

ORIGINAL

Decision No. 70457

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) Case No. 5435
 carriers, highway carriers and city) (Petition for Modification
 carriers relating to the transportation) No. 69)
 of property in Los Angeles and Orange) (Filed December 13, 1965)
 Counties (transportation for which)
 rates are provided in Minimum Rate)
 Tariff No. 5).)

And Related Matters) Cases Nos. 5439 and 5441
) (Petitions for Modification
) Nos. 39 and 97, respectively)
) (Filed December 13, 1965)

OPINION AND ORDER

City Carriers' Tariff No. 1-A and Minimum Rate Tariffs Nos. 1-B, 5 and 9-3 name minimum rates, rules and regulations for the transportation of general commodities by city carriers within San Francisco and city and highway carriers between points in the East Bay, Los Angeles and San Diego drayage areas, respectively. By these petitions, California Trucking Association seeks to have the rules and regulations in the above tariffs amended to permit the free return of pallets within such drayage areas. ¹ Petitioner asks that all common carriers be authorized to establish in their respective tariffs

¹ The application was amended by letter dated January 25, 1966, to add the underscored wording in a passage of Note 5(a) of Exhibit A attached to the application as follows: "...provide carrier with up to a like number of pallets..." and to correct a typographical error in Note 6 of said exhibit concerning reference to a rule in the Governing Classification.

all such modifications as may be prescribed by the Commission's orders in these proceedings, including relief from the long- and short-haul provisions of Section 460 of the Public Utilities Code.

Petitioner proposes that empty pallets be returned from point of destination of the palletized shipment to point of origin without charge when (1) such empty pallets are immediately provided by the consignee to the carrier upon receipt of the palletized shipment; (2) the palletized shipment is transported under truckload rates and subject to a minimum weight of not less than 20,000 pounds; (3) the palletized shipment is loaded into carrier's equipment by the consignor and/or unloaded from such equipment by the consignee with power equipment furnished and used without expense to the carrier; and (4) the shipper and/or consignee complies with certain documentation requirements.

Petitioner alleges that recent informal interpretations by the Commission's Transportation Division concerning the transportation of pallets have prompted substantial inquiry into the adequacy of the current tariff provisions.² A broad program of shipper and carrier discussions on various phases of the problem has been instituted and it has become immediately obvious from such discussions that the present provisions of the drayage tariffs involved do not provide sufficient incentive for maximum use of palletization and that the economics of such short-haul transportation would permit the return transportation of pallets without charge when certain qualifications were met.

²Infernal Ruling No. 151-A dated May 10, 1965.

Petitioner asserts that the proposed tariff modifications will permit the free return of pallets within the various drayage areas and such tariff changes will result in no increases, but will provide an incentive for shipper cooperation in palletization of truck shipments and will promote efficiencies and economies in carrier operations. Petitioner avers that the request herein is the result desired by, and in the interest of, both shippers and carriers.

The certificate of service shows that copies of the verified petitions were mailed to various chambers of commerce, shipper organizations and carrier representatives on or about December 10, 1965. The petitions were listed on the Commission's Daily Calendar of December 14, 1965. No objection to the granting of the petitions has been received.

In the circumstances, it appears, and the Commission finds, that petitioner's proposal is reasonable and consistent with the public interest, and that such proposal will be just, reasonable and nondiscriminatory. A public hearing is not necessary. The Commission concludes that the petitions, as amended, should be granted. Minimum Rate Tariff No. 5 will be amended accordingly by the order herein. In order to avoid duplication of tariff distribution, City Carriers' Tariff No. 1-A and Minimum Rate Tariffs Nos. 1-B and 9-B will be amended by separate orders.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 5 (Appendix A to Decision No. 32504, as amended) is further amended by incorporating therein, to become effective April 23, 1966, the revised pages attached hereto

and listed in Appendix A, also attached hereto, which pages and appendix are 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 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.

C. 5435 (Pet. 69), et al. - jmw

4. In all other respects Decision No. 32504, 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 March, 1966.

Frederick B. Holdhoff
President

Arthur L. H. Hill

George E. Grover

Augustus

William W. Bennett
Commissioners

Appendix A to Decision No. 70457

List of Revised Pages to Minimum Rate Tariff No. 5

Authorized by Said Decision

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(END OF APPENDIX A LIST)

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EFFECTIVE APRIL 23, 1966	
Issued by the Public Utilities Commission of the State of California, San Francisco, California.	
Correction No. 450	

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION
	<p data-bbox="589 473 1195 552">(1) DEFINITION OF TECHNICAL TERMS (Items Nos. 10 and 11)</p> <p data-bbox="333 565 1460 697">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 data-bbox="333 723 1511 868">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 data-bbox="333 894 1494 1013">CARRIER'S EQUIPMENT means any motor truck or other self-propelled highway vehicle, trailer, semi-trailer, or any combination of such highway vehicles operated by the carrier.</p> <p data-bbox="333 1026 1477 1394">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; 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 data-bbox="213 1421 281 1460">210</p> <p data-bbox="333 1421 1443 1526">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 data-bbox="333 1552 1477 1618">EXCEPTION RATINGS TARIFF means Exception Ratings Tariff No. 1 issued by the Commission.</p> <p data-bbox="333 1645 1520 1750">GOVERNING CLASSIFICATION means National Motor Freight Classification A-8 (CAL) as governed by National Motor Freight Classification A-8.</p> <p data-bbox="333 1776 1511 1934">HOLIDAYS mean New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, December 24 and Christmas Day. When such holidays fall on Sunday, the following Monday shall be considered as a holiday.</p> <p data-bbox="333 1947 1485 2118">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.</p> <p data-bbox="333 2145 1434 2276">PALLETIZED SHIPMENT means a shipment tendered to and transported by the carrier on pallets (elevating-truck pallets or platforms or lift-truck skids, with or without standing sides or ends, but without tops).</p> <p data-bbox="333 2303 1443 2381">PERMIT SHIPMENT means a shipment which because of its width, length, height, weight or size requires special</p>

authority from a governmental agency regulating the use of highways, roads or streets for the transportation of such shipment in whole or in part.

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.

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.

*POWER EQUIPMENT means any gasoline, diesel, electric or gas driven equipment including electric powered cranes and lift truck equipment.

(Continued in Item No. 11)

(1) Definition of "Rate," "Same Transportation" and "Shipment" transferred to Eighth Revised Page 8.

∅ Change }
* Addition } Decision No. 70457

EFFECTIVE APRIL 23, 1966

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 451

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
<p>Δ 11</p>	<p>(1) DEFINITION OF TECHNICAL TERMS (Concluded) (Items Nos. 10 and 11)</p> <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 and subject to the same limitations, conditions and privileges, although not necessarily in an identical type of equipment.</p> <p>SHIPMENT means a quantity of freight 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 also Split Delivery Shipment.)</p> <p>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 the consignor when there is more than one consignee.</p> <p>TOW CAR means a motor vehicle which has been altered or designed and equipped for and exclusively used in the business of towing or is otherwise exclusively used to render assistance to other vehicles.</p>
<p>20</p>	<p>APPLICATION OF TARIFF - CARRIERS</p> <p>Rates provided in this tariff are minimum rates, established pursuant to the City Carriers' Act, and the Highway Carriers' Act. They apply for the transportation of property by carriers as defined in said City Carriers' Act, and radial highway common carriers, highway contract carriers and cement contract carriers, as defined in said Highway Carriers' Act.</p> <p>Rates, rules and regulations named in this tariff shall not apply to transportation by independent-contractor sub-haulers when such transportation is performed for other carriers. This exception shall not be construed to exempt from the tariff provisions carriers for whom the independent contractors are performing transportation service.</p>

(1) Definition of "Rate," "Same Transportation" and "Shipment" formerly appeared on Seventeenth Revised Page 7.

Δ Change, neither increase } Decision No. 70457
nor reduction }

EFFECTIVE APRIL 23, 1966

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 452

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
	<p style="text-align: center;">EMPTY PALLET RETURN</p> <p>When palletized shipments are transported under truck-load rates and are subject to minimum weights of not less than 20,000 pounds, empty pallets may be transported from point of destination of shipment to its point of origin without charge, subject to the terms and conditions in Notes 1, 2, 3, 4, 5 and 6.</p> <p>NOTE 1.--Shipments must be loaded into carrier's equipment by the consignor and/or unloaded by the consignee with power equipment as described in Item No. 10, furnished and used without expense to the carrier and where no services are performed at carrier's expense.</p> <p>NOTE 2.--Shipper must indicate the number of pallets and weight thereof on bill of lading covering the loaded movement.</p> <p>*688 NOTE 3.--Shipper must indicate on shipping instructions that palletized shipments were loaded directly onto trailers by power-loading equipment operated by personnel furnished by shipper; and/or receivers must show on carrier's delivery receipt that shipments were removed by power-loading equipment operated by personnel furnished by receiver.</p> <p>NOTE 4.--On the return movement of pallets, the shipper must give reference to the inbound movement on the outbound shipping document.</p> <p>NOTE 5.--Carrier must assess applicable tariff charges on empty pallets under the following conditions:</p> <p>(a) If consignee immediately upon receipt of shipment fails to provide carrier with up to a like number of pallets, either for a return movement, or loaded for a beyond move by carrier, or</p> <p>(b) For any empty pallets tendered in excess of the number of loaded pallets transported by carrier on said shipment.</p> <p>NOTE 6.--For the purpose of this item, empty pallets shall be metal or wooden, six inches or less in height or nested solid (subject to Rule 5, Section 13(b), of the Governing Classification), as described in Items 150370, Sub 1, 150380, 150390, 150410 or 150430, Sub 2, of the Governing Classification.</p>
	<p>* Addition) o Reduction) Decision No. 70457</p>
	EFFECTIVE APRIL 23, 1966
	<p>Issued by the Public Utilities Commission of the State of California, San Francisco, California.</p> <p>Correction No. 453</p>