time of or prior to the tender of the composite shipment, the carrier shall have been furnished with written instructions showing the name of each consignee, the point or points of destination, and the kind and quantity of property in each component part. 4. The charge for the transportation of the composite shipment shall be the charge applicable for transportation of a single shipment of like kind and quantity of property, computed by applying the applicable mileage rate from point of origin to point of final destination via each individual destination. (See Exceptions 1 and 2) <p>EXCEPTION 1.--In the event that a shipment has origin and destination points within and without a mileage territory and any of such points are located within a metropolitan zone, the shortest distance shall be computed subject to the following provisions:</p> <ol style="list-style-type: none"> (a) Between a point within a metropolitan zone and a point not within the same metropolitan zone group but within the Related Mileage Territory, use for constructive mileage determination for the point within the metropolitan zone, the mileage basing points for the applicable metropolitan zone groups. (b) Between two or more metropolitan zones within the same metropolitan zone group, use for constructive mileage determination the mileage basing points for the individual metropolitan zones. <p>*EXCEPTION 2.--In the event that a carrier is instructed by the consignor to effect delivery to a destination or destinations in a manner which results in a distance greater than the distance determined under the provisions of Paragraph 4, the applicable through rate shall be based on the distance computed from origin to final destination via each individual destination in the order of delivery designated by the consignor. Instructions from the consignor must be in writing and shall be issued at or prior to the time of shipment.</p>	<p style="text-align: center;">(1) #130</p>

5. In addition to the charge applicable for transportation of a single shipment of like kind and quantity of property, computed as set forth in Paragraph 4, an additional charge of \$6.00 shall be made for each of the component parts comprising the composite shipment.

(1) Item No. 130 shown on this page formerly appeared on Fifth Revised Page 7.

∅ Change)
* Addition) Decision No. 69937
◇ Increase)

EFFECTIVE DECEMBER 18, 1965

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

Correction No. 87