

ORIGINAL

Decision No. 74157

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

And Related Matters)

Cases Nos. 5435, 5439,
5441 and 6008

SUPPLEMENTAL OPINION AND ORDER

On April 24, 1968, there was sent to interested parties for study and comment a report prepared by the Commission's Transportation Division Rate Branch staff relating to transportation of commodities in carrier provided collapsible tanks or bags. The parties were informed that, in the absence of objection or request for public hearing, consideration might be given to the issuance of an ex parte order revising the Commission's minimum rate tariffs in accordance with the staff recommendations.

According to the staff report the question has arisen from time to time whether the transportation of liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk when transported in collapsible rubber or plastic tanks or bags is transportation in a tank truck. The report states that in Case No. 7013 an investigation on the Commission's own

motion into the use, operation and safety of these collapsible tanks by motor carriers, the question arose again. By Decision No. 65093 signed August 20, 1963, the Commission said "The Commission expressly leaves open for future determination the question of whether a radial or contract carrier hauling petroleum or petroleum products in a collapsible container is operating a tank truck or tank trailer. Since it is unnecessary herein to define tank truck or tank trailer for safety purposes, our decision also leaves open the meaning of those terms in connection with certification problems and tariff interpretation."

According to the staff report collapsible tanks vary in size, are generally made from rubber or plastic compounds and are essentially a long tube equipped with a valve for filling and emptying. When provided by the carrier in the nature of carrier equipment, these collapsible tanks or bags normally occupy the entire loading surface of the bed of the truck or trailer. While the largest of these tanks which could be transported on ordinary highway vehicular equipment has a capacity of 4,400 gallons, the minimum size of tanks in use is about 20 feet in length, with a capacity of 2,000 gallons and a weight carrying capacity of about 20,000 pounds.

The staff report contends that because of the recurring questions, it is deemed necessary to clarify the application of Minimum Rate Tariffs Nos. 1-B, 2, 5, 9-B and 13 and City Carriers' Tariff No. 1-A with respect to transportation of liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk in collapsible rubber or plastic tanks or bags.

Written comments have been received from The Dow Chemical Company, Spreckels Sugar Company and California Trucking Association

supporting the staff's proposal with recommended amendments thereto. California Trucking Association proposes that the exemption be subject to an expiration date to ensure that the involved tariff revisions are temporary pending further action in this matter. The other parties suggest that the proposal be modified to include shipper provided collapsible tanks or bags. Also, upon further analysis of its proposal, the Commission's staff recommends that no changes be made in Minimum Rate Tariff No. 13 inasmuch as the collapsible tanks or bags may not have vacuum or pump equipment in conjunction therewith. The staff proposal with the recommended amendments will be adopted.

No objection to the staff recommendation has been received. The staff's report and written replies thereto are respectively received in evidence as Ex Parte Exhibits Nos. 0-19 and 0-20 in Case No. 5432 and are received in evidence in the other proceedings by reference.

Upon consideration of the evidence in these proceedings, the Commission finds that the proposed amendment to Minimum Rate Tariffs Nos. 1-B, 2, 5 and 9-B and City Carriers' Tariff No. 1-A, as modified, is reasonable and should be made and that Minimum Rate Tariff No. 13 should not be so amended. A public hearing is not necessary. The Commission concludes that Minimum Rate Tariff No. 2 should be amended by the order herein. In order to avoid duplication of tariff distribution, the other tariffs, except Minimum Rate Tariff No. 13, should be amended by separate orders.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 2 (Appendix "D" of Decision No. 31606, as amended) is hereby further amended by incorporating therein, to become effective June 29, 1968, Forty-ninth Revised Page 15 and Sixth Revised Page 15-A attached hereto and by this reference made a part hereof.

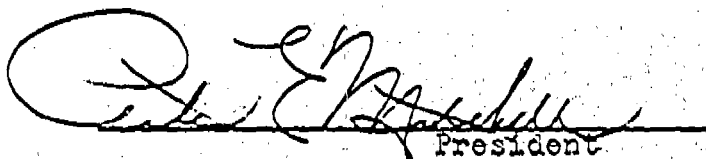
2. Tariff publications required to be made by common carriers as a result of the order herein shall be filed not earlier than the effective date of this order and may be made effective not earlier than the fifth day after the effective date of this order on not less than five days' notice to the Commission and to the public and such tariff publications shall be made effective not later than June 29, 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 fifth day after the effective date of this order, and may be made effective on not less than five 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. Tariff publications authorized herein shall be filed not earlier than the effective date of this order.

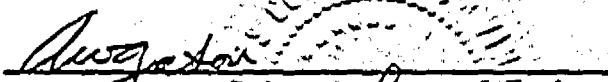
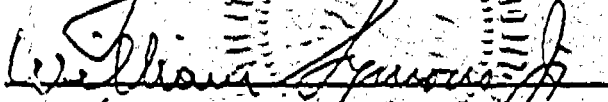

3. Common carriers, in establishing and maintaining the amendments authorized hereinabove, are hereby authorized to depart from the provisions of Section 460 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; such outstanding authorizations are hereby modified only to the extent necessary to comply with this order; and schedules containing the amendments 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. 31606, 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 28th day of May, 1968.


President




Commissioners

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

Item No.	SECTION NO. 1--RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
	<p style="text-align: center;">APPLICATION OF TARIFF-COMMODITIES (Continued) (Items Nos. 40, 41 and 42)</p> <p>Rates in this tariff apply for the transportation of all commodities except as follows:</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <p>Hops,</p> <p>Houses which have been disengaged from their foundations, or sections thereof and integral parts or contents when the contents are transported within the houses,</p> <p>Hulls, almond, including shells and other waste from the hulling and shelling of almonds, not processed for use as animal or poultry feed,</p> <p>Ice Cream Mix, unflavored,</p> <p>Insecticides, agricultural,</p> <p>Jewelry transported from or to wholesale houses in packages weighing 10 pounds or less,</p> <p>41 Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles. *The terms "tank trucks, tank trailers and tank semi-trailers" include any truck, trailer or semi-trailer with carrier or shipper provided collapsible tanks or bags 20 feet or more in length, 2,000 gallons or more in capacity and 20,000 pounds or more weight carrying capacity(Subject to Note 15),</p> <p>Livestock,</p> <p>Logs (wood),</p> <p>Milk, liquid (Subject to Note 2),</p> <p>Mushrooms, fresh (not cold pack nor frozen),</p> <p>Newspapers, newspaper supplements, sections or inserts (not scrap or waste),</p> <p>Nuts, in the shell,</p> <p>Nuts, field shelled (rough shelled, with or without removal of broken shells, dirt, residue, or foreign material, and not cleaned nor further processed),</p> <p>Optical goods transported from or to wholesale houses in packages weighing 10 pounds or less,</p> </div> <div style="width: 48%;"> <p>Property transported to a United States Post Office for mailing and United States mail transported from a post office to the addresses thereof (Subject to Note 11),</p> <p>Sawmill Refuse (hog fuel) composed of sawdust, shavings, bark, veneer, clippings, wood chunks or slabs, and other waste woods, not further processed, and not otherwise usable commercially except as fuel (Subject to Note 13),</p> <p>Sea shells, crushed, ground, powdered or disintegrated (Subject to Note 5),</p> <p>Seed, cotton,</p> <p>Seed, safflower,</p> <p>Seeds, as described under that heading in the Governing Classification, when shipped from point of growth to an accumulation station or point of initial processing, or from an accumulation station to point of initial processing; in bulk, or in containers with a capacity exceeding 40 cubic feet, or in packages weighing 50 pounds or more,</p> <p>Shavings, wood, in bulk (Subject to Notes 13 and 14),</p> <p>Shell Marl, crushed, ground, or powdered,</p> <p>Shells, walnut,</p> <p>Shipments weighing 100 pounds or less when delivered from retail stores or retail warehouses where the property has been sold at retail by a retail merchant, or when returned to the original retail store shipper via the carrier which handled the outbound movement (Subject to Note 3),</p> <p>Shipments weighing 10 pounds or less when transported by carriers which operate no vehicles exceeding a licensed weight of 4,000 pounds (Subject to Note 12),</p> <p>Sulphur,</p> </div> </div>

C. 5432*

Pits, fruit,
Pot Cheese,
Poultry, live,

Property of the United States, or
property transported under an
agreement whereby the United
States contracted for the
carrier's services,

Property shipped to or from pro-
ducers of motion pictures or
television shows when transported
subject to the rates, rules and
regulations provided by Decision
No. 33226, in Cases Nos. 4246
and 4434, as amended,

Trailer coaches and campers set up,
(including contents and furniture
and other personal effects for use
outside of trailer coaches) for
which rates are provided in Minimum
Rate Tariff 18,

United States mail transported for
the Post Office Department under
contract,

(Continued in Item No. 42)

(1) Certain provisions shown on this page transferred to Sixth Revised Page
15-A.

Change)
* Addition) Decision No. **74157**

EFFECTIVE JUNE 29, 1968

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

Correction No. 1948

Item No.	SECTION NO. 1--RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)				
	<p>APPLICATION OF TARIFF-COMMODITIES (Concluded) (Items Nos. 40, 41 and 42)</p> <table><tr><td>Used Property, viz.: household goods, personal effects, furniture, musical instruments, radios, and office and store fixtures and equipment, as described in and for which rates are provided in Minimum Rate Tariff No. 4-B, and used property as described therein of state, county or municipal governments, or transported under an agreement whereby the governments contracted for the carrier's services,</td><td>Vegetables, which are placed in a preservative and are destined to a cannery for processing into a preserved or pickled vegetable, Vegetables, dried, viz.: Beans (except Mesquite), Lentils, Onions, Peas (except Cow Peas), Pepper pods, Voting Booths, Ballot Boxes, Election Tents and Election Supplies, when transported from or to polling places.</td></tr><tr><td>Vegetables, fresh or green, including mushrooms, fresh (not cold pack or frozen),</td><td></td></tr></table> <p>NOTE 1.--Includes only used empty carriers which are returning from an outbound paying load of traffic for which rates are not provided in this tariff, or which are being forwarded for a return paying load of traffic for which rates are not provided in this tariff (Subject to Item No. 80 of the Exception Ratings Tariff).</p> <p>NOTE 2.--Exemption applies only when commodities flagged subject to this note are shipped in milk shipping cans, in bottles in cases or crates, or in bulk in tanks.</p> <p>NOTE 3.--Exemption applies only when the distance between point of origin and destination does not exceed 35 miles, computed in accordance with the provisions of Item No. 100.</p> <p>NOTE 4.--Exemption applies only as to dried fruit in the natural state and which has not been cleaned, washed, stemmed or otherwise prepared or partially prepared for human consumption.</p> <p>NOTE 5.--Exemption applies only when shipper certifies on the shipping document covering the transportation that the shells are being shipped for use as a fertilizer.</p> <p>NOTE 11.--Exemption applies only to transportation between points within a radius of 25 miles of the intersection of 1st and Main Streets, Los Angeles, said mileage to be computed in accordance with the provisions of Item No. 100.</p> <p>NOTE 12.--Exemption applies only to transportation between points located within the Los Angeles Basin Territory as described in Item No. 270.</p> <p>NOTE 13.--Exemption expires with March 4, 1969.</p> <p>NOTE 14.--Exemption applies only to shavings to be utilized in the production of particleboard, flakeboard, hardboard, pulpboard or woodpulp.</p>	Used Property, viz.: household goods, personal effects, furniture, musical instruments, radios, and office and store fixtures and equipment, as described in and for which rates are provided in Minimum Rate Tariff No. 4-B, and used property as described therein of state, county or municipal governments, or transported under an agreement whereby the governments contracted for the carrier's services,	Vegetables, which are placed in a preservative and are destined to a cannery for processing into a preserved or pickled vegetable, Vegetables, dried, viz.: Beans (except Mesquite), Lentils, Onions, Peas (except Cow Peas), Pepper pods, Voting Booths, Ballot Boxes, Election Tents and Election Supplies, when transported from or to polling places.	Vegetables, fresh or green, including mushrooms, fresh (not cold pack or frozen),	
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*NOTE 15.—The added portion of this exemption expires with June 29, 1969.

(1) Certain provisions on this page transferred from Forty-eighth
Revised Page 15.

ø Change) Decision No.
* Addition)

74157

EFFECTIVE JUNE 29, 1968

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 1949