

Decision No. 74719

ORIGINAL

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 petroleum)
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. 87)
(Filed August 5, 1968)

OPINION AND ORDER

Minimum Rate Tariff No. 6-A names minimum rates and rules for the statewide transportation of petroleum and petroleum products in bulk in tank vehicles by petroleum contract carriers and city carriers between points in the State of California. By this petition, California Trucking Association seeks amendment of certain provisions of the tariff rule, which now governs shipments diverted or stopped in transit for partial loading or unloading,¹ to include therein provisions for the weighing of shipments when this service is required to be performed by the carrier. Petitioner asks 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.

The proposed changes, the petition states, are minor in nature and are primarily designed to complement and clarify present tariff provisions in the light of current transportation needs. The specific changes proposed to be made in the aforesaid rule are set

¹See Item No. 220 of Minimum Rate Tariff No. 6-A.

forth in Exhibit A attached to the petition. These changes provide that diversion of the carriers' equipment for the purpose of obtaining scale weights will be handled in the same manner as any other diversion of equipment and that a charge of \$2.00 will be provided for each stop to obtain such weights. In addition, petitioner proposes elimination of the present tariff charge of \$4.80 for each diversion of the carriers' equipment. Petitioner asserts that the proposed charge of \$2.00 is more realistically related to the prevailing costs involved in the service than the present diversion charge of \$4.80.

Petitioner declares that all of the proposed changes have been the subject of public docketing by its association and have been discussed by both shippers and carriers. Petitioner alleges that, although both increases and reductions in freight charges will result, the overall effect upon total revenues of the carriers involved will be minor. It further alleges that the purpose of this proposal is to clarify the present tariff provisions so that they may be more adaptable to current transportation conditions.

Copies of the verified petition were mailed by petitioner to California Manufacturers Association and various petroleum shippers and carrier representatives on or about August 2, 1968. The petition was listed on the Commission's Daily Calendar of August 7, 1968. 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 and charges will be just, reasonable and nondiscriminatory minimum rates and charges for the transportation involved and that, to the extent that increases are involved, such increases 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. 6-A (Appendix A of Decision No. 67154, as amended) is hereby further amended by incorporating therein, to become effective November 2, 1968, Eighth Revised Page 20 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 November 2, 1968; and tariff publications which are authorized but not 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, 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 page incorporated in this order.

3. Common carriers, in establishing and maintaining the rule 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 rule 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. 67154, 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 24th day of September, 1968.

William J. Quinn
President

John E. Doherty

William W. Bennett

Augusta

Paul P. Monissey
Commissioners

SECTION NO. 1--RULES AND REGULATIONS (Continued)	Item No.
<p style="text-align: center;">SHIPMENTS DIVERTED OR STOPPED IN TRANSIT FOR WEIGHING OR 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 weighing or 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 where weighing (either loaded or empty) or partial loading or unloading is performed. (Subject to Notes 1, 3, 4, 5, 6, 7 and 8.)</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 weighing or 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 where weighing (either loaded or empty) or partial loading or unloading is performed. (Subject to Notes 2, 3, 4, 5, 6, 7 and 8.)</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 \$7.50 for each stop in transit to partially load or unload, *and of \$2.00 for each stop to obtain weights (either loaded or empty).</p> <p>NOTE 5.--** Provisions herein contemplate 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>NOTE 7.--Shipments diverted or stopped in transit for weighing or 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.</p>	#220

*NOTE 8.-- This item shall not apply on any shipment where weighing is performed by shipper or consignee at scales located at either point of origin or destination.

∅ Change)	
◇ Increase)	
◊ Reduction)	Decision No. 74719
* Addition)	
** Certain provisions eliminated)	

EFFECTIVE NOVEMBER 2, 1968

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

Correction No. 109