

ORIGINAL

Decision No. 77075

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. 473  
(Filed September 5, 1967;  
Amended January 30, 1968)

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 by vacuum-type and pump-type tank vehicles (including transportation for which rates are provided in Minimum Rate Tariff No. 13).

Case No. 6008  
Petition for Modification  
No. 7  
(Filed September 5, 1967;  
Amended January 30, 1968)

O P I N I O N

By these petitions, as amended, the California Trucking Association (CTA) seeks amendment of the rules in Minimum Rate Tariff No. 2 (MRT 2) and in Minimum Rate Tariff No. 13 (MRT 13) governing hourly rates for the transportation of oilfield supplies and related commodities in Item 720 of MRT 2, and transportation by vacuum-type and pump-type vehicles in MRT 13.

Petitioner alleges that the present rules do not fully reflect the provisions of the underlying labor contracts covering work performed on holidays. Accordingly, the CTA proposes additions to the tariff rules to provide that when service is performed on the designated holidays the minimum charge shall be for the number of

hours the carrier is required to pay the employees under the terms of the labor contract. In general, the labor contracts call for payment of at least eight hours additional pay if an employee is required to work on a holiday. The proposed rules provide no more than to enable the carrier to recoup this additional labor expense for work on a holiday.

The Commission finds that the present provisions do not provide for adequate compensation for pay on holidays, and that provision should be made in the tariff rules to so provide. We further find that the proposed tariff revisions provide for such increases in the rates to compensate for the additional labor expense.

The Commission further finds that the increases in rates and rules as set forth in the petition, as amended, are justified and will result in reasonable, and nondiscriminatory minimum rates.

The Commission further finds that to the extent that the provisions of Minimum Rate Tariffs Nos. 2 and 13 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 the petitions herein, as amended should be granted and that Minimum Rate Tariffs Nos. 2 and 13 should be amended accordingly. In order to avoid duplication of tariff distribution, Minimum Rate Tariff No. 2 will be amended by the ensuing order and Minimum Rate Tariff No. 13 will be amended by separate order.

O R D E R

IT IS ORDERED that:

1. Minimum Rate Tariff No. 2 (Appendix D of Decision No. 31606 as amended) is further amended by incorporating therein, to become effective May 23, 1970, Eighteenth Revised Page 51-EE and Ninth Revised Page 51-EEE attached hereto, which pages by this reference are made a part hereof.
2. Common carriers subject to the Public Utilities Act, to the extent that they are subject also to Decision No. 31606 as amended, be and they are hereby directed to establish in their tariffs the increases necessary to conform with the further adjustments ordered herein.
3. Tariff publications resulting in increases required or authorized 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; such tariff publications as are required shall be made effective not later than May 23, 1970.

4. 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.

5. In all other respects said Decision No. 31606, as amended, shall remain in full force and effect.

The effective date of this order shall be twenty-four days after the date hereof.

Dated at San Francisco, California, this 14<sup>th</sup> day of APRIL, 1970.

William J. Snow, Jr.  
President

Augusta

[Signature]

James L. Sturgeon  
Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

SECTION 3--COMMODITY RATES (Continued)

ITEM

HOURLY RATES FOR OIL, WATER OR GAS WELL  
 OUTFITS AND SUPPLIES (Continued)  
 (Items 720, 720-1 and 720-2)

1. Charges shall be computed on the following basis: (See Exception)

The number of hours of service will be computed from the time the carrier's driver commences either operating the motor vehicle or performing other related service, whichever is earlier, and ending at the time that carrier's driver either ceases operating the motor vehicle or performing other related service, whichever is later.

When the service performed extends over more than one day and the equipment is not returned to carrier's terminal, the period of time the driver is off duty shall not be included in the hours of service.

EXCEPTION.--

(a) Allowance shall be made for delays occasioned due to failure of carrier's equipment, or due to time taken out for meals.

(b) After the total time has been determined it shall be converted into hours and fractions thereof. Minimum charge, one hour. Fractions of an hour shall be determined in accordance with the following table:

Minutes		
Over	But Not Over	
0	8	-----Omit
8	38	-----Shall be 1/2 hour
38	60	-----Shall be 1 hour

720-1

2. For transportation furnished under this item on Saturdays and Sundays, there shall be an additional charge of \$3.50 per hour in excess of those set forth in Item 720.

3. For transportation furnished under this item on holidays, there shall be an additional charge, in excess of those set forth in Item 720, as follows:

- (a) On July 4th, Labor Day, Thanksgiving Day, Christmas Day and New Year's Day, \$13.25 per hour. \*Minimum charge, eight hours.
- (b) On Washington's Birthday, Memorial Day and December 24th, \$6.60 per hour. \*Minimum charge, eight hours.

(Continued in Item 720-2)

Change )  
 \* Addition ) Decision No. **77075**  
 o Increase )

EFFECTIVE

Correction 2224

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,  
 SAN FRANCISCO, CALIFORNIA.

SECTION 3--COMMODITY RATES (Continued)

ITEM

HOURLY RATES FOR OIL, WATER OR GAS WELL  
 OUTFITS AND SUPPLIES (Concluded)  
 (Items 720, 720-1 and 720-2)

4. Rates include the exclusive services of vehicle and driver and do not include any equipment other than a winch affixed to the vehicle to load and unload. When carrier furnishes help other than the driver or supervising foreman, such service shall be charged for at a rate of not less than \$8.50 per hour per extra man furnished.

- (a) On Saturdays and Sundays, the applicable helper rate shall be \$10.00 per hour.
- ◇(b) On July 4th, Labor Day, Thanksgiving Day, Christmas Day and New Year's Day, the applicable helper rate shall be \$19.35 per hour. \*Minimum charge, eight hours.
- ◇(c) On Washington's Birthday, Memorial Day and December 24th, the applicable helper rate shall be \$13.05 per hour. \*Minimum charge, eight hours.
- (d) The helper's hours of service for each day shall be computed from the time helper is engaged to perform loading, unloading, and other related service or is required to ride carrier's vehicle, whichever is earlier, and ending at the time the loading, unloading or other related service is completed, or the helper is returned to the point at which he was engaged at start of day, whichever is later.
- (e) Allowances shall be made for delays due to failure of carrier's equipment or time taken out for meals.
- (f) When the service performed extends over more than one day, the time the helper is off-duty shall not be included in the hours of service.
- (g) After the total time has been computed, it shall be converted into hours and fractions thereof as provided under the provisions of Item 720-1.
- ◇(h) There shall be a minimum charge of one hour service at the applicable rate, \*except as provided under 4(b) and (c) above.

720-2

5. When rates are provided in this item on the shipment transported, the rates in this item will apply regardless of class or commodity rates in other items in this tariff.

6. Each shipping document issued in connection with transportation under this item shall, in addition to other requirements set forth in this tariff, identify the equipment used by its equipment number and description as provided in Item 720.

7. Each vehicle shall have stenciled or otherwise permanently displayed on it an equipment number.

8. Excess trailers means trailers or semi-trailers furnished by carrier in excess of the number of vehicles or combination of vehicles operated as a single unit.

9. Rates include converter gears (auxiliary dollies).

10. "Dollies" include pole or pipe dollies, stretch dollies, lowbed dollies, bolster type dollies, but not auxiliary dollies.

◇ Change  
 \* Addition  
 ◇ Increase

Decision No. 77075

EFFECTIVE

Correction 2225

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,  
 SAN FRANCISCO, CALIFORNIA.