

ORIGINAL

Decision No. 76478

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  
(Petition for Modification  
No. 565)  
(Filed November 12, 1969)

OPINION AND ORDER

Minimum Rate Tariff No. 2 names minimum rates and rules for the statewide transportation of general commodities by highway carriers. By this petition California Trucking Association seeks to extend the expiration date governing certain provisions in the above tariff from December 31, 1969, to December 31, 1970<sup>1</sup> and to modify one of the provisions involved.<sup>2</sup> Petitioner also asks that common carriers be authorized to establish in their respective tariffs such modifications as may be prescribed in the Commission's order in this proceeding, including relief from the long- and short-haul provisions of Section 460 of the Public Utilities Code.

<sup>1</sup> These provisions pertain to the return transportation of empty pallets and small shipment and volume incentive services and such provisions are set forth in Items Nos. 45, 149 and 292 of the tariff.

<sup>2</sup> Empty pallets as described in Note 4 of Item 45 of the tariff would be modified by referring therein to Sub 4 of Item 150390 of the Governing Classification instead of Sub 2 of that same item for the specific description involved. Also empty pallets used in connection with palletized shipments of aluminum foil would be transported without charge under specified conditions.

Petitioner states that the above-mentioned provisions, which have been established on an experimental basis, have evolved from joint considerations of shippers and carriers and reflect the rate-making judgments of such parties. Petitioner avers that the expiration date was provided to insure that any detrimental effects upon either carriers or shippers would not be continued indefinitely.

According to petitioner, subsequent experience with these provisions has indicated a need for revisions which are responsive to the requirements of shippers and carriers but that involvement in other rate-making matters has prevented cooperative efforts in this direction.

Petitioner declares that its proposal will allow parties sufficient time to review their experiences and to present to the Commission for its consideration permanent rules regarding the involved tariff provisions. Petitioner alleges that the proposed tariff provisions are desired by both shippers and carriers.

Copies of the petition were served upon various chambers of commerce, shipper organizations and carrier representatives on or about November 10, 1969. The petition was listed on the Commission's Daily Calendar of November 14, 1969. 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 and that the resulting minimum rates and charges will be just, reasonable and nondiscriminatory minimum rates and charges for the transportation involved. A public hearing is not necessary. The Commission concludes that the petition should be granted.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 2 (Appendix "D" to Decision No. 31606, as amended) is hereby further amended by incorporating therein to become effective January 1, 1970, Sixth Revised Page 15-B, Twentieth Revised Page 19-C, Tenth Revised Page 29-A and Original Page 29-B attached hereto and 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 January 1, 1970; and 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 subject to the Public Utilities Act, to the extent that they are subject also to Decision No. 31606, as amended, are hereby directed to establish in their tariffs the increases necessary to conform with the further adjustments ordered herein.

4. Common carriers maintaining rates on a level other than the minimum rates for transportation for which rates are prescribed in Minimum Rate Tariff No. 2 are authorized to increase such rates by the same amounts authorized for Minimum Rate Tariff No. 2 rates herein.

5. Common carriers maintaining rates on the same level as Minimum Rate Tariff No. 2 rates for the transportation of commodities and/or for transportation not subject to Minimum Rate Tariff No. 2 are authorized to increase said rates by the same amounts authorized for Minimum Rate Tariff No. 2 rates herein.

6. Common carriers maintaining rates at levels other than the minimum rates for the transportation of commodities and/or for transportation not subject to Minimum Rate Tariff No. 2 are authorized to increase said rates by the same amounts authorized for Minimum Rate Tariff No. 2 rates herein.

7. Common carriers, in establishing and maintaining the tariff provisions 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 tariff provisions published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

8. 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 25th day  
of November, 1969.

William Symons, Jr.  
President  
Robert M. ...  
William ...  
Thomas ...  
Vernon L. ...  
Commissioners

SECTION 1--RULES OF GENERAL APPLICATION (Continued)		ITEM
EMPTY PALLET RETURN		
(Applies only in connection with Items 316, 320, 320-1, 335.5, 338, 345, 350, 390, 654, and commodities named in paragraph (c))		
(a) When palletized shipments are transported at rates subject to minimum weights of not less than 10,000 pounds, empty pallets may be transported without charge for distances not exceeding 75 constructive miles when returning to the point of origin of an outbound palletized shipment or when transported for a return palletized shipment, subject to the terms and conditions in Notes 1, 2, 3 and 4.		
NOTE 1.--Palletized shipments must be loaded onto carrier's equipment by the consignor and/or unloaded by the consignee with power equipment, as described in Item 11, furnished and used without expense to the carrier.		
NOTE 2.--Shipper must indicate on shipping instructions that palletized shipments were loaded onto trailers by power-loading equipment operated by personnel furnished by shipper; and/or receivers must show on carrier's delivery receipt that such shipments were removed by power-loading equipment operated by personnel furnished by receiver.		
NOTE 3.--Shipping Documents (Bills of Lading) covering the shipment of empty returning pallets shall identify the palletized shipments. Shipping Documents (Bills of Lading) covering returning palletized loads shall identify the shipments of empty pallets.		
NOTE 4.--For the purpose of this item, empty pallets shall include pallets, platforms, or skids as described in Item 150370, Sub 1; Item 150380; Item 150390, Sub 4; or Item 150430, Sub 2, of the Governing Classification: six inches or less in height or nested solid (as defined in Rule 110 of the Governing Classification), and of wood, metal or wood and metal construction.		
(b) Carrier must assess applicable tariff charges on empty pallets under the conditions stated in Notes 5, 6, 7 and 8.		
NOTE 5.--If immediately upon receipt of a palletized shipment consignee fails to provide carrier with up to a like number of empty pallets for return to point of origin of the palletized shipment.		
NOTE 6.--When empty pallets are furnished by consignee and forwarded to origin point of a palletized shipment, if consignor immediately on receipt of empty pallets fails to provide carrier with a palletized shipment containing up to a like number of pallets loaded for shipment to consignee at point of origin of the empty pallets.		
NOTE 7.--For the transportation of all empty pallets in excess of those permitted by the provisions of Notes 5 and 6.		
NOTE 8.--For the transportation of all empty pallets which do not comply with the provisions of this item.		
(c) When palletized shipments of Toilet Preparations, NOI (as described in Item 59420 of the Governing Classification), *Aluminum Foil, NOI (as described in Item 71720 of the Governing Classification) or commodities described in Item 360 or 732 of this tariff are transported at rates provided in Section 2, and are subject to minimum weights of not less than 10,000 pounds, the empty pallets may be transported under the provisions of paragraphs (a) and (b) above.		
(E) This item expires with December 31, 1970.		
o Change )		
* Addition )	Decision No. 76478	
o Increase )		
EFFECTIVE		
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA		
Correction 2206		

SECTION 1--RULES OF GENERAL APPLICATION (Continued)		ITEM																																																	
<p style="text-align: center;"><b>SMALL SHIPMENT SERVICE</b> (Note subject to the provisions of Item 150)</p> <p>Rates provided in this item shall apply only when the shipping document is annotated by shipper with the words: "Small Shipment Service Requested." By such request, the shipper agrees to the requirements set forth in this item as prerequisite to application of the charges provided herein. Rates in this item will apply only to prepaid shipments, released to a value of 50 cents per pound or less per article, weighing not over 500 pounds and moving for distances not in excess of 400 constructive miles or under the provisions of Item 510.</p> <p>Rates in this item will not apply to:</p> <ol style="list-style-type: none"><li>1. Shipments including any commodity rated above Class 100; nor</li><li>2. Shipments weighing less than 100 pounds which contain more than five pieces, or any shipment which contains more than five pieces per 100 pounds, or fraction thereof, of total shipment weight; nor</li><li>3. Shipments which require temperature control service, C.O.D. or order notify service, or which have origin or destination on steamship docks or oilwell sites; nor</li><li>4. Shipments picked up or delivered at private residences of retail customers; nor</li><li>5. Shipments containing personal effects, baggage or used household goods; nor</li><li>6. Shipments moving on government bill of lading.</li></ol> <p>Rates provided in this item do not alternate with other rates and charges in this tariff, and rates provided in this item may not be used in combination with any other rates.</p> <p>The charge per shipment for Small Shipment Service shall be as follows:</p> <table><tr><th colspan="2"><u>Weight of Shipment</u> <u>(In Pounds)</u></th><th colspan="2"><u>Charge In Cents</u></th></tr><tr><th><u>Over</u></th><th><u>But Not Over</u></th><th><u>(1)</u></th><th><u>(2)</u></th></tr><tr><td>0</td><td>25</td><td>255</td><td>425</td></tr><tr><td>25</td><td>50</td><td>315</td><td>425</td></tr><tr><td>50</td><td>75</td><td>370</td><td>425</td></tr><tr><td>75</td><td>100</td><td>395</td><td>425</td></tr><tr><td>100</td><td>150</td><td>485</td><td>595</td></tr><tr><td>150</td><td>200</td><td>575</td><td>720</td></tr><tr><td>200</td><td>250</td><td>655</td><td>845</td></tr><tr><td>250</td><td>300</td><td>750</td><td>965</td></tr><tr><td>300</td><td>400</td><td>900</td><td>1175</td></tr><tr><td>400</td><td>500</td><td>1040</td><td>1340</td></tr></table> <p>(1) Apply only on shipments moving distances not exceeding 150 constructive miles. (2) Apply only on shipments moving distances exceeding 150 constructive miles, but not more than 400 constructive miles, and shipments moving under the provisions of Item 510.</p>			<u>Weight of Shipment</u> <u>(In Pounds)</u>		<u>Charge In Cents</u>		<u>Over</u>	<u>But Not Over</u>	<u>(1)</u>	<u>(2)</u>	0	25	255	425	25	50	315	425	50	75	370	425	75	100	395	425	100	150	485	595	150	200	575	720	200	250	655	845	250	300	750	965	300	400	900	1175	400	500	1040	1340	(E) 149
<u>Weight of Shipment</u> <u>(In Pounds)</u>		<u>Charge In Cents</u>																																																	
<u>Over</u>	<u>But Not Over</u>	<u>(1)</u>	<u>(2)</u>																																																
0	25	255	425																																																
25	50	315	425																																																
50	75	370	425																																																
75	100	395	425																																																
100	150	485	595																																																
150	200	575	720																																																
200	250	655	845																																																
250	300	750	965																																																
300	400	900	1175																																																
400	500	1040	1340																																																
<p>6(E) This item expires with December 31, 1970.</p> <p>6 Change, Decision No. <b>76478</b></p>																																																			
<p style="text-align: right;"><b>EFFECTIVE</b></p> <p style="text-align: right;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction 2207</p>																																																			

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM (1)																
EXCEPTION TO GOVERNING CLASSIFICATION AND SECTION 2 OF THE EXCEPTION RATINGS TARIFF																	
<p style="text-align: center;">VOLUME INCENTIVE SERVICE APPLICATION OF RATES (Applies only when reference is made hereto)</p> <p>(a) Rates in this item shall apply only on prepaid shipments when the shipping document is annotated by shipper certifying that the shipment meets the requirements of this item and requesting volume incentive service. Rates in this item do not apply to:</p> <ol style="list-style-type: none"> <li>Shipments which require temperature control service, split pickup or delivery service, collect on delivery (C.O.D.) or order notify service, or which have origin or destination on steamship docks or oilwell sites; nor</li> <li>Shipments moving on government bill of lading; nor</li> <li>Shipments which are not loaded in their entirety during one calendar day; nor</li> <li>Shipments subject to Items 85, 90 or 365.</li> </ol> <p>(b) The charge for service under the provisions of this item shall be determined and applied as follows:</p> <ol style="list-style-type: none"> <li>Determine the applicable classification truckload rating as provided in the Governing Classification and Sections 2-B and 2-C of the Exception Ratings Tariff for the shipment; and</li> <li>Multiply the actual weight of the shipment (but not less than 45,000 pounds per unit of carrier's equipment used) by the applicable rate provided for the next lower rating as provided in Paragraph (b) 4. (See Exception)</li> </ol> <p style="text-align: center;">EXCEPTION.--Rate shall also apply to a shipment weighing less than 45,000 pounds provided the charges are computed on a weight of not less than 45,000 pounds per unit of carrier's equipment.</p> <ol style="list-style-type: none"> <li>In no event shall the charge so determined be less than the charge for 50,000 pounds at the Class 35.4 rate.</li> <li>The applicable next lower rating shall be as follows:</li> </ol> <table border="0" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">When the applicable rating is class:</th><th style="text-align: center;">The next lower rating to be applied shall be class:</th></tr> </thead> <tbody> <tr><td style="text-align: center;">45</td><td style="text-align: center;">40</td></tr> <tr><td style="text-align: center;">40</td><td style="text-align: center;">37½</td></tr> <tr><td style="text-align: center;">37½</td><td style="text-align: center;">35</td></tr> <tr><td style="text-align: center;">35</td><td style="text-align: center;">35.1</td></tr> <tr><td style="text-align: center;">35.1</td><td style="text-align: center;">35.2</td></tr> <tr><td style="text-align: center;">35.2</td><td style="text-align: center;">35.3</td></tr> <tr><td style="text-align: center;">35.3</td><td style="text-align: center;">35.4</td></tr> </tbody> </table> <p>(c) Rates provided in this item do not alternate with other rates and charges in this tariff and rates provided in this item may not be used in combination with any other rates.</p>	When the applicable rating is class:	The next lower rating to be applied shall be class:	45	40	40	37½	37½	35	35	35.1	35.1	35.2	35.2	35.3	35.3	35.4	(E) 292
When the applicable rating is class:	The next lower rating to be applied shall be class:																
45	40																
40	37½																
37½	35																
35	35.1																
35.1	35.2																
35.2	35.3																
35.3	35.4																
<p>(1) Items 295, 297 and 298 transferred to Original Page 29-B.          (E) This item expires with December 31, 1970.</p> <p>Change, Decision No. <b>76478</b></p>																	
EFFECTIVE																	
<div style="display: flex; justify-content: space-between;"> <span>Correction 2208</span> <span>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</span> </div>																	



SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM (1)
EXCEPTION TO GOVERNING CLASSIFICATION AND SECTION 2 OF THE EXCEPTION RATINGS TARIFF	
<p data-bbox="543 497 1043 523">METHOD OF COMPUTING COMBINATION RATES</p> <p data-bbox="257 541 1306 661">On a continuous through movement of commodities moving under ratings based on a multiple, percentage or proportion of another rate for which charges are obtained by use of two or more separately stated rates, the through charge shall be computed by combining the two or more separately stated rates before applying the multiple, percentage or proportion authorized.</p>	295
<p data-bbox="534 723 1052 770">ACCESSORIAL CHARGES NOT TO BE OFFSET BY TRANSPORTATION CHARGES</p> <p data-bbox="257 789 1320 908">Accessorial charges set forth in this tariff for accessorial services not included in the rate for actual transportation shall be assessed and collected whenever such services are performed, regardless of the level of the transportation rate assessed. Such accessorial charges may not be waived on the basis that a higher-than-minimum transportation rate serves as an offset.</p>	297
<p data-bbox="457 973 1123 1020">APPLICATION OF CLASS RATES THAT ARE PERCENTAGES, MULTIPLES OR PROPORTIONS OF SPECIFIC CLASS RATINGS</p> <p data-bbox="257 1038 1349 1158">Class ratings which are based on percentages, multiples or proportions of Class 100 or other specified class ratings are not restricted in their application solely to the minimum class rates in the any-quantity weight brackets but will apply in connection with the minimum weight brackets set forth in this tariff applicable to the shipment transported.</p>	298
<p data-bbox="266 1213 1499 1252">(1) Items 295, 297 and 298 transferred from Ninth Revised Page 29-A, Decision No. 76478</p>	
EFFECTIVE	
<p data-bbox="175 2221 377 2247">Correction 2209</p> <p data-bbox="906 2189 1538 2242">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA</p>	