

ORIGINAL

Decision No. 70755

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. 409
(Filed February 28, 1966,
Amended March 28, 1966)

J. C. Kaspar, H. F. Kollmyer and A. D. Poe, for
California Trucking Association, petitioner.
Roger Porter, for Westinghouse Electric Corporation;
and Edwin L. Scott, for Food Machinery Corporation
(CMD), protestants.
R. J. Carberry and Charles F. Gerughty, for the
Commission staff.

O P I N I O N

Public hearing was held before Examiner Mallory at San Francisco on March 25, 1966. The matter was submitted on March 28, 1966 on the receipt of the First Amendment to said petition. The petition and notices of hearing were served in accordance with the Commission's Rules of Procedure.

Minimum Rate Tariff No. 2 (tariff) contains rates and governing rules for the statewide transportation of general commodities. Item No. 128 thereof contains accessorial charges for the handling of permit shipments. ^{1/} Item No. 100 of the tariff provides that when a permit shipment or a shipment of dangerous articles is

^{1/} The tariff defines Permit Shipment as 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.

required to move via a circuitous route because of conditions imposed by a governmental agency, distance rates shall be based upon distances computed along the shortest legal route available to the carrier in accordance with the method provided in the Distance Table.

As originally filed, California Trucking Association (CTA) sought to amend Item No. 128 by the addition of the following provision "Rates for transportation of permit shipments shall be distance rates utilizing distances determined under the provisions of Item No. 100." Cross-examination of petitioner's witness developed that amendment of the petition was desirable to clarify the relief sought. Petitioner was granted permission to amend its petition, and an amendment was filed March 28, 1966, which seeks the following relief:

Amend Item No. 128, to add the following language:

"Rates for transportation of permit shipments which are required to move via a circuitous route because of conditions imposed by a governmental agency, other than shipments subject to the provisions of Item No. 720 series, shall be distance rates utilizing distances determined under the provisions of Item No. 100."

Add new Item No. 129, to read as follows:

"Rates for transportation of shipments of dangerous articles which are required to move via a circuitous route because of conditions imposed by a governmental agency shall be the distance rates utilizing distances determined under the provisions of Item No. 100."

Protestants indicated that opposition to the relief sought would be removed by amendment of the petition; but they sought and were granted opportunity to request further hearing after review of the amended petition. No request for further hearing has been received.

Evidence in support of the petition was presented by a staff member of C.T.A.'s Division of Transportation Economics. He stated that the purpose of proposed tariff amendments is to require that mileage rates rather than point-to-point rates be applied when shipments are required to move by circuitous routes because of restrictions imposed by governmental agencies. He pointed out that in prior proceedings the Commission had found that mileage rates computed via the route of movement are the reasonable minimum rates in connection with permit shipments and shipments of dangerous articles moving via circuitous routes.^{2/}

The witness stated that such finding was not carried forward into the tariff, as the tariff continues to permit the application of point-to-point rates contained in Items Nos. 509, 510 and 520 of the tariff to such shipments. Several examples were furnished of mileage and rate computations on shipments required to be moved by circuitous routes under terms of permits issued by governmental authorities. Such examples showed that the constructive mileages computed via actual routes of movement exceeded the short-line constructive mileages by significant amounts. In order to rectify the situation, petitioner proposes that the tariff be amended as indicated above.

It appears from the record, and we find, that the proposed amendment of Minimum Rate Tariff No. 2 will result in just, reasonable and non-discriminatory rates for the transportation of permit shipments and shipments of dangerous articles required to move by

^{2/} For example, Decision No. 60177, dated May 24, 1960, in Case No. 5432, Petition No. 173 (unreported) and Decision No. 66748, dated February 24, 1964 in Case No. 5432, Petition No. 310 (62 Cal. P.U.C. 328 at page 330).

circuitous routes because of requirements of governmental agencies, and should be adopted. We also find that any increases in rates resulting from the adoption of the proposal herein are justified; that common carriers should be authorized and directed to modify their tariffs to conform with the minimum rate tariff provisions established herein; and, to the extent that long- and short-haul relief has heretofore been granted to common carriers, their outstanding authorities should be amended to the extent necessary to carry out the effect of the order herein.

We conclude that Petition No. 409, as amended, should be granted.

O R D E R

IT IS ORDERED that:

1. Minimum Rate Tariff No. 2 (Appendix "D" to Decision No. 31606, (as amended) be and it is further amended by incorporating therein, to become effective July 2, 1966, Thirty-fourth Revised Page 3, Original Page 18-B, and Twenty-first Revised Page 19 attached hereto and by this reference made a part hereof.

2. Common carriers subject to the Public Utilities Act, to the extent that they are subject also to said Decision No. 31606, as amended, be and they are directed to establish in their tariffs tariff provisions necessary to conform to provisions established by said decision.

3. 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 shall be made effective not later than July 2, 1966.

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

5. In all other respects, Decision No. 31606, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 31st day of MAY, 1966.

Frederic B. Hallock
President
George T. Hoover
Secretary

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.

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* Addition, Decision No. 70755

EFFECTIVE JULY 2, 1966

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

Correction No. 1717

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)																					
(1) 120	<p style="text-align: center;">APPLICATION OF RATES</p> <p>Rates in this tariff, and common carrier rates applied under the provisions of Items nos. 200, 210, 220 and 230, subject to minimum weights of less than 10,000 pounds, include loading into and unloading from the carrier's equipment. When the carrier picks up or delivers a shipment subject to a minimum weight of less than 10,000 pounds and weighing more than 100 pounds, at a point not at street level, and no vehicular elevator service or vehicular ramp is provided and made available to the carrier, an additional charge of 10½ cents per 100 pounds, minimum additional charge 75 cents per shipment, shall be assessed for the service of handling shipment beyond the carrier's equipment.</p> <p>Rates in this tariff, subject to minimum weights of 10,000 pounds or more, include loading into and unloading from carrier's equipment at established depots. At points of origin or points of destination other than established depots, rates in this tariff (other than common carrier rates, applied under the provisions of Items Nos. 200, 210, 220 and 230), subject to minimum weights of 10,000 pounds or more, include the services of one man (driver or helper) for loading or unloading of the carrier's equipment, subject to the provisions of Item No. 140.</p>																					
(2) 124	<p style="text-align: center;">CHARGES FOR ESCORT SERVICE</p> <p>In addition to all other applicable rates and charges named in this tariff, the following charges shall be assessed on shipments requiring escort service:</p> <p>(a) A charge of \$6.85 per hour, plus 8½ cents per mile computed in accordance with the provisions of Item No. 100, shall be made for each escort vehicle and driver furnished, for the time and distance said vehicle and driver are engaged in such service (See Note).</p> <p>(b) A charge shall be made equal to the actual cost of any bridge or ferry tolls incurred for each escort car.</p> <p>(c) A charge of \$7.25 per twenty-four (24) hour period shall be assessed for subsistence for each escort driver if service requires over-night delay.</p> <p>NOTE.—Charges for fractions of an hour shall be determined in accordance with the following table:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">MINUTES</th> <th></th> </tr> <tr> <th style="text-align: center;">Over</th> <th style="text-align: center;">But Not Over</th> <th></th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">0</td> <td style="text-align: center;">8</td> <td style="text-align: right;">omit</td> </tr> <tr> <td style="text-align: center;">8</td> <td style="text-align: center;">23</td> <td style="text-align: right;">shall be ¼ hour</td> </tr> <tr> <td style="text-align: center;">23</td> <td style="text-align: center;">38</td> <td style="text-align: right;">shall be ½ hour</td> </tr> <tr> <td style="text-align: center;">38</td> <td style="text-align: center;">53</td> <td style="text-align: right;">shall be ¾ hour</td> </tr> <tr> <td style="text-align: center;">53</td> <td style="text-align: center;">60</td> <td style="text-align: right;">shall be 1 hour</td> </tr> </tbody> </table>	MINUTES			Over	But Not Over		0	8	omit	8	23	shall be ¼ hour	23	38	shall be ½ hour	38	53	shall be ¾ hour	53	60	shall be 1 hour
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(1) Items transferred from)
Twentieth Revised Page 19) Decision No. 70755

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San Francisco, California.
Correction No. 1718

- 18-B -

Cancel

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
ø128	<p style="text-align: center;">CHARGES FOR PERMIT SHIPMENTS</p> <p>*◇(a) Rates for transportation of permit shipments which are required to move via a circuitous route because of conditions imposed by a governmental agency, other than shipments subject to the provisions of Item No. 720, shall be distance rates utilizing distances determined under the provisions of Item No. 100.</p> <p>(b) In addition to all other applicable rates and charges named in this tariff, the following charges shall be assessed on all permit shipments:</p> <ol style="list-style-type: none"> 1. A charge of \$7.80 shall be made for the service of securing each permit, and 2. A charge shall be made equal to the fee, if any, assessed by the governmental agency for issuing each permit.
*◇ 129	<p style="text-align: center;">DANGEROUS ARTICLES</p> <p>Rates for transportation of shipments of dangerous articles which are required to move via a circuitous route because of conditions imposed by a governmental agency shall be distance rates utilizing distances determined under the provisions of Item No. 100.</p>
140	<p style="text-align: center;">ACCESSORIAL SERVICES</p> <p>When carrier performs, at shipper's or receiver's request or order, service such as tacking, sorting, providing helpers for loading or unloading, or any other like service which is not authorized to be performed under rates named in this tariff, and for which a charge is not otherwise provided, additional charges per man shall be assessed as provided in Item No. 145(a). The charge provided in Item No. 145(b) for unit of equipment shall also apply whenever the accessorial or incidental service requires its use, or whenever the unit of equipment is inactivated by reason of the driver or helper being engaged in such service.</p> <p>The provisions of this item shall not apply when a helper is provided for any reason other than shipper's or receiver's request or order. The reason for supplying helpers shall be recorded on shipping and accessorial service documents.</p>

When charges are provided in this tariff for performance of accessorial services, said charges shall be based upon the weight upon which the transportation rates are computed.

(1) Items Nos. 120 and 124 transferred to Original Page 18-B.

⊘ Change)
* Addition) Decision No. 70755
◇ Increase)

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