

ORIGINALDecision No. 73741

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 relat-
ing to the transportation of petro-
leum and petroleum products in bulk
(commodities for which rates are
provided in Minimum Rate Tariff
No. 6-A).

Case No. 5436
Petition for Modification
No. 83

Filed November 6, 1967

O P I N I O N

By this petition, as amended, California Trucking Association seeks amendment of the provisions of certain items in Section 1 (Rules and Regulations) and Section 4 (Vehicle Unit Rates) of Minimum Rate Tariff No. 6-A (MRT 6-A).¹ Five items are involved in the proposal, as follows: Item No. 220 (Shipments Diverted or Stopped in Transit for Partial Loading or Unloading), Item No. 225 (Shipments Returned) and Items Nos. 500, 511 and 521 (Vehicle Unit Volume Tender Rates). The specific changes proposed in each of these items are set forth in Appendix A, hereof.²

The proposed changes, the petition states, are basically technical in nature and are primarily designed to complement and clarify the present tariff provisions in the light of current needs.

¹ Minimum Rate Tariff No. 6-A contains minimum rates, rules and regulations for the transportation of petroleum and petroleum products in bulk in tank truck equipment over the highways within this State.

² The proposed transfer of Note 4 from Item No. 511 to Paragraph 13, Item No. 521 will also require amendment to Item No. 510 in order to reflect this change.

The changes in the rules governing diversions and returned shipments are relatively minor and technical and although both increases and reductions in freight charges may result, assertedly the effect on total revenues will be insignificant.

The proposed changes in the territorial application of the daily volume tender rates, the petition further states, will broaden the usability of this portion of the minimum rate structure, and will make more widely available to the shipping public the benefits of volume tender service. With the related change in the handling of the excess mileage charge, it is asserted, carrier revenues will be maintained at a reasonable basis, and the public should be afforded this service, even under the resulting rate reductions.

All of the proposed changes have been the subject of shipper-carrier discussions and of public docketing. The petition appeared on the Commission's daily calendar of November 8, 1967. Copies of the petition were served on interested shippers and organizations. No protests have been received.

We find that the proposed rule changes are reasonable, that the resulting minimum rates and charges will be reasonable and nondiscriminatory minimum rates for the transportation involved, and that increases, to the extent that they may result from the proposed revisions, are justified. A public hearing is not necessary. The Commission concludes that the petition, as amended, should be granted.

O R D E R

IT IS ORDERED that:

1. Minimum Rate Tariff No. 6-A (Appendix A of Decision No. 67154, as amended) is further amended by incorporating therein to become effective March 30, 1968 the revised pages attached hereto and listed in Appendix B, also attached hereto, which pages and appendix are made a part hereof.

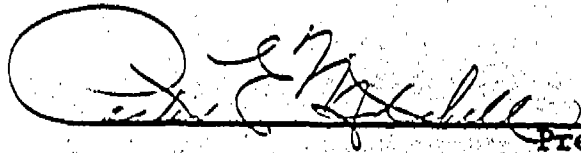
2. Tariff publications required to be made by common carriers as a result of the order herein shall be filed not earlier than the effective date of this order and may be made effective not earlier than the tenth day after the effective date of this order on not less than ten days' notice to the Commission and to the public and such tariff publications shall be made effective not later than March 30, 1968; and the tariff publications which are authorized but not 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, 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 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. In all other respects said Decision No. 67154, as amended, shall remain in full force and effect.

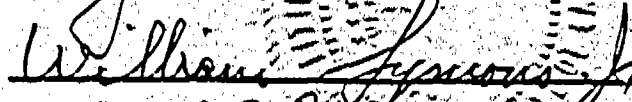
The effective date of this order shall be twenty-five days after the date hereof.

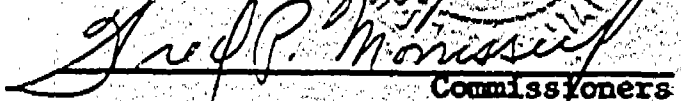
Dated at San Francisco, California, this 20th day of FEBRUARY, 1968.



President







Commissioners

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

APPENDIX A
Page 1 of 2

PROPOSED REVISIONS IN
MINIMUM RATE TARIFF NO. 6-A

ITEM NO. 220: (In Part, All Changes Shown)

1. Charges for shipments which, at request of consignor or consignee, or for any other reason beyond the control of the carrier, are either diverted or stopped in transit for partial loading or unloading shall be computed at the rate applicable. . . .

2. Charges for shipments which, at request of consignor or consignee, or for any other reason beyond the control of the carrier, are either diverted or stopped in transit for partial loading or unloading shall be computed at the mileage rate

ITEM NO. 225:

Add new Note:

NOTE 4 (NEW): Within the meaning of this item, a return shipment shall also include a shipment which is returned to point of origin for any reason before it has reached its original billed destination with the charges on such a shipment being computed on the return from the actual point where the return commenced rather than from the original billed destination.

ITEM NO. 500: (In Part, All Changes Shown)

The rates in this item will apply for the transportation of all commodities except Asphalt and Road Oils, and those commodities requiring pressurized equipment, as described in Item No. 30, from any origin points, to points of destination located within 250 miles of the first point of origin when performed subject to and in accordance with the provisions of Items Nos. 520 and 521.

C. 5436, Pet. 83 bem

APPENDIX A
Page 2 of 2

PROPOSED REVISIONS IN
MINIMUM RATE TARIFF NO. 6-A

ITEM NO. 511:

Cancel Note 4. (See Item No. 521.)

ITEM NO. 521:

Add new note:

NOTE 13 (NEW): When the total loaded miles exceed the total empty miles of the tender, an additional charge of \$.05 per mile will be made for each excess loaded mile traveled by the unit.

APPENDIX B TO DECISION NO. 73741

List of Revised Pages to Minimum Rate Tariff No. 6-A

Authorized by Said Decision

Sixth Revised Page 20

Fourth Revised Page 21

Fourth Revised Page 37

Seventh Revised Page 38

Fourth Revised Page 38-A

Third Revised Page 39-A

(END OF APPENDIX B LIST)

SECTION NO. 1--RULES AND REGULATIONS (Continued)	Item No.
<p style="text-align: center;">SHIPMENTS DIVERTED OR STOPPED IN TRANSIT FOR PARTIAL LOADING OR UNLOADING</p> <p>§1. Charges for shipments which, at request of consignor or consignee, *or for any other reason beyond the control of the carrier, are either diverted or stopped in transit for partial loading or unloading shall be computed at the rate applicable from point of origin to the point where delivery is completed via each of the points where diversion occurs or partial loading or unloading is performed. (Subject to Notes 1, 3, 4, 5, 6, and 7.)</p> <p>§2. Charges for shipments which, at request of consignor or consignee, *or for any other reason beyond the control of the carrier, are either diverted or stopped in transit for partial loading or unloading shall be computed at the mileage rate based on 50% of the mileage applicable from point of origin to return thereto via each of the points where diversion occurs or partial loading or unloading is performed. (Subject to Notes 2, 3, 4, 5, 6, and 7.)</p> <p>NOTE 1.--The provisions of Paragraph 1 will apply only on shipments where charges are based on a mileage of less than 50 constructive miles and/or when a geographical order of pickup or delivery is specified by the shipper or consignee which results in a higher through mileage than that incurred via the shortest mileage route.</p> <p>NOTE 2.--The provisions of Paragraph 2 will apply only on shipments which are not subject to the provisions of Paragraph 1.</p> <p>NOTE 3.--Charges for shipments of Crude Oil transported under the provisions of Item No. 450 shall be computed at the highest rate provided to any point where diversion occurs or delivery is performed.</p> <p>NOTE 4.--Shipments shall be subject to an additional charge of \$7.30 for each stop in transit to partially load or unload.</p> <p>NOTE 5.--Shipments or portions thereof shall be subject to an additional charge of \$4.65 per each diversion. This charge shall be in addition to all other charges provided herein and contemplates that carrier's equipment shall not stand by awaiting diversion instructions for a period of time in excess of one-half hour. Any such time in excess of one-half hour shall be construed to be excess unloading time and charged for at the rates provided in Item No. 160.</p> <p>NOTE 6.--A diverted shipment is one for which either a consignee; destination point; or both are changed after departure from the point of origin. In no event shall a return shipment be construed as a diverted shipment.</p>	<p>§220</p>

NOTE 7.--Shipments diverted or stopped in transit for partial loading or unloading shall be subject to applicable mileage rates computed from origin to ultimate destination via point or points of diversion or stop in transit, whether or not the entire movement occurs within a group. Applicable mileage shall be determined from the current Distance Table. The group basing points named in Item No. 300 will not apply; except that in all cases wherein the first point of origin or the last point of destination is located within a group, mileage shall be computed from or to the basing point of the group in which said point is located. Two constructive miles shall be added for each point in excess of one located within a single metropolitan zone.

6 Change)
* Addition) Decision No. **73741**

EFFECTIVE MARCH 30, 1968

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 86

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
<p style="text-align: center;">SHIPMENTS RETURNED</p> <p>¶ 1. Charges upon a shipment or a portion of a shipment returned to point of origin shall be computed for such return on actual gallonage at one-half of the rate applicable on the outbound movement, subject to a minimum charge of \$23.25, and further subject to a flat additional charge of \$4.65. (Subject to Notes 1, 2 and *4.)</p> <p>2. The provisions of Paragraph 1 will also apply to the return of contaminated shipments which are not in carrier's possession at time of tender, subject to an additional charge of \$7.30, said charge to be in addition to all other applicable charges and subject to Note 3.</p> <p>NOTE 1.--Shipments shall be subject to an additional charge of \$7.30 for each stop in transit to partially load or unload.</p> <p>NOTE 2.--Except as otherwise provided in Paragraph 2, applies only on shipments or portions of shipments which have not been unloaded from carrier's equipment.</p> <p>NOTE 3.--The provisions of Paragraph 2 apply only on shipments or portions thereof loaded at the precise destination point of the outbound shipment for return to the plant from which they were originally shipped.</p> <p>* NOTE 4.--Within the meaning of this item, a return shipment shall also include a shipment which is returned to point of origin for any reason before it has reached its original billed destination with the charges on such a shipment being computed on the return from the actual point where the return commenced rather than from the original billed destination.</p>	¶ 225
¶ Change) * Addition) Decision No. 73741	
EFFECTIVE MARCH 30, 1968	
Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 89	

SECTION NO. 4 - VEHICLE UNIT RATES

Item
No.

DAILY VEHICLE UNIT VOLUME TENDER RATES

ØThe rates in this item will apply for the transportation of all commodities except Asphalt and Road Oils, and those commodities requiring pressurized equipment, as described in Item No. 30, from any origin points to points of destination located within 250 miles of the first point of origin when performed subject to and in accordance with the provisions of Items Nos. 520 and 521.

The provisions of this item apply only when, prior to the transportation of the property, the shipper has requested in writing that the transportation be performed under the provisions of this item and when the rate per unit of carrier's equipment is prepaid. (For form of agreement, see Item No. 530.)

RATES
(Vehicle Unit Rates)

Ø
500

Per Day

The basic charge per equipment unit shall be
(see Note 1) ----- \$ 30.00

PLUS

an additional charge of \$5.85 per hour (see Notes 2 and 3) or \$.27 per mile, whichever produces the higher total charge, for all time that a driver or drivers are assigned to operate the vehicle.

PLUS

an additional charge per mile of:

First 50 miles -----	\$.25
Next 100 miles -----	\$.22½
Over 150 miles -----	\$.20

NOTE 1.-No allowance shall be made to the shipper for any nonproductive or lost time except that if the unit of equipment is inoperable for a period exceeding four hours in any day awaiting replacement or repair, the calendar period shall be extended for any such time exceeding four hours.

NOTE 2.-In the event that a driver is unable to complete a shipment because of an excess of hours of service and must layover en route as required by law, a charge of \$5.40 per hour, minimum 8 hours, will be assessed in addition to all other time that a driver or drivers are assigned to operate the vehicle.

NOTE 3.-Subject to a minimum charge based on 20 hours for each engagement that a driver or drivers are assigned to operate the vehicle.

Change, Decision No. **73741**

EFFECTIVE MARCH 30, 1968

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

Correction No. 90

SECTION NO. 4 - VEHICLE UNIT RATES (Continued)			Item No.																																	
<p>INCENTIVE UNIT VOLUME TENDER RATES (Continued) (Items Nos. 510 and 511)</p> <p>The rates in this item will apply for the transportation of all commodities as described in Item No. 30 between any points located within 250 miles of first point of origin when performed subject to and in accordance with the provisions of Items Nos. 520 and 521.</p> <p>The provisions of this item apply only when, prior to the transportation of the property, the shipper has requested in writing that the transportation be performed under the provisions of this item and that charges are to be prepaid and has elected either a seven consecutive days, monthly or yearly tender. (For form of agreement, see Item No. 530.)</p> <p style="text-align: center;">RATES (Vehicle Unit Rates)</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;"></th> <th style="width: 20%; text-align: center;">Per 7 Consecutive Days</th> <th style="width: 20%; text-align: center;">Per Month Per Month</th> <th style="width: 20%; text-align: center;">Per Month on Yearly Tender</th> </tr> </thead> </table> <p>The basic charge per equipment unit shall be (see Note 1 in Item No. 511):</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">(A) -----</td> <td></td> <td style="width: 20%; text-align: right;">\$550.00</td> <td style="width: 20%; text-align: right;">(2)\$550.00</td> </tr> <tr> <td>(B) -----</td> <td></td> <td style="text-align: right;">\$715.00</td> <td style="text-align: right;">(3)\$715.00</td> </tr> <tr> <td>(C) -----</td> <td style="text-align: right;">\$170.00</td> <td></td> <td></td> </tr> </table> <p style="text-align: center;">PLUS</p> <p>an additional charge (SEE EXCEPTION) computed on the period of tender elected-- per hour (see Notes 2 and 3 in Item No. 511) or \$21½ per mile, whichever produces the higher total charge, for all time that a driver or drivers are assigned to operate the vehicle.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;"></td> <td style="width: 20%; text-align: right;">\$ 5.70</td> <td style="width: 20%; text-align: right;">\$ 5.70</td> <td style="width: 20%; text-align: right;">\$ 5.45</td> </tr> </table> <p>EXCEPTION: Will not apply to any period of time for which charges are made under the provisions of paragraph 5, Item No. 520.</p> <p style="text-align: center;">PLUS</p> <p>an additional charge per mile per unit per month, or per seven consecutive days whichever tender is applicable, as follows: (See Paragraph 13 in Item No. 521)</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">(1) First 5,000 miles -----</td> <td style="width: 20%;"></td> <td style="width: 20%; text-align: right;">\$.20</td> <td style="width: 20%;"></td> </tr> <tr> <td>Next 5,000 miles -----</td> <td></td> <td style="text-align: right;">\$.15</td> <td></td> </tr> <tr> <td>Over 10,000 miles -----</td> <td></td> <td style="text-align: right;">\$.12½</td> <td></td> </tr> </table>					Per 7 Consecutive Days	Per Month Per Month	Per Month on Yearly Tender	(A) -----		\$550.00	(2)\$550.00	(B) -----		\$715.00	(3)\$715.00	(C) -----	\$170.00				\$ 5.70	\$ 5.70	\$ 5.45	(1) First 5,000 miles -----		\$.20		Next 5,000 miles -----		\$.15		Over 10,000 miles -----		\$.12½		<p>6510</p>
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Over 10,000 miles -----		\$.12½																																		

- (A) Applies to all commodities except those moving in pressurized equipment and shipments of Asphalt and Road Oil.
- (B) Applies only to commodities moving in pressurized equipment, or to shipments of Asphalt and Road Oil (Subject to Note 5 in Item No. 511).
- (C) Applies only to shipments of Asphalt and Road Oil (Subject to Note 5 in Item No. 511).
- (1) Subject to a minimum charge of \$1,000.00 per unit per month when applied in connection with rates per month or rates per month on yearly tender.
- (2) Charges under yearly tender shall be assessed on a monthly basis, but shall not exceed \$5,500.00 per year.
- (3) Charges under yearly tender shall be assessed on a monthly basis, but shall not exceed \$7,150.00 per year.

(Continued in Item No. 511)

Change, Decision No. **73741**

EFFECTIVE MARCH 30, 1968

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

Correction No. 91

SECTION NO. 4--VEHICLE UNIT RATES (Continued)	Item No.
<p style="text-align: center;">INCENTIVE UNIT VOLUME TENDER RATES (Concluded) (Items Nos. 510 and 511)</p> <p>NOTE 1.-No allowance shall be made to the shipper for any nonproductive or lost time except that if the unit of equipment is inoperable for a period exceeding four hours in any day awaiting replacement or repair, the calendar period shall be extended for any such time exceeding four hours.</p> <p>NOTE 2.-In the event that a driver is unable to complete a shipment because of an excess of hours of service and must layover en route as required by law, a charge of \$5.70 per hour, on other than yearly tenders or \$5.45 per hour on yearly tenders, minimum 8 hours, will be assessed in addition to all other time that a driver or drivers are assigned to operate the vehicle.</p> <p>NOTE 3.-Subject to a minimum charge based on 20 hours for each day that a driver or drivers are assigned to operate the vehicle.</p> <p style="text-align: center;">**</p> <p>NOTE 5.-Rates subject to this note will not apply to shipments requiring spreading service or requiring delivery to mobile road mixers.</p>	<p>511</p>
<p>∅ Change ** Note 4 eliminated } Decision No. 73741</p>	
<p>EFFECTIVE MARCH 30, 1968</p>	
<p>Issued by the Public Utilities Commission of the State of California, San Francisco, California.</p> <p>Correction No. 92</p>	

SECTION NO. 4 - VEHICLE UNIT RATES (Continued)	Item No.
<p>VOLUME TENDER QUALIFICATIONS (Concluded) (Applies only in connection with items making reference hereto.) (Items Nos. 520 and 521)</p> <p>8. All required tolls, ferry, special permits and weighmaster fees shall be in addition to the rates and charges otherwise applicable.</p> <p>9. A shipping document shall be issued by the carrier to the shipper for each engagement for transportation. The form of shipping document in Item No. 610 will be suitable and proper. A copy of each shipping document shall be retained and preserved by the issuing carrier for a period of not less than three years from the date of issuance.</p> <p>10. The charge for collecting and remitting amounts collected on C.O.D. shipments transported under the provisions of this item shall be \$3.00 per collection.</p> <p>11. When pumping service is performed by the carrier, a charge of \$3.00 per hour with a one-half hour minimum shall apply, but shall not exceed the following charges:</p> <p style="padding-left: 40px;">On monthly tender ----- \$ 75.00 per month. On yearly tender ----- \$500.00 per year.</p> <p>12. In the event that a yearly tender is terminated prior to completion, the total charges may be alternatively determined at the basis provided for monthly tenders, plus a termination charge equal to the basic charge for one month.</p> <p>*13. When the total loaded miles exceed the total empty miles of the tender, an additional charge of \$.05 per mile will be made for each excess loaded mile traveled by the unit.</p>	<p>521</p>
<p>∅ Change) * Addition) Decision No. 73741</p>	
<p>EFFECTIVE MARCH 30, 1968</p>	
<p>Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 93</p>	