ORIGINAL

Decision No.	72939
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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. 452
(Filed April 14, 1967;
Amended May 19, 1967)

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 property in the City and County of San Francisco, and the Counties of Alameda, Contra Costa, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Mateo, Santa Clara, Santa Cruz, Solano and Sonoma.

Case No. 5441
Petition for Modification
No. 122
(Filed April 14, 1967;
Amended May 19, 1967)

Arlo D. Poe, J. C. Kaspar and H. F. Kollmyer, for
California Trucking Association, petitioner.
Frank J. Corsello, E. H. Griffiths, Richard D. Stokes,
and Edward J. Maurer, for various highway carriers,
respondents.
Russell Bevans, John T. Reed, David B. Porter, Larry
Bensacca, C. H. Costello, J. T. Wright, N. I. Molaug
and G. A. Rodgers, for various associations and
shippers, interested parties.
George H. Morrison and Robert E. Walker, for the
Commission staff.

<u>opinion</u>

By these petitions, as amended, the California Trucking
Association seeks upward adjustments of eight percent in the minimum
rates named in City Carriers' Tariff No. 1-A (San Francisco Drayage)

C. 5432, Pet. 452; C. 5441, Pet. 122 bem

and Minimum Rate Tariff No. 1-B (East Bay Drayage Area), and in the pool shipment rates named in those tariffs and in Minimum Rate Tariff No. 2.

Public hearing was held on June 12, 1967, at San Francisco before Examiner Turpen. Evidence was presented by petitioner's director of transportation economics and by several representatives of the Commission's Transportation Division staff.

The present minimum rates reflect the cost levels as of July 1, 1966. Petitioner's witness testified that the labor contracts signed May 5, 1967 provide for wage increases effective retroactively to April 1, 1967. He introduced an exhibit showing the effect of the wage increases along with the effect of increases in payroll taxes and workmen's compensation insurance.

Engineers from the Commission's Transportation Division presented exhibits showing the cost of transporting property in San Francisco and the East Bay. These witnesses explained that they took the basic cost studies prepared in 1962 and substituted the current wage cost figures and calculated the percentage increase over the 1966 costs. A rate expert from the Commission's Transportation Division introduced an exhibit showing his proposed rates calculated by increasing the present rates by the percentages shown in the cost studies, making minor adjustments to retain proper relationships between the rates. In several items, which do not involve labor, the witness proposed no changes in the present rates. The staff witness made no recommendation as to the pool shipment rates. The staff proposed increases from 4 to 8 percent. Peritioner's director of transportation economics stated that he felt the rates proposed by the staff were reasonable and should be substituted for the proposed flat increase in the petition.

C. 5432, Pet. 452; C. 5441, Pet. 122 lm * Petitioner's witness proposed increases in the pool shipment rates in the taxiffs of approximately 6 to 8 percent based on the same method of recalculating the 1964 cost study originally prepared by petitioner. The evidence is clear, and the Commission finds, that the carriers engaged in transportation subject to the minimum rates here involved have experienced increased costs, effective April 1, 1967. Upon consideration of all the facts of record, the Commission finds that the increases in rates as set forth in the staff's exhibit are justified and will result in just, reasonable, and nondiscriminatory minimum rates. In connection with petitioner's request for increases in rates for pool shipments, the Commission takes official notice of the decision of the U.S. District Court in the so-called Assembly and Distribution Case (Baltimore Shippers and Receivers, Inc., et al. v. Public Utilities Commission, U. S. District Court for Northern California Civil Nos. 45076, 45123 & 45576). That decision struck down the application of Commission minimum rate tariffs as applied to the distribution of interstate traffic for non-profit shipper associations within exempt commercial zones. The decision also made certain broad pronouncements concerning state power to regulate any interstate transportation which is exempt from federal regulation. Because of the questions raised by the court's opinion the Commission finds that pending final disposition thereof by the reviewing courts, the sought increases in rates for pool shipments have not been shown to be appropriate. The Commission further finds that to the extent that the provisions of Minimum Rate Tariff No. 1-B have been found heretofore to constitute reasonable minimum rates and rules for common carriers as defined in the Public Utilities Act, said provisions, as hereinafter adjusted, are, and will be, reasonable minimum rate provisions for said common carriers. To the extent that the existing rates and -3C. 5432, Pet. 452; C. 5441, Pet. 122 bem charges of said common carriers for the transportation involved are less in volume or effect then the minimum rates and charges herein designated as reasonable for said carriers, to that same extent the rates and charges of said carriers are hereby found to be, now and for the future, unreasonable, insufficient and not justified by the actual competitive rates of competing carriers or by the costs of other means of transportation. The Commission concludes that Petition for Modification No. 122, as amended, in Case No. 5441, should be granted and that City Carriers' Tariff No. 1-A and Minimum Rate Tariff No. 1-B should be amended accordingly. For the reason set forth above, Petition for Modification No. 452, as amended, in Case No. 5432, should be denied. In order to avoid duplication of tariff distribution, Minimum Rate Tariff No. 1-B will be amended by the ensuing order and City Carriers' Tariff No. 1-A will be amended by separate order. ORDER IT IS ORDERED that: 1. Minimum Rate Taxiff No. 1-B (Appendix B of Decision No. 65834, as amended) is hereby further amended by incorporating therein, to become effective September 23, 1967, the revised pages attached hereto and listed in Appendix A, also attached hereto, which pages and appendix by this reference are 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 shall be made effective not later than September 23, 1967. -4C. 5432, Pet. 452; C. 5441, Pet. 122 bem

- 3. 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.
- 4. Petition for Modification No. 452, as amended, in Case No. 5432, is denied.
- 5. In all other respects, Decision No. 65834, as amended, shall remain in full force and effect.

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

٥	Dated at	San Francisco	_, California, this
27 nd	_ day of _	AUGUST	
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		×1 0	President
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		August 1	
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			Commissioners

List of Revised Pages to Minimum Rate Tariff No. 1-B
Authorized by Said Decision

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Twelfth Revised Page 19
MINIMUM RATE TARIFF NO. 1-B

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
APPLICATION OF RATES Rates provided in this tariff are for the transportation of shipments, as defined in Item No. 11, from point of origin to point of destination and include tailgate loading into and tailgate unloading from the carrier's equipment. (See Item No. 110.)	90
APPLICATION OF GOVERNING CLASSIFICATION (a) Except as otherwise provided, class rates in this tariff are subject to the ratings shown in the Governing Classification. Except as otherwise provided, rates in this tariff are subject to the provisions of the following rules only of the Governing Classification: 1 381 2 845 420 997 (Table A) (b) Where the ratings are in conflict with those provided in this tariff, the provisions of this tariff will apply. (c) Commodity rates named in this tariff are governed by the Governing Classification to the extent that commodity rate items make specific reference thereto.	100
(a) For pickup or delivery or for stacking, sorting or other accessorial service which is not authorized to be performed under the rates named in this tariff and for which a charge is not otherwise provided, an additional charge of \$7.50 per man per hour, minimum charge \$1.90 shall be made. (b) When carrier is required to provide additional labor, at point of origin or point of destination, for the handling of articles or packages which, because of their weight or bulk, cannot be handled by one man, an additional charge of \$7.45 per man per hour, minimum charge \$7.45 shall be made. (c) On shipments of glass as described under the heading "Glass" in the Governing Classification in packages named therein exceeding 120 united inches, add 6% cents per 100 pounds to applicable class rates. (See Note.) NOTE—Will not apply where crane facilities are available without cost to carrier or loading and/or unloading is performed by shipper and/or consignee, at both pickup and delivery points.	ø110
ADVANCE CHARGES All charges on shipments advanced by a carrier for the account of a shipper or consignee will be payable on demand of the carrier making the advance.	120

ALTERNATIVE APPLICATION OF COMMON CARRIER RATES

Common carrier rates may be applied in lieu of the rates provided in this tariff when such common carrier rates produce a lower aggregate charge for the same transportation between the same points of origin and destination and for the same accessorial services than results from the application of the rates herein provided. (See Exception.)

When the common carrier rate used does not include accessorial services performed by the carrier, the following charges for such accessorial services shall be added: (See Note)

- (a) For loading onto carrier's equipment, the charges provided in paragraph (d).
- For unloading from carrier's equipment, the charges provided in paragraph (d).
- For other accessorial services for which charges are provided in this tariff, the additional charge or charges so provided.
 - 5 cents per 100 pounds.

NOTE--In applying the provisions of this item, a rate no lower than the common carrier rate and a weight no lower than the actual weight or published minimum weight (whichever is the higher) applicable in connection with the common carrier rate shall be used.

EXCEPTION: The provisions of this item do not apply on services performed under the provisions of Item No. 900_

CHARGES FOR SERVICE AT OTHER THAN REGULAR WORKING HOURS

Rates named in Sections 2, 3, 4 and 5 apply for service performed during regular working hours of 8:00 a.m. to 5:00 p.m. except Saturdays, Sundays and holidays as defined in Item No. 10.

For services performed at the request of the shipper or consignee at other than those hours specified above and on Saturdays, Sundays or holidays, an additional charge equal to the cost of overtime will be made.

ø Change Decision No. ♦ Increase) 72939

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Issued by the Public Utilities Commission of the State of California, San Francisco, California Correction No. 164

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SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
CHARGES FOR ESCORT SERVICE In addition to all other applicable rates and charges named in this tariff, the following charges shall be assessed on shipments requiring escort service: (a) A charge of \$\$6.55 per hour, plus 8 cents per actual mile, 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 Notes 1 and 2) (b) A charge shall be made equal to the actual cost of any bridge or ferry tolls incurred for each escort car. NOTE 1Service shall commence with departure of each escort vehicle from its point of dispatch and terminate with the return of each escort car to its point of dispatch, excluding off-duty hours. NOTE 2Charges for fractions of an hour shall be determined in accordance with the following table: MINUTES But Over Not Over 0 8	ø160
53 60 shall be 1 hour	
CHARGES FOR PERMIT SHIPMENTS In addition to all other applicable rates and charges named in this tariff, the following charges shall be assessed on shipments requiring transportation permits: (a) A charge of \$7.85 shall be made for the service of securing each permit, and (b) A charge shall be made equal to the fee, if any, assessed by the governmental agency for issuing each permit.	♦170

FAILURE TO ACCOMPLISH DELIVERY

If the carrier, through no fault of its own, is unable to effect delivery of any shipment within 48 hours, excluding Saturdays, Sundays and holidays, after receipt of the shipment, notice will be sent or given to consignor or consignee that the shipment is being placed in storage. Thereafter the shipment will be stored at carrier's terminal subject to the rates and charges set forth below, or at carrier's option may be placed in public warehouse.

For each of the first five days, 5-3/4 cents per 100 pounds.
For the sixth and each succeeding day, 8 cents per 100 pounds.

Minimum storage charge per shipment on freight held beyond 48 hours, 5 days or less, 77 cents; 6 days or more, \$1.18.

In computing time, any fractional part of 24 hours will be counted as one day.

In computing charges, any fractional part of 100 pounds will be computed as 100 pounds.

Shipments unloaded from vehicle and reloaded on vehicle will be subject to a charge of \$\$2.40 per ton in addition to all other charges.

Subsequent delivery from point of storage will be charged as a new shipment.

Ø Change) Decision No. 72939

EFFECTIVE SEPTEMBER 23, 1967

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

Correction No. 165

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SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No-
DELAYS TO EQUIPMENT Delays at place of pickup and/or delivery, exclusive of the time actually consumed in loading or unloading, resulting from any cause not the fault of and beyond the control of carrier which exceed one-half hour will be charged for at the rate of \$8.50 per hour for all time over one-half hour, minimum charge \$2.15.	≎190
In computing a rate based on a multiple of another rate, such as one and one-half times first class rate (14t1), the following will govern in the disposition of fractions: Fractions of less than 4 or .25 of a cent omit. Fractions of 4 or .25 of a cent or greater but less than 3/4 or .75 of a cent will be stated as 4 or .50 of a cent. Fractions of 3/4 or .75 of a cent or greater, increase to next whole figure.	200
EXPORT FREIGHT CLEARANCES When the service of clearing export freight is performed by the carrier, a charge of \$3.95 per clearance will be made.	\$210
Charges shall be assessed on gross weight of the shipment. No allowance shall be made for the weight of the containers. (See Exception) EXCEPTION - When palletized shipments subject to minimum weights of 20,000 pounds or more are loaded or unloaded by power-loading device, the weight of the pallets (elevating truck pallets or platforms or lift truck skids) shall not be used in determining the weight of the shipment nor the charges thereon. This exception applies only in connection with rates contained in this tariff, and is not applicable to shipments of empty pallets. When rail rates are used under the provisions of Item No. 130 of this tariff, the weight of the pallets shall be included or excluded in accordance with the provisions of the	220

GUARANTEE OF MINIMUM TONNAGE

Rates based on weekly, monthly, yearly or per job minimum tonnage requirements will apply only when hauled by one carrier for one shipper or consignee and when carrier is furnished with a satisfactory guarantee that the minimum tonnage requirement will be shipped, or when the required tonnage has been transported.

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The term "monthly" as used above means a calendar month or a period of 30 consecutive days.

The term "per job" as used above means a lot delivered to one or more locations on a single project within a period of not to exceed one year.

♦Increase, Decision No. 72939

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

Correction No. 166

Fifth Revised Page 25 Cancels Fourth Revised Page ... 25 MINIMUM RATE TARIFF NO. 1-B SECTION NO. 1 - RULES AND REGULATIONS (Continued) Item No. ISSUANCE OF SHIPPING DOCUMENT A shipping document (either in individual or manifest form) shall be issued by the carrier to the shipper for each shipment received for transportation. The shipping document shall show the following information: (a) Name of shipper. (b) Name of consignee. (c) Point of origin. (d) Point of destination. Description of the shipment (in terms of the (e) Governing Classification or as provided in this tariff). (f) Weight of the shipment. 240 (g) Rate and charge assessed. (h) Such other information as may be necessary to an accurate determination of the applicable minimum rate and charge. For the transportation of (1) permit shipments, (i) or (2) shipments requiring escort service, the following information, wherever applicable, shall be shown on all shipping documents issued by the carrier in connection therewith and shall be in addition to all other information required to be shown thereon: Permit identification of all permit shipments. (See Item No. 10.) (2) Any escort service furnished and the authority therefor. (See Item No. 10.) The form of shipping document in Item No. 1100 will be suitable and proper. A copy of each shipping document shall be retained and preserved by the issuing carrier, subject to the Commission's inspection, for a period of not less than three years from the date of issuance. LOSS AND/OR DAMAGE CLAIMS A minimum charge of 0\$2.60 shall be made for the handling and collection of loss and/or damage claims against another carrier when the amount involved exceeds \$100.00. ø250 When the amount involved is \$100.00 or less, not less than I percent of the amount involved shall be charged subject to a minimum of 065 cents. This accessorial service shall not be rendered except upon the shipper's or consignee's

request.

MARKING OR TAGGING OF PACKAGES

For the service of marking packages, when incidental to transportation by the carrier, a charge of \$3 cents per package, minimum charge \$\$1.45 shall be made. When more than one stencil is used, the minimum charge shall apply to each stencil used.

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MINIMUM CHARGE

Except as otherwise provided, on shipments moving under class rates the minimum charge per shipment shall be as follows:

Weight o	f Shipment ounds)	<pre></pre>	
	Not Over		ø270
0	25	- 175	
25	50	- 195	
50	75	- 235	
75	100	- 265	
100		- 330	

ø Change ♦ Increase

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EFFECTIVE SEPTEMBER 23, 1967

Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 167

MINIMUM RATE TARIFF NO. 1-B

	SI	ection			SS RAI per 10	•	onclud nds)	led)					Item No.
(1) Rate	Ār	уу Опл	ntity			mum W	oight nds	,		,000		ight nds	
Basis	1	2	3	4	1	2	3	4	1	2	3	4	
A	210	190	168	148	114	102	91	80	69	62	55	48	
B	228	205	182	159	126	114	101	88	74	66	59	52	
(1) Rete Basis		nimum ,000 P		7	10,0 exce	000 Pc pt as ed in	pro-		20, exc vić	imum 000 opt led i	Poun as p n No	ds xo-	
	1.	2	3	4	1	2	3	4	1	2	3	4	
T.	55	50	44	39	45	40	36	32	43	38	34	291	
В	61	55	49	43	49	44	39	34	45	41	36	32	
(1) Rato Basis								Govern					∳730
				5					A				
A				26					28				
B				28					30				

- NOTE 1.-When applied in connection with truckload ratings, minimum weight will be as provided in the Governing Classification, but in no event less than 10,000 pounds.
- NOTE 2.-When applied in connection with truckload ratings, minimum weight will be as provided in the Governing Classification, but in no event less than 20,000 pounds.
- NOTE 3.-When the truckload minimum weight provided in the Governing Classification exceeds 40,000 pounds, the minimum weight shall be 40,000 pounds. Fifth class rates provided herein apply in connection with Class B, C, D and E truckload ratings provided in the Governing Classification.
 - (1) See Item No. 700.

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Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 168

[♦] Increase, Decision No. 72939

SECTION NO. 3-COMMODITY RATES (Continued) In cents per 100 pounds, except as noted					
COMMODI	TY	♦ RATE			
CANNED GOODS, Pickles, Preserves, in metal cans, boxed, or in pails or to in barrels or kegs, as described und Item No. 400 FRUIT, DRIED, in boxes or sacks.	ubs, crated or in bulk	In Cents Per	ø800		
Shipments on Flatforms, loaded by Sh by Consignee	Applies only within ZONE l hipments on Flatforms, loaded by Shipper and unloaded				
CASTINGS, Iron or Steel (Sec Note). Minimum 1,500 tons per year, subject NOTE.—Rates will also apply on Foun of which does not exceed 10% of grant.	et to Item No. 230 adry Patterns, gross weight				
BETWEEN	: AND »				
All Zones in Alameda, Albany, Berkeloy, Emoryville, Oakland	All Zones in Alameda, Albany, Berkeley, Emeryville, Oakland		∮810		
2,000 pounds and under Over 2,000 pounds but not over 4,000 Over 4,000 pounds but not over 6,000	O pounds	(1)65 36 27 1 192			
ø Change } Decision No. ~		1967			
Issued by the Public Utilitie Correction No. 169		f Californ			

SECTION NO. 3 - COMMODITY RATES (Continu In cents per 100 pounds, except as note	- J	Item No.
COMMODITY	ORATE	
CIGARS, CIGARETTES, SNUFF OR MANUFACTURED TOBACCO, as described under the heading "CIGARS AND CIGARETTES GROUP" in the Governing Classification.		•
Applies from public warehouses to points and places located within the Oakland Jobber Zone described below:	In Cents	
Minimum 75,000 pounds per month	Shipment	
25 pounds or less	175 185 200 225 260	400
	In Cents per 100 Pounds	ø82 [.]
Over 500 pounds but not over 1000 pounds Over 1000 pounds but not over 2000 pounds Over 2000 pounds but not over 4000 pounds Over 4000	53 42 34 31	
The OAKLAND JOBBER ZONE consists of the area bounded as follows:		
Beginning at the intersection of San Francisco Bay and Oakland approach to the San Francisco-Oakland Bay Bridge; northeast along said bridge approach to the intersection of 32nd Street; northeast on 32nd Street to Peralta Street; south on Peralta Street to 30th Street; east on 30th Street to Broadway; south on Broadway to 26th Street; east on 26th Street to Harrison Street; south on Harrison Street to Lakeside Drive; southeast on Lakeside Drive to Oak Street; south on Oak Street to 12th Street; east on 12th Street to Fallon Street; south on Fallon Street to Estuary; west on Estuary to Waterfront and north to point of beginning, including both sides of designated		

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Correction No. 171

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MINIMUM RATE TARIFF NO. 1-8

	CTION NO. 3 - COMMODITY RATES (Conti in cents per 100 pounds, except as no	In cents per 100 pounds, except as noted					
	COMMODITY	♦ RATE	Minimum Weight In Pounds Per Shipment				
"GRAIN PRODUC Classification Except as noted and piling of high.	, rates include inside delivery flour not exceeding ten sacks						
FROM	TO						
Warehouses in ONE l - Oakland	Alameda - All points. ZONE 1 - Oakland - that portion southerly from a line beginning at the intersection of Yerba Buena Avenue and San Francisco Bay, easterly along Yerba Buena Avenue and its projected line to 40th Street; thence easterly along 40th Street to Piedmont Avenue; and northwesterly from a line beginning at the intersection of 29th Avenue and the Oakland City limits, easterly along 29th Avenue to 23rd Avenue; thence northerly along 23rd Avenue to Foothill Boulevard.	(1) (3) 94 (3) 56 (3) 42 (3) 34 (3) 267 (3) 237 (3) 187	10,000	ø83 0			
	All points in ZONES 1, 2 and 3 (except Alameda, Albany and that portion of ZONE 1 - Cakland described above).	(2) (3) 105 (3) 63 (3) 46 (3) 35 (3) 29 (3) 28 (3) 23	1,000 2,000 5,000 10,000				
(2) Mini (3) For	mum charge 062.80 per shipment. mum charge 063.15 per shipment. shipping and marking add 0134 cents ge 081.35.	per 100 pou	nds, minimum	:			
ø Change ♦ Increas							
	EFFECTIVE	SEPTEMBER 2	3 1967				

SECTION NO. 5 - HOURLY TRUCK RATES		Item No.
	◇Rate in Cents Per Hour	
HOURLY VEHICLE UNIT RATES, including Driver and All Other Operating Expenses:		
Vehicles, N.O.S. (Subject to Notes 1, 2 and 3)		
Capacity of Carrier's Equipment in Pounds:		
2,500 or less	960 985 1010 1110 1160 1210	
NOTE lRates in this item apply only when prior to transportation of the property shipper enters into a written agreement with the carrier to the effect that shipment is to be transported under the provisions of Item No. 1000 of Minimum Rate Tariff No. 1-B. When such an agreement is executed, rates otherwise provided in this tariff will not apply.		ø1000
NOTE 2Rates named herein apply during regular working hours and include the services of the driver only. For charges for service at other than regular working hours, see Item No. 140. When at the request of the shipper carrier furnishes help in addition to the driver, an additional charge shall be made as set forth in paragraph (b) of Item No. 110.		
NOTE 3Time for hourly rates shall be computed from the time the vehicle leaves carrier's place of business until it arrives back at said place of business.		
ø Change) Decision No. 72939	·	
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Issued by the Public Utilities Commission of the Stat San Franci Correction No. 172		