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ORIGINAL

Decision No. 73679

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 property by vacuum-type and pump-type tank vehicles (including transportation for which rates are provided in Minimum Rate Tariff No. 13).

Case No. 6008
Petition for Modification
No. 6
(Filed July 7, 1967,
Amended August 16, 1967)

Richard W. Smith, H. F. Kollmyer and
A. D. Poe, for California Trucking
Association, petitioner.
James E. Baker, for J. E. Baker Co.,
L. W. Potter, for L. W. Potter
Trucking Company, respondents.
Ralph J. Staunton, for the Commission
staff.

O P I N I O N

By this petition, California Trucking Association seeks increases in the rates and charges in Minimum Rate Tariff No. 13 (MRT 13) applicable for the transportation of liquid commodities and commodities in suspension in liquids or in semi-plastic form when such transportation is performed by for-hire carriers by means of vacuum-type and pump-type tank vehicles.

Public hearing on the petition was held before Examiner Turpen at San Francisco on August 31, 1967. Evidence was presented by petitioner through the assistant director of its division of transportation economics. A representative of the Commission's staff assisted in developing the record. The matter was submitted on September 15, 1967, upon receipt of a late-filed exhibit from the staff.

Petitioner's witness testified that the last general adjustment of the rates in MRT 13 was effective November 23, 1963, pursuant to Decision No. 66114, dated October 1, 1963. The rates then established were based on operating costs in effect on July 1, 1963. Since then, he stated the carriers' operating costs, particularly labor and related costs, have increased considerably. The witness submitted an exhibit showing that the labor and related costs had increased since 1963 in a range of 19 to 34 percent, and total costs in a range of 9 to 20 percent. Corresponding increases in the minimum rates are proposed by petitioner.

The record is clear that in the four years since the rates in MRT 13 were last adjusted, the carriers involved have sustained substantial increases in labor and related costs that are not reflected in the current rates.

The Commission finds that due to the increased costs of operation the present rates in MRT 13 are unreasonably low. We further find that increases in said rates as herein sought have been shown to be justified, and that as so increased the resulting rates are, and will be, just, reasonable and nondiscriminatory minimum rates and charges for the services to which they will apply.

We further find that to the extent that the provisions of MRT 13 have been found heretofore to constitute reasonable minimum rates, rules and regulations for common carriers as defined in the Public Utilities Act, said provisions as hereinafter amended are, and will be, reasonable minimum rate provisions for said common carriers. To the extent that existing rates and charges of said common carriers for the transportation involved are less in volume or effect than 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. Said common carriers, as hereinafter listed in Appendix "A", attached hereto, will be directed by the Order below to increase their rates and charges to the level of those as herein prescribed in MRT 13. The directive herein shall not be construed, however, as authorizing or directing said common carriers to effect increases in their rates and charges for transportation services performed wholly in territory within the exterior boundaries of a city, or city and county, including the area of any city situated wholly within such outside limits - transportation services which are not within the scope of MRT 13. Neither should the directive be construed as authorizing or directing said common carriers to effect increases in their rates and charges which, in volume or effect, exceed the rates and charges applicable pursuant to the provisions of MRT 13, as herein amended.

O R D E R

IT IS ORDERED that:

1. Minimum Rate Tariff No. 13 (Appendix "B" of Decision No. 55584, as amended) is further amended by incorporating therein, to become effective March 9, 1968, the revised pages which are attached hereto and which are numbered as follows:

Fifth Revised Page 7

Fifth Revised Page 12

2. Those common carriers whose names are listed in Appendix "A" hereto, which appendix is made a part hereof by this reference, are hereby directed to amend their respective tariffs to establish and maintain rates, charges, rules and regulations for their services (except those performed wholly within the exterior boundaries of a

C. 6008, Pet. 6 hjh

city) which are no lower in volume or effect than the rates, charges, rules and regulations set forth in Minimum Rate Tariff No. 13, as amended; that said common carriers shall thereafter abstain from maintaining charges or accessorial charges lower in volume or effect than those set forth in, or accruing under the provisions of, Minimum Rate Tariff No. 13, as amended, and from observing rules resulting in charges lower in volume or effect than those set forth in said minimum rate tariff; that tariff publications required to be made by said common carriers as a result of the order herein may be made effective not earlier than the effective date hereof and upon not less than ten days' notice to the Commission and to the public, and that such tariff publications shall be made effective not later than March 9, 1968.

3. That in all other respects the aforesaid Decision No. 55584, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 30th day of JANUARY, 1968.

[Signature]
President
[Signature]
[Signature]
[Signature]
[Signature]
Commissioners

APPENDIX A
Page 1 of 2

Common Carriers (as defined in the Public Utilities Act) Required to Maintain Rates, Rules and Regulations No Lower in Volume or Effect than the Rates, Rules and Regulations in Minimum Rate Tariff No. 13.

J. T. Hutchison, dba
B & H Service
4705 South Blosser Road
Santa Maria, California 93454

Perry A. Redwine, dba
B & R Service Company
9405 Marvin Street
Bakersfield, California 93307

Earnest Ellington & Vincent
Belloumini, Co-partners, dba
Barnett Vacuum Truck Service
1250 East Telegraph Road
Fillmore, California 93015

Capitol Truck Line, Inc. (corp.)
2500 North Alameda
Compton, California 90222

Tony G. Carrasco, dba
Carrasco Vacuum Truck Service
P. O. Box 1043
Wilmington, California 90745

Chancellor & Ogden, Inc.
3365 Cherry Avenue
Long Beach, California 90807

Coast Tank Service Co. (corp.)
1634 East Denni Street
Wilmington, California 90744

Gene W. East, dba
Gene W. East Vacuum Truck Service
1350 West 228th Street
Torrance, California 90501

E. E. Fairbanks & D. E. Fairbanks,
Co-partners, dba
Fairbanks Transportation Co.
518 Seventeenth Street
Huntington Beach, California
92646

Fix & Brain Vacuum Truck Service
(corp.)
233 "D" Street
Wilmington, California 90744
P. O. Box 76
Wilmington, California 90746*

S. A. and Betty D. Gilliard
4741 Scripps Center
Ventura, California 93003

Walter E. Gilliard, dba
W. E. Gilliard Vacuum Truck
Service
P. O. Box 584
Torrance, California 90508

Leslie M. & Raymond R. Holbrook
dba Holbrook & Sons
12637 Los Nietos Road
Santa Fe Springs, California
90670

Jack T. Jomar, dba
J & G Oil Well Service
P. O. Box 595
Ventura, California 93002

Roy L. Johnston, dba
Johnston Vacuum Tank Service
432 Naylor Avenue
Taft, California 93268

B. L. Lunsford, dba
Lunsford Tank Lines
P. O. Box 372
Maricopa, California 93252

Kyle O. Mayes & Jimmie C. Mayes,
dba Kyle O. Mayes Co.
18703 South Broadway
Gardena, California 90247

*
(Mailing address)

APPENDIX A
Page 2 of 2

McKay Trucking Company (corp.)
P. O. Box 376
Coalinga, California 93210

V. B. Morgan Co. (corp.)
6106 Paramount Boulevard
Long Beach, California 90805

R. H. Morrison
1176 - 25th Street
Long Beach, California 90806

Homer Lee Myers, dba
Homer L. Myers Trucking
18813 Soledad Canyon Road
Saugus, California 91350

National Tank Lines (corp.)
812 South Greenleaf Avenue
Whittier, California 90602

Thomas Neely, dba
Neely's Vacuum Truck Service
P. O. Box 1026
Newhall, California 91321

O. E. Pittman and E. T. Pittman,
dba Ott's Vacuum Truck Service
3618 Associated Road
Brea, California 92621

Parker & Martin, Inc.
P. O. Box 487
La Habra, California 90633 *
12282 Whittier Avenue
La Habra, California 90631

L. W. Potter Trucking Co. (corp.)
403 Real Road
Bakersfield, California 93309

Richards Trucking (corp.)
P. O. Box 286
Santa Maria, California 93456

Rich-Sand Service Company (corp.)
P. O. Box 1803
Orcutt, California 93455

Routh Transportation (corp.)
800 West Fifteenth Street
Long Beach, California 90813

George W. Forquer and Max Rudolph
dba Max Rudolph Company
P. O. Box 108
Santa Paula, California 93060

L. L. Kirchof, dba
Speed's Oil Tool Service
P. O. Box 816
Santa Maria, California 93456

Steverson Bros. (corp.)
18062 Gothard
Huntington Beach, California
92646

Superior Vacuum Trucks of
Long Beach (corp.)
3051 San Francisco Avenue
Long Beach, California 90806

Union Truck Company, Inc.
2459 North Ventura Avenue
Ventura, California 93001
P. O. Box 1118
Ventura, California 93002 *

Valley Vacuum Tank Truck Service,
Inc.
1202 Drawford Street
Bakersfield, California 93305
P. O. Box 1558
Bakersfield, California 93301 *

Marsal Transport, Inc.
P. O. Box 2007
Los Nietos, California 90606

Westates Transportation Co.
P. O. Box 1228
Long Beach, California 90801

Bob W. Clark, dba
Wilco Vacuum Service
301 Supply Road, Taft, California
93268
500 Supply Road, Taft, Calif.
93268 *

Yamashiro-Nako Enterprises, Inc.
(corp.)
13125 Lakeland Road
Santa Fe Springs, California
90670

* (Mailing address)

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.																								
<p style="text-align: center;">ACCESSORIAL CHARGES</p> <p>When carrier furnishes help in addition to the driver, an additional charge of \$6.75 per man per hour shall apply. The time for computing the additional charge shall be not less than the actual time in minutes the helper or helpers are engaged in performing the services. The total time so computed shall be converted into hours and fractions thereof. Fractions of an hour shall be determined in accordance with the table provided in Item No. 80.</p>	660																								
<p style="text-align: center;">MINIMUM CHARGE</p> <p>The minimum charge per shipment shall be that for two hours of service at the applicable rate.</p>	70																								
<p style="text-align: center;">COMPUTATION OF TIME</p> <p>Charges shall be computed on the basis of the total hours, and/or fraction thereof, from the time that driver and vehicle report for service pursuant to shipper's order to the time of completion of service under such order, less any time during such period that carrier's equipment is inactivated because of mechanical failure and/or driver is off duty, and less any time involved in performing transportation not subject to the provisions of this tariff. After the net time has been so determined, it shall be converted into hours and/or fractions thereof. Fractions of an hour shall be determined in accordance with the following table:</p> <table border="0" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">Minutes</th> <th style="text-align: center;">But Not More Than</th> <th style="text-align: center;">More Than</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: center;">-----</td> <td style="text-align: center;">Omit</td> </tr> <tr> <td style="text-align: center;">8</td> <td style="text-align: center;">23</td> <td style="text-align: center;">-----</td> <td style="text-align: center;">Shall be $\frac{1}{4}$ hour</td> </tr> <tr> <td style="text-align: center;">23</td> <td style="text-align: center;">38</td> <td style="text-align: center;">-----</td> <td style="text-align: center;">Shall be $\frac{1}{2}$ hour</td> </tr> <tr> <td style="text-align: center;">38</td> <td style="text-align: center;">53</td> <td style="text-align: center;">-----</td> <td style="text-align: center;">Shall be $\frac{3}{4}$ hour</td> </tr> <tr> <td style="text-align: center;">53</td> <td style="text-align: center;">60</td> <td style="text-align: center;">-----</td> <td style="text-align: center;">Shall be 1 hour</td> </tr> </tbody> </table>	Minutes	But Not More Than	More Than		0	8	-----	Omit	8	23	-----	Shall be $\frac{1}{4}$ hour	23	38	-----	Shall be $\frac{1}{2}$ hour	38	53	-----	Shall be $\frac{3}{4}$ hour	53	60	-----	Shall be 1 hour	80
Minutes	But Not More Than	More Than																							
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38	53	-----	Shall be $\frac{3}{4}$ hour																						
53	60	-----	Shall be 1 hour																						
<p style="text-align: center;">UNITS OF MEASUREMENT TO BE OBSERVED</p> <p>Rates or accessorial charges shall not be quoted or assessed by carriers based upon a unit of measurement different from that in which the minimum rates and charges in this tariff are stated.</p>	90																								
<p style="text-align: center;">SHIPMENTS TO BE RATED SEPARATELY</p> <p>Each shipment shall be rated separately. Shipments shall not be consolidated nor combined by the carrier.</p>	100																								
<p style="text-align: center;">REFERENCES TO ITEMS AND OTHER TARIFFS</p> <p>Unless otherwise provided, references herein to item numbers in this or other tariffs include references to such numbers with letter suffix, and references to other tariffs include references to amendments and successive issues of such other tariffs.</p>	110																								

Change }
Increase } Decision No. 73679

EFFECTIVE MARCH 9, 1968

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 21

SECTION NO. 2 - HOURLY RATES				Item No.
Capacity of Equipment (in barrels)		Rates In Dollars per Hour (See Note)		
<u>More Than</u>	<u>But Not More Than</u>	<u>Territory "A"(1)</u>	<u>Territory "B"(2)</u>	
0	35 -----	\$ 12.80	\$ 12.80	
35	45 -----	12.80	13.05	
45	60 -----	14.10	14.20	
60	80 -----	15.05	15.15	
80	95 -----	15.95	15.90	
95	- -----	17.00	17.00	
<p>(1) Territory "A" consists of the counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego and Imperial.</p> <p>(2) Territory "B" consists of all counties in California other than those included in Territory "A."</p> <p>NOTE.-The rates named are for transportation by vacuum-type tank vehicles. Where the transportation is performed by pump-type tank vehicles, the applicable rates are \$1.00 per hour less than those for transportation in vacuum-type tank vehicles.</p>				200
<p>◇ Change) ◇ Increase) Decision No. 73679</p>				
EFFECTIVE MARCH 9, 1969				
Issued by the Public Utilities Commission of the State of California, San Francisco, California.				
Correction No. 22				