ORIGINAL

73817 Decision No.

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 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. 133)(Filed December 12, 1967)

Arlo D. Poe, J. C. Kaspar and H. F. Kollmyer, for California Trucking Association, petitioner. <u>Richard D. Stokes</u>, for Haslett Company, respondent. <u>Russell Bevans</u>, for Draymen's Association of San Francisco; John T. Reed, for California Manufacturers Association; Norman I. Molaug, for J. C. Penney Co.; <u>Bob Dillon</u>, for Western Transportation; <u>Ronald M. Zaller</u>, for Continental Can Co., interested parties. <u>Robert W. Stich</u> and <u>Robert E. Walker</u>, for the Commission staff.

<u>O P I N I O N</u>

By this petition, the California Trucking Association seeks upward adjustments of five percent in the minimum rates named in City Carriers' Tariff No. 1-A (San Francisco Drayage) and Minimum Rate Tariff No. 1-B (East Bay Drayage Area), and additional adjustments in the pool shipment rates named in those tariffs.

Public hearing was held on January 15, 1968, 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.

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C. 5441 (Pet. 133) ds

The present minimum rates reflect the cost levels as of April 1, 1967. Petitioner's witness testified that the labor contracts signed in 1967 provide for additional wage increases effective April 1, 1968. He introduced an exhibit showing the effect of the wage increases along with the effect of increases in payroll taxes and reductions on 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 1967 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 proposed increases of approximately 4 percent. Petitioner'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.

Decision No. 72939, dated August 22, 1967, increased the minimum rates but denied sought increases in charges for handling pool lots. A petition for rehearing was filed and granted, but has not yet been decided. At the close of the hearing a representative of the Commission's staff moved that no action be taken on the pool car rates until after the rehearing matter is decided. Counsel for petitioner had no objection if such action did not delay the other rate increases sought herein.

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C. 5441 (Pet, 133) ds

The evidence is clear, and the Commission finds, that the carriers engaged in transportation subject to the minimum rates here involved will experience increased costs, effective April 1, 1968.

Upon consideration of all the facts of record, the Commission finds that, except for the proposed increase in pool lot rates, the increases in rates as set forth in the staff's exhibit are justified and will result in just, reasonable, and nondiscriminatory minimum rates. Pending completion of the above-mentioned rehearing on pool car rates, it would not be appropriate to act on that portion of Petition No. 133 relating to pool car rates. Disposition of that feature should be made in a future order.

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 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.

The Commission concludes that Petition for Modification No. 133 in Case No. 5441, except for the pool lot rates, should be granted and that City Carriers' Tariff No. 1-A and Minimum Rate Tariff No. 1-B should be amended accordingly. In order to avoid

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C. 5441 (Pet. 133) ds

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.

<u>order</u>

IT IS ORDERED that:

1. Minimum Rate Tariff No. 1-B (Appendix B of Decision No. 65834, as amended) is hereby further amended by incorporating therein, to become effective April 27, 1968, 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 April 27, 1968.

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. Disposition will be made of the request for increases in the pool lot rates by a supplemental order.

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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.

		Dated at	,	California,	this	<u>s</u> m	
day	o£	March	, 1968.	•			

President Sallyum oners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding. C. 5441 (Pet. 133) MRT 1-B - er

APPENDIX A TO DECISION NO. 73817

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

> Fourteenth Revised Page 19 Sixth Revised Page 23 Fifth Rovised Page 24 Seventh Revised Page 25 Sixth Revised Page 38 Sixth Revised Page 40 Sixth Rovised Page 41 Sixth Revised Page 42 Sixth Revised Page 47

(End of Appendix A List)

Fourteenth Revised Page 19 Cancels Thirteenth Revised Page 19

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
APPLICATION OF RATES Rates provided in this tariff are for the transporta- tion 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 gov- erned by the Governing Classification to the extent that commodity rate items make specific reference thereto.	100
ACCESSORIAL CHARGES (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 0 , 90 per man per hour, minimum charge 0 , 200 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 0 , 30 per man per hour, minimum charge 0 , 30 shall be made. (c) On shipments of glass as described under the heading "Glass" in the Governing Classification in pack- ages named therein exceeding 120 united inches, add 6% cents per 100 pounds to applicable class rates. (See Note.) NOTEWill not apply where crane facilities are available without cost to carrier or loading and/or un- loading 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

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 des- tination and for the same accessorial services than re- sults 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 fol- lowing charges for such accessorial services shall be added: (See Note)	
(a) For loading onto carrier's equipment, the charges provided in paragraph (d).	
(b) For unloading from carrier's equipment, the charges provided in paragraph (d).	
(c) For other accessorial services for which charges are provided in this tariff, the additional charge or charges so provided.	130
(d) 5 cents per 100 pounds.	
NOTEIn 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 connec- tion 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 ser- vice 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.	140
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.	
¢ Change) Decision No. 73817	
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Issued by the Public Utilities Commission of the State of Cali.	fornia,
San Francisco, Cali Correction No. 178	IOTNÍA

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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 asses- sed on shipments requiring escort service:	
 (a) A charge of (\$6.85 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.	ø160
NOTE 1Service shall commence with departure of each es- cort vehicle from its point of dispatch and ter- minate with the return of each escort car to its point of dispatch, excluding off-duty hours.	ØIGO
NOTE 2Charges for fractions of an hour shall be deter- mined in accordance with the following table:	
MINUTES But Over Not Over	
0 8 omit 8 23 shall be ½ hour 23 38 shall be ½ hour 38 53 shall be ½ hour 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 as- sessed on shipments requiring transportation permits:	
(a) A charge of \$8.25 shall be made for the service of securing each permit, and	\$170-
(b) A charge shall be made equal to the fee, if any, assessed by the governmental agency for issuing each permit.	
	[

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 \$ 2.55 per ton in addition to all other charges.

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

Ø Change ◊ Increase

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DELAYS TO EQUIPMENT Delays at place of pickup and/or delivery, time actually consumed in loading or unloading, any cause not the fault of and beyond the contro which exceed one-half hour will be charged for a \$8.85 per hour for all time over one-half hour, \$2.20. DISPOSITION OF FRACTION	resulting from of of carrier at the rate of	¢190
time actually consumed in loading or unloading, any cause not the fault of and beyond the contro which exceed one-half hour will be charged for a \$8.85 per hour for all time over one-half hour, \$2.20.	resulting from of of carrier at the rate of	¢190
DISPOSITION OF FRACTION		
	5	
In computing a rate based on a multiple of such as one and one-half times first class rate following will govern in the disposition of frac	(l'xtl), the	
Fractions of less than 4 or .25 of a cent of Fractions of 4 or .25 of a cent or greater 3/4 or .75 of a cent will be stated as 4 Fractions of 3/4 or .75 of a cent or greate next whole figure.	but less than or .50 of a cent.	200
Export Freight Clearan	CES	
When the service of clearing export freight the carrier, a charge of \$4.15 per clearance w		\$210
GROSS WEIGHT		
Charges shall be assessed on gross weight No allowance shall be made for the weight of the (See Exception)		
EXCEPTION - When palletized shipments subje- weights of 20,000 pounds or more are loade by power-loading device, the weight of the (elevating truck pallets or platforms or 1 shall not be used in determining the weigh ment nor the charges thereon. This except in connection with rates contained in this not applicable to shipments of empty palle rates are used under the provisions of Ite this tariff, the weight of the pallets sha or excluded in accordance with the provisi	d or unloaded pallets ift truck skids) it of the ship- ion applies only tariff, and is rts. When rail m No. 130 of ill be included	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.

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.

OIncrease, Decision No.

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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.	
(e) Description of the shipment (in terms of the Governing Classification or as provided in this tariff).	
(f) Weight of the shipment.	
(g) Rate and charge assessed.	21.0
(h) Such other information as may be necessary to an accurate determination of the applicable minimum rate and charge.	240
 (i) For the transportation of (1) permit shipments, 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: 	
(1) Permit identification of all permit ship- ments. (See Item No. 10.)	
(2) Any escort service furnished and the au- thority 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, freight bill, accessorial service document, weighmaster's certificate, written instructions, written agreement, written request or any other written document which supports the rates and charges assessed and which the carrier is required to issue, receive or obtain by this tariff for any transportation or accessorial service shall be retained and preserved by the carrier, at a location within the State of California, subject to the Commission's inspection, for a period of not less than three years from the date of issue.	

LOSS AND/OR DAMAGE CLAIMS

A minimum charge of \$2.75 shall be made for the hand-ling and collection of loss and/or damage claims against another carrier when the amount involved exceeds \$100.00. When the amount involved is \$100.00 or less, not less than 1 percent of the amount involved shall be charged subject to a minimum of 69 cents. This accessorial service shall 0250 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 \$1.55 shall be made. When more than one stencil is used, the minimum charge shall apply to each 0260 stencil used. MINIMUM CHARGE Except as otherwise provided, on shipments moving under class rates the minimum charge per shipment shall be as follows: \$270 Minimum Charge Weight of Shipment (In Cents) (In Pounds) Over Not Over 25 -50 -75 -180 0 25 50 75 200 245 275 100. 100 ◊ Increase, Decision No. 73817 EFFECTIVE APRIL 27, 1968 Essued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 181

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MINIMUM RATE TARIFF NO. 1-B

	TY RATES (Continued) mds, except as noted		Item No.
COMODII	r	¢RATE	
CANNED GOODS, Pickles, Preserves, in metal cans, boxed, or in pails or tu in barrels or kegs, as described und Item No. 400	bs, crated or in bulk		
FRUIT, DRIED, in boxes or sacks.	•	In Cents	ø800
Applies only wit Shipments on Platforms, loaded by Shi by Consignee Minimum 6,000 tons per year, subject	ipper and unloaded	Per <u>Ton</u> 102	
CASTINGS, Iron or Steel (See Note). Minimum 1,500 tons per year, subject NOTERates will also apply on Found of which does not exceed 10% of gro ment.	t to Item No. 230 hry Patterns, gross weight		
BETWEEN	: AND		
All Zones in Alameda, Albany, Berkeley, Emoryville, Oakland	All Zones in Alameda, Albany, Berkeley, Emeryville, Oakland		ø810
SHIFMEN 2,000 pounds and under Over 2,000 pounds but not over 4,000 Over 4,000 pounds but not over 6,000 Over 6,000 pounds	pounds	(1) 68 37, 28 2 20 2	
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MINIMUM RATE TARIFF NO. 1-B

SECTION NO. 3 - COMMODITY RATES (Continu In cents per 100 pounds, except as note	d	Item No.
COMMODITY	ORATE	
CIGARS, CIGARETTES, SNUFF OR MANUFACTURED TOBACCO, as described under the heading "CIGARS AND CIGARETTES GROUP" in the Governing Classi- fication.		
Applies from public warehouses to points and places located within the Oakland Jobber Zone described below: Minimum 75,000 pounds per month	In Cents per Shipment	,
25 pounds or less Over 25 pounds but not over 50 pounds Over 50 pounds but not over 75 pounds Over 75 pounds but not over 100 pounds Over 100 pounds but not over 500 pounds	185 195 210 235 270	ø82
	In Cents per 100 Pounds	i e de s
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	55 44 36 33	
The OAKLAND JOBBER ZONE consists of the area bounded as follows:		
Beginning at the intersection of San Fran- cisco Bay and Oakland approach to the San Fran- cisco-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 streets.		
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· · · · · · · · · · · · · · · · · · ·	Commodity		Minimum	
		♦ RATE	Weight In Pounds Per Shipment	
"GRAIN PRODUC Classificatio Except as noted	as described under the heading TS GROUP" in the Governing n. , rates include inside delivery flour not exceeding ten sacks			
FROM	TO			
Warehouses in ONE 1 - 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, casterly 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 inter- section of 29th Avenue and the Oakland City limits, easterly along 29th Avenue to 23rd Avenue; thence northerly along 23rd Avenue to Foothill Boule- vard.	(1) (3)98 (3)58 (3)44 (3)35 (3)274 (3)245 (3)19	500 1,000 2,000 5,000	¢830
	All points in ZONES 1, 2 and 3 (except Alameda, Albany and that portion of ZONE 1 - Cakland described above).	(2) (3)109 (3) 66 (3) 46 (3) 36 (3) 30 (3) 29 (3) 24	1,000 2,000 5,000	
(2) Minim (3) Pors	um charge ∞ 2.90 per shipment. um charge ∞ 3.25 per shipment. hipping and marking add \diamond 14 cents p e \diamond \$1.40.	per 100 pou	nds, minimum	
ø Change ♦ Increase) Decision No. 73817			
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MINIMUM RATE TARIFF NO. 1-B

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:	<i>.</i>	
2,500 or less Over 2,500 but not over 4,500 4,500 * * 10,500 10,500 * 20,500 20,500 * 30,000 30,000 pounds Minimum charge 1 hour.	1000 1025 1050 1150 1200 1250	
NOTE 1Rates 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.		\$1000
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.		
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