

ORIGINAL

Decision No. 74070

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 live-)
stock and related items (commodi-)
ties for which rates are provided)
in Minimum Rate Tariff No. 3-A).)

Case No. 5433
Petition for Modification
No. 26
(Filed March 29, 1968)

OPINION AND ORDER

Minimum Rate Tariff No. 3-A names rates and rules for the transportation of livestock by highway carriers generally throughout the State. By this petition, California Trucking Association seeks adjustment in the minimum rates and charges in the above tariff to offset increases in transportation costs and to reflect changing circumstances. Petitioner requests that common carriers be directed to establish in their respective tariffs such modifications as may be prescribed by the Commission's order in this proceeding, including relief from the long- and short-haul provisions of Section 460 of the Public Utilities Code.

Petitioner proposes to (1) increase from 4 to 5 cents per 100 pounds the loading charge and the unloading charge that are applied to common carrier rates under the alternative provisions of the tariff; (2) increase the 35,000-pound rates on cattle and hogs by amounts ranging from 1½ to 2 cents per 100 pounds for distances

over 5 but not over 50 miles; (3) increase all other rates on livestock by one cent per 100 pounds; (4) increase from 33,000 to 35,000 pounds the minimum weight governing the truckload rates on sheep; and (5) increase from 37,000 to 39,000 pounds the minimum weight governing certain truckload rates on cattle and hogs.

According to petitioner, the last general revisions in Minimum Rate Tariff No. 3-A were made in 1966.¹ Petitioner alleges that, since that time, the wage rates of truck drivers, helpers, maintenance employees and clerical employees have been increased by substantial amounts. Increases have also been experienced in costs of carrier operating equipment and supplies.

Petitioner states that the aforementioned increases in carrier operating expenses have created a situation in which the minimum rates and charges provided in Minimum Rate Tariff No. 3-A are now, and will be in the future, unreasonably low. Petitioner declares that no adequate and practicable method of increasing revenues is available to carriers of livestock except by increasing the minimum rates and charges prescribed in the tariff.

Petitioner avers that interested livestock shippers and carriers have discussed revisions in the tariff which would be reflective of changing circumstances, would produce additional revenues to carriers to offset increased costs, and would promote further efficiencies of use. Petitioner contends that the tariff revisions determined by said parties to be necessary to meet such

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Decision No. 71149 dated August 16, 1966, in Case No. 5433 (Petition for Modification No. 23).

objectives are set forth in its proposal designated as Exhibit A, attached to, and made a part of, its petition.

Copies of the petition were mailed to various chambers of commerce, shipper organizations and carrier representatives on or about March 27, 1968. The petition was listed on the Commission's Daily Calendar of April 1, 1968. California Farm Bureau Federation and Swift & Company have informed the Commission by letter that they support the petition. No objection to the granting of the petition has been received.

In the circumstances it appears and the Commission finds, that petitioner's proposal is reasonable, that the resulting minimum rates will be the just, reasonable and nondiscriminatory minimum rates for the transportation of livestock and that the increases involved are justified. A public hearing is not necessary. The Commission concludes that the petition should be granted.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 3-A (Appendix A of Decision No. 55587, as amended) is hereby further amended by incorporating therein, to become effective June 15, 1968, the revised pages listed in Appendix A, which revised pages and appendix are attached hereto and by this reference 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 June 15, 1968.

3. Common carriers, in establishing and maintaining the rates and rules 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 to the extent necessary to comply with this order; and such schedules containing the rates and rules 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, Decision No. 55587, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 7th day of May, 1968.

[Signature]

President

[Signature]

[Signature]

[Signature]

Commissioners

I dissent:

This matter should be submitted to public hearing!

[Signature]

APPENDIX A TO DECISION NO. 74070

List of Revised Pages to Minimum Rate Tariff No. 3-A
Authorized by Said Decision

Second Revised Page 11

Ninth Revised Page 18

Fifth Revised Page 18-A

Seventh Revised Page 19

Fourth Revised Page 19-A

First Revised Page 21

(End of Appendix A List)

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
<p style="text-align: center;">ALTERNATIVE APPLICATION OF COMMON CARRIER RATES</p> <p>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 from the same point of origin to the same point of destination than results from the application of the rates herein provided. (See Notes 1, 2 and 3.)</p> <p>NOTE 1.-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.</p> <p>NOTE 2.-When a rail carload rate is subject to varying minimum weights, dependent upon the size of the car ordered or used, the lowest minimum weight obtainable under such minimum weight provisions may be used in applying the basis provided in this item.</p> <p>NOTE 3.-When a common carrier rate, which does not include the service of loading and/or unloading is applied under the provisions of this item and when loading and/or unloading services are provided in connection with the transportation services performed, the following additional charges shall be assessed.</p> <p style="margin-left: 40px;">Loading - - - - - ◇ 5 cents per 100 pounds Unloading - - - - - ◇ 5 cents per 100 pounds</p>	§210
<p style="text-align: center;">ALTERNATIVE APPLICATION OF COMBINATIONS WITH COMMON CARRIER RATES (Items Nos. 220 and 221)</p> <p>When lower aggregate charges result, rates provided in this tariff may be used in combination with common carrier rates for the same transportation as follows:</p> <p>(a) When point of origin is located beyond railhead and point of destination is located at railhead, add to the common carrier rate applying from any team track to point of destination the rate provided in this tariff for the distance from point of origin to the team track from which the common carrier rate used applies. (See Notes 1, 2 and 3.)</p> <p>(b) When point of origin is located at railhead and point of destination is located beyond railhead, add to the common carrier rate applying from point of origin to any team track the rate provided in this tariff for the distance from the team track to which the common carrier rate used applies to point of destination. (See Notes 1, 2 and 3.)</p> <p style="text-align: center;">(Continued in Item No. 221)</p>	220
<p style="text-align: center;"> ◇ Change) Decision No. 74070 ◇ Increase) </p>	
EFFECTIVE JUNE 15, 1968	
<p style="text-align: center;"> Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 70 </p>	

SECTION NO. 2 - DISTANCE COMMODITY RATES (Continued)							Item No.
(In Cents per 100 Pounds)							
CATTLE, viz.: Bulls, Calves, Cattle, Cows, Dairy Cattle, Heifers, Oxen and Steers.							
HOGS, viz.: Barrows, Boars, Butcher Hogs, Feeder Pigs, Gilts, Hogs, Pigs, Sows, Stags and Swine.							
MILES	R A T E S						
	Minimum Weight in Pounds						
	But Not Over	Over	Any Quantity	10,000	26,000 (See Note 1, Item No. 275)	(3) 35,000 (See Note 2, Item No. 275)	
0	3	21	12	10	8½	8	
3	5	22	13	11	9	8½	
5	10	24	14	12	10	9	
10	15	26	15	13	11	10	
15	20	29	17	14	12	11	
20	25	32	19	15	13	12	
25	30	35	21	16	14	13	
30	35	38	23	18	15	14	
35	40	41	25	19	16	15	
40	45	44	27	20	17	16	
45	50	47	29	21	18	17	
50	60	50	32	24	19	18	
60	70	53	35	26	20	19	
70	80	56	38	28	22	21	
80	90	59	41	30	24	22	
90	100	62	44	32	26	23	
100	110	64	48	34	28	25	
110	120	66	52	36	30	26	
120	130	68	56	38	32	28	
130	140	70	60	40	34	29	
140	150	73	62	42	35	30	
150	160	76	66	44	36	32	
160	170	80	70	46	38	33	
170	180	84	74	48	40	35	
180	190	88	77	51	42	37	
190	200	93	81	55	44	39	
200	220	98	86	58	47	41	
220	240	104	92	62	51	44	
240	260	110	98	66	54	47	
260	280	116	105	70	58	50	
280	300	122	112	75	61	53	
300	325	129	119	80	65	57	
325	350	136	128	86	69	61	
350	375	143	136	91	73	66	
375	400	150	144	97	77	70	

#270

400	425	157	152	102	82	74
425	450	164	159	108	87	78
450	475	171	167	113	92	83
475	500	178	174	119	97	88
500	525	185	182	124	102	93
525	550	192	188	130	107	97
550	575	199	194	135	112	101
575	600	206	200	141	117	105

For distances over 600 miles add for each 25 miles or fraction thereof in excess of 600 miles

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(1) Rates apply only:

- (a) To the transportation of cattle to packing houses or slaughter houses for slaughter, subject to the varying minimum weights per shipment as set forth in Note 3 of Item No. 275; and
- (b) When the actual weight of the shipment is confirmed by a public weighmaster's certificate.

(2) Rates are not subject to the provisions of:

- (a) Item No. 130(2), Shipments of livestock for which the carrier may, but is not required to, obtain a public weighmaster's certificate;
- (b) Item No. 140(2), Determination of weights and charges;
- (c) Item No. 150, Provided weights per animal;
- (d) Item No. 190, Mixed shipments;

and do not apply to the transportation of cattle in mixed shipment with other livestock.

- (3) Rates subject to minimum weights of 35,000 or 39,000 pounds are also subject to the provisions of Item No. 290 (Livestock Volume Incentive Rates) and Item No. 295 (Livestock Volume Tender Rates).

(Continued in Item No. 275)

Change } Decision No. 74070
 Increase }

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 San Francisco, California.
 Correction No. 71

SECTION NO. 2 - DISTANCE COMMODITY RATES (Continued) (In Cents per 100 Pounds)	Item No.										
Applies in connection with rates on Cattle and Hogs in Item No. 270.											
<p>NOTE 1.--Rates in Item No. 270 referring to this note are subject to varying minimum weights per shipment, dependent upon the number of carrier's units of equipment used, as shown below, regardless of the amount of live-stock loaded in each unit of equipment used. In no event shall the minimum weight per shipment be less than 26,000 pounds or actual weight, whichever is greater.</p>											
<table> <thead> <tr> <th data-bbox="322 811 660 888"><u>Number of Units of Equipment Used</u></th> <th data-bbox="1073 811 1346 888"><u>Minimum Weight (In Pounds)</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="454 914 470 940">1</td> <td data-bbox="1148 914 1263 940">26,000</td> </tr> <tr> <td data-bbox="454 947 470 973">2</td> <td data-bbox="1148 947 1263 973">52,000</td> </tr> <tr> <td data-bbox="454 981 470 1007">3</td> <td data-bbox="1148 981 1263 1007">78,000</td> </tr> <tr> <td data-bbox="454 1014 470 1040">4</td> <td data-bbox="1131 1014 1263 1040">104,000</td> </tr> </tbody> </table>	<u>Number of Units of Equipment Used</u>	<u>Minimum Weight (In Pounds)</u>	1	26,000	2	52,000	3	78,000	4	104,000	
<u>Number of Units of Equipment Used</u>	<u>Minimum Weight (In Pounds)</u>										
1	26,000										
2	52,000										
3	78,000										
4	104,000										
<p>Over 4--Add to the minimum weight for 4 units of equipment 26,000 pounds for each unit of equipment in excess of 4.</p>											
<p>NOTE 2.--Rates in Item No. 270 referring to this note are subject to varying minimum weights per shipment, dependent upon the number of carrier's units of equipment used, as shown below, regardless of the amount of live-stock loaded in each unit of equipment used. In no event shall the minimum weight per shipment be less than 35,000 pounds or actual weight, whichever is greater.</p>											
<table> <thead> <tr> <th data-bbox="322 1481 660 1558"><u>Number of Units of Equipment Used</u></th> <th data-bbox="1073 1481 1346 1558"><u>Minimum Weight (In Pounds)</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="454 1571 470 1597">1</td> <td data-bbox="1164 1571 1280 1597">35,000</td> </tr> <tr> <td data-bbox="454 1604 470 1630">2</td> <td data-bbox="1164 1604 1280 1630">70,000</td> </tr> <tr> <td data-bbox="454 1638 470 1664">3</td> <td data-bbox="1148 1638 1280 1664">105,000</td> </tr> <tr> <td data-bbox="454 1671 470 1697">4</td> <td data-bbox="1148 1671 1280 1697">140,000</td> </tr> </tbody> </table>	<u>Number of Units of Equipment Used</u>	<u>Minimum Weight (In Pounds)</u>	1	35,000	2	70,000	3	105,000	4	140,000	
<u>Number of Units of Equipment Used</u>	<u>Minimum Weight (In Pounds)</u>										
1	35,000										
2	70,000										
3	105,000										
4	140,000										
<p>Over 4--Add to the minimum weight for 4 units of equipment 35,000 pounds for each unit of equipment in excess of 4.</p>											

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NOTE 3.--Rates in Item No. 270 referring to this note are subject to varying minimum weights per shipment, dependent upon the number of carrier's units of equipment used, as shown below, regardless of the amount of livestock loaded in each unit of equipment used. In no event shall the minimum weight per shipment be less than \$39,000 pounds or actual weight, whichever is greater.

<u>Number of Units of Equipment Used</u>	<u>Minimum Weight (In Pounds)</u>
1	39,000
2	78,000
3	117,000
4	156,000

Over 4--Add to the minimum weight for 4 units of equipment \$39,000 pounds for each unit of equipment in excess of 4.

For the purposes of Notes 1, 2 and 3 above, a unit of equipment shall be deemed as any vehicle or combination of vehicles as described in Item No. 10 propelled by the use of a single motor truck or single other self-propelled highway vehicle.

◊ Change)
 ◊ Increase) Decision No. **74070**

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 San Francisco, California.
 Correction No. 72

SECTION NO. 2--DISTANCE COMMODITY RATES (Continued)						Item No.
(In Cents per 100 Pounds)						
SHEEP, viz.: Ewes, Goats, Kids, Lambs, Rams (Bucks), Sheep, Sheep Camp Outfits, and Wethers.						
R A T E S						
Minimum Weight in Pounds						
MILES	But Not Over	Any Quantity	10,000	21,000	(1)	
				(See Note 1, Item No. 285)	35,000 (See Note 2, Item No. 285)	
0	3	21	16	15	14½	
3	5	22	17	16	15½	
5	10	24	19	17	16½	
10	15	26	21	18	17½	
15	20	29	23	19	18½	
20	25	32	25	20	19½	
25	30	35	27	21	20½	
30	35	38	29	22	21½	
35	40	41	31	23	22½	
40	45	44	33	24	23½	
45	50	47	36	26	25	
50	60	50	39	28	26	
60	70	53	42	31	27	
70	80	56	45	33	29	
80	90	59	49	36	31	
90	100	62	53	38	34	
100	110	64	57	41	36	280
110	120	66	61	43	38	
120	130	68	63	46	40	
130	140	70	67	48	42	
140	150	73	71	51	44	
150	160	76	75	53	46	
160	170	80	79	56	49	
170	180	84	83	58	51	
180	190	88	87	60	53	
190	200	93	92	63	56	
200	220	98	97	68	59	
220	240	104	103	73	63	
240	260	110	109	78	68	
260	280	116	115	83	72	
280	300	122	120	87	76	
300	325	129	127	93	81	
325	350	136	134	99	86	
350	375	143	141	105	91	
375	400	150	148	111	96	
400	425	157	155	117	100	
425	450	164	162	123	105	
450	475	171	169	129	110	
475	500	178	176	135	115	
500	525	185	183	141	120	

525	550	192	190	147	125
550	575	199	197	153	130
575	600	206	204	159	135
For distances over 600 miles add for each 25 miles or fraction thereof in excess of 600 miles		8	8	7	6

(1) Rates subject to minimum weight of 35,000 pounds are also subject to the provisions of Item No. 290 (Livestock Volume Incentive Rates) and Item No. 295 (Livestock Volume Tender Rates).

(Continued in Item No. 285)

∅ Change)
 ∅ Increase) Decision No. 74070

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 San Francisco, California.
 Correction No. 73

SECTION NO. 2 - DISTANCE COMMODITY RATES (Continued) (In Cents per 100 Pounds)	Item No.
Applies in connection with rates on Sheep in Item No. 280.	
<p>NOTE 1.— Rates in Item No. 280 referring to this note are subject to varying minimum weights per shipment, dependent upon the number of carrier's units of equipment used, as shown below, regardless of the amount of livestock loaded in each unit of equipment used. In no event shall the minimum weight per shipment be less than 21,000 pounds or actual weight, whichever is greater.</p>	
<p>Number of Units of Equipment Used</p>	<p>Minimum Weight (In Pounds)</p>
<p>1 21,000 2 42,000 3 63,000 4 84,000</p>	
<p>Over 4 - Add to the minimum weight for 4 units of equipment 21,000 pounds for each unit of equipment in excess of 4.</p>	
<p>NOTE 2.-- Rates in Item No. 280 referring to this note are subject to varying minimum weights per shipment, dependent upon the number of carrier's units of equipment used, as shown below, regardless of the amount of livestock loaded in each unit of equipment used. In no event shall the minimum weight per shipment be less than 35,000 pounds or actual weight, whichever is greater.</p>	
<p>Number of Units of Equipment Used</p>	<p>Minimum Weight (In Pounds)</p>
<p>1 35,000 2 70,000 3 105,000 4 140,000</p>	
<p>Over 4 - Add to the minimum weight for 4 units of equipment 35,000 pounds for each unit of equipment in excess of 4.</p>	
<p>For the purposes of Notes 1 and 2 above, a unit of equipment shall be deemed as any vehicle or combination of vehicles as described in Item No. 10 propelled by the use of a single motor truck or single other self-propelled highway vehicle.</p>	

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∅ Change)
◇ Increase) Decision No.

74070

EFFECTIVE JUNE 15, 1968

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

Correction No. 74

SECTION NO. 3--RATES (In Cents Per Head)										Item No.	
DAIRY CATTLE, as described in Item No. 10.											
BETWEEN AND		ZONES (See Items Nos. 310 and 311 for territorial zone descriptions.)									0300
ZONES		A	B	C	D	E	F	G	H	I	
A		108									
B		135	108								
C		248	188	108							
D		248	248	248	108						
E		188	188	188	135	108					
F		135	135	248	188	135	108				
G		188	248	372	248	248	188	108			
H		135	188	310	248	248	135	135	108		
I		135	188	310	310	248	188	188	135	108	
Rates are subject to a minimum charge of \$1.25 per shipment. Not subject to the provisions of Items Nos. 130, 140 and 150.											
♦ Increase, Decision No. 74070											
EFFECTIVE JUNE 15, 1968											
Issued by the Public Utilities Commission of the State of California, San Francisco, California.											
Correction No. 75											