

ORIGINAL

Decision No. 77431

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 high-)
way carriers relating to the transpor-)
tation 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 2).

Case No. 5432
(Petition for Modification
No. 587)
(Filed May 12, 1970)

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 have established in the above tariff an exception rating on certain concrete products and related articles. Petitioner asks that all common carriers be directed and authorized to establish in their respective tariffs all 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 that a truckload exception rating of Class 35.3, minimum weight 42,000 pounds, be established in Minimum Rate Tariff No. 2 for the transportation of hollow building blocks, concrete cribbing, cement or concrete grave vaults, concrete manholes and concrete utility vaults.¹ Petitioner further

¹ Currently a higher truckload rating of Class 35, subject to varying minimum weights depending upon the particular commodity involved, applies to the transportation in question as set forth in Items 32040, 32310, 38980, Sub 2, and 50605 of National Motor Freight Classification A-11 (Governing Classification).

proposes that this rating be applied only to straight or mixed shipments of the aforementioned commodities when (1) such shipments are prepaid and released to one-half actual value or 50 cents per pound per article, whichever is less, and (2) the shipments are loaded by consignor and unloaded by consignee with power equipment furnished and used without expense to the carrier.²

Petitioner states that the Commission has recognized that, when circumstances and conditions within California differ materially from those applicable elsewhere with respect to the ratings and other provisions in the Governing Classification, it may be desirable to maintain provisions or exceptions within its tariffs which ultimately reflect such differences in the rate structure. According to petitioner, such a situation exists in connection with the transportation of the aforementioned concrete products and related articles.

Petitioner avers that an analysis of the transportation characteristics of shipments of these commodities indicates that they can be moved within California under circumstances and conditions which promote efficient and economical motor carrier transportation. Petitioner alleges that these regional efficiencies and economies are not elements which the National Classification Board is able to consider in its normal processes of determining a proper national level of class ratings, but even absent such considerations, it has assigned its lowest possible rating to the normal

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Petitioner's proposal is set forth in detail in Exhibit A attached to the petition.

transportation of these products. Petitioner declares that shippers and carriers have met to consider and determine an appropriate manner of reflecting the efficiencies and economies of this transportation in the general rate level and that its proposal is the result of such consideration.

Copies of the petition were mailed to various chambers of commerce, shipper organizations and carrier representatives on or about May 11, 1970. Letters have been received from Associated Concrete Products, Inc., Best's Blocks, Inc. and Brooks Products, Inc. supporting petitioner's proposal. The petition was listed on the Commission's Daily Calendar of May 13, 1970. No objection to the granting of the petition has been received.

The Transportation Division has reviewed the petition and recommends that it be granted by ex parte order.

In the circumstances, it appears, and the Commission finds that the proposed exception rating 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 further amended by incorporating therein, to become effective August 8, 1970, the original and revised pages attached hereto and listed in Appendix A, also attached hereto which pages and Appendix 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, are hereby authorized to establish in their tariffs the provisions necessary to conform with the further adjustments ordered herein.

3. Tariff publications 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, 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.

4. Common carriers, in establishing and maintaining the rating 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 rating 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 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 30th day of June, 1970.

William J. Sproul
President
August
J. P. Dubois
Tom
Yvonne L. Sturgeon
Commissioners

APPENDIX A TO DECISION NO. 77431

LIST OF ORIGINAL AND REVISED PAGES TO MINIMUM RATE TARIFF 2
AUTHORIZED BY SAID DECISION

THIRTY-EIGHTH REVISED PAGE 4

SIXTH REVISED PAGE 5-A

FIFTY-FIRST REVISED PAGE 7

SEVENTH REVISED PAGE 9-A

ELEVENTH REVISED PAGE 37-AA

ORIGINAL PAGE 37-AAA

(END OF APPENDIX A LIST)

INDEX OF COMMODITIES

Only those articles which are named in commodity rate items or in Exceptions to the Governing Classification and Exception Ratings Tariff are shown in the following list.

COMMODITY	ITEM	COMMODITY	ITEM
Acid, Boracic	730-732	Beverage Containers	330
Air Compressors (M)	365	Beverage Preparations	360
Ale	310,360	Beverages	316,360
Alfalfa, chopped and pressed, dried	652-654½	Beverages, Malt or Cereal	310
Ammonia, cleaning	730-732	Bits, Drilling	365
Animal Feed	338,620,630	Bleach, Laundry	730-732
Anvils (M)	365	*Blocks, building	334.8
Apples, dried	350	Bluing, Laundry (M)	360
Arms, Cross, wooden	690,710	Boards	690,710
Articles, concrete or tile	318	Boiler Flues	365
Asphalt, Liquid	377.5,723-726	Boiler Parts (M)	365
Asphalt, Solid	303	Boilers (M)	365
Atmospheric Water Cooling Towers (M)	365	Boiler Tubes	365
Bakery Goods	360	Books, School Textbooks	317
Bananas, powdered	350	Borax	730-732
Barrels, Pump Working	365	Boxes, Planter	758
Bars, Grate	365	Brandy	360
Batteries, electric (M)	377.5,723-726	Breads	320
Beans, Castor	652-654½	Brick, Fire (M)	365
Beans and Pork	320-1	Brine	320
Beers	310,360	Broths	320
Belts (M)	365	Butter	335.5
		Butter, Fruit	320
		Butter, Peanut	320-1
		Buttermilk	320,345

(M) Denotes articles on which application of rates is limited to mixed shipments.

* Addition, Decision No. **77431**

EFFECTIVE

Correction 2235.

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

INDEX OF COMMODITIES (Continued)

Only those articles which are named in commodity rate items or in Exceptions to the Governing Classification and Exception Ratings Tariff are shown in the following list.

COMMODITY	ITEM	COMMODITY	ITEM
Compounds, Flavoring	360	Diglycerides of Fat-forming Acids	335.5
Compounds, floor hardening (M)	377.5, 723-726	Disinfectants	730-732
Compounds, Food Curing, Preserving or Seasoning	360	Dough, prepared	336
Compounds, Lard	335.5	Drain Pipe Solvent	730-732
Compounds, Lubricating and cleaning	730-732	Dressing, Automobile Top (M)	377.5, 723-726
Compounds, Mud Treating	365	Dressing, rubber (M)	377.5, 723-726
Compounds or Mud, well drilling	365	Dressing, Salad	320-1
Compounds, water softening or purifying	730-732	Dressing, shoe (M)	377.5, 723-726
*Concrete products and related articles	334.8	Drink, fruit	320
Confectionery	360	Dry Milk Solids	345
Containers, aluminum bulk shipping	330	Egg Yolk	320
Containers (used packages)	330-331	Eggs, Shelled	360
Containers (used packages), malt or cereal beverage	331	Engines (M)	365
Corn	320-1	Ether (M)	377.5, 723-726
Cream, Pasteurized	345	Exterminators, vermin (M)	377.5, 723-726
Cream, Sterilized	345	Extracts	360
Cream Substitutes	345	Extracts, coffee or tea (condensed or instant), dry	360
*Cribbing	334.8	Farina	652-654½
Cross Arms, wooden	690, 710	Feed as described under the heading of "Feed Group" in the Governing Classification, not frozen	652-654½
Crystals, Citrus Fruit Juice	360	Feed, Animal	338, 620, 630
Cylinders, Well Pump	365	Feed, Animal or Poultry	652-654½
Dairy and Related Products	335.5		
Deodorants	730-732		
Dessert Preparations	360		

(M) Denotes articles on which application of rates is limited to mixed shipments.

* Addition, Decision No. **77431**

EFFECTIVE

Correction 2236

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

INDEX OF COMMODITIES (Continued)

Only those articles which are named in commodity rate items or in Exceptions to the Governing Classification and Exception Ratings Tariff are shown in the following list.

COMMODITY	ITEM	COMMODITY	ITEM
Limestone, crushed or ground (feed grade)	652-654½	Milk Substitutes	345
Lime, Chlorinated	730-732	Mince Meat	320
Liquid, cigar or cigarette lighter (M)	377.5, 723-726	Mineral Mixtures	652-654½
Liquors, Malt	360	Mix, Pizza Pie	345
Liquors, Vinous	360	Mixtures, Mineral	652-654½
Litter, Poultry (M)	652-654½	Molasses	320-1
Lubricant, Grease Binder	377.5, 723-726	Molasses (M)	652-654½
Lubricant, metal cutting, drawing or drilling (M)	377.5, 723-726	Monoglycerides of Fat-forming Acids	335.5
Lumber	685, 690, 700, 710	Mud or Compounds, well drilling	365
Lye, Concentrated	730-732	Mushrooms	320-1
Macaroni, except canned	360	Mustard	360
Macaroni (prepared)	320	Mustard, prepared	320-1
Macaroni, dry, and other ingredients	345, 360	Noodles and Cheese	345
Malted Milk	360	Noodles, except canned	360
*Manholes	334.8	Noodles (prepared)	320
Mayonnaise	320-1	Noodles, dry, and other ingredients	345, 360
Meal, feather	652-654½	Nuts, edible, shelled	350, 360
Meat (Animal Feed)	338	Oil, Cooking	320-1, 335.5
Meat, other than fresh	360	Oil, Olive	320-1
Meat Substitutes	360	Oil (other than medicinal) (M)	377.5, 723-726
Meats, cooked, cured or preserved	320, 345	Oil, petroleum medicinal (M)	377.5, 723-726
Meats, fresh	376	Oil, Salad	320-1, 335.5
Mechanics' Tools (M)	365	Oleomargarine	335.5
Milk	345	Olives	320-1
Milk (condensed, evaporated or sterilized)	320	Onion Chips	320
Milk Food, other than malted, liquid	320	Onion, Powdered	320
Milk, Malted	360	Outfits, insect destroying (M)	377.5, 723-726
Milk, Pasteurized	345	Outfits, Oil, Water or Gas Well	365
Milk, Solids, dry	345		
Milk, Sterilized	320, 345		

(M) Denotes articles on which application of rates is limited to mixed shipments.

* Addition, Decision No. **77431**

EFFECTIVE

Correction 2237

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

INDEX OF COMMODITIES (Continued)

Only those articles which are named in commodity rate items or in Exceptions to the Governing Classification and Exception Ratings Tariff are shown in the following list.

COMMODITY	ITEM	COMMODITY	ITEM
Tea	360	Vegetable Oil Shortening	335.5
Tea, extract of (condensed or instant), dry	360 -	Vegetables (not dehydrated, dried, evaporated nor fresh)	320-1
Ties, railroad	690,710	Veneering	690,700,710
Timbers	690,700,710	Vermicelli, except canned	360
Tire Tubes (M)	377.5,723-726	Vermicelli (prepared)	320
Tires, Pneumatic (M)	377.5,723-726	Vermicelli, dry, and other ingredients	345,360
Tools, Mechanics' (M)	365	Vermouth	400
Towers, Water Cooling, Atmospheric (M)	365	Vinegar	320-1
Triglycerides of Fat-forming Acids	335.5	Washing Powders	730-732
Trisodium Phosphate	730-732	Washing Soda	730-732
Trucks, Steam Boiler (M)	365	Wax, automobile, boat, floor or furniture (M)	377.5,723-726
Tubes, Boiler	365	Wax, boat, floor, furniture or vehicle	730-732
Tubing, iron or steel, cast or wrought, plate or sheet	365	Wax, Laundry Compound	360
Tubing, iron or steel, well casing or drilling	365	Welsh Rarebit	320-1
Tubs, Woodenware	758	Wheat Germ	652-654
Urea	652-654	Whey	345
Valves, iron or brass (M)	365	Wine	400
Valves, Pump Working Barrel	365	Wood Preservatives (M)	377.5,723-726
*Vaults, Grave	334.8	Wool, Steel	410
*Vaults, Utility	334.8	Yeast or Yeast Powder	360

(M) Denotes articles on which application of rates is limited to mixed shipments.

* Addition, Decision No. **77431**

EFFECTIVE

Correction 2238

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

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">EXCEPTIONS TO GOVERNING CLASSIFICATION AND EXCEPTION RATINGS TARIFF (Continued)</p> <p>(Numbers within parentheses immediately following commodities shown below refer to such commodities as they are described in the corresponding item numbers of the Governing Classification.)</p>	Class Rating
<p>Cocoanut, prepared, frozen (Food, cooked, cured, preserved or prepared, frozen, NOI) (73180) Cocoanut, prepared, other than frozen (72580)</p> <p>Less truckload-----</p> <p>Truckload: Minimum Weight 30,000 pounds-----</p>	<p>55 333.5</p> <p>35</p>
<p>CONCRETE PRODUCTS and Related Articles, viz.:</p> <p>Blocks, building (32040) Cribbing (32310) Grave Vaults, KD (38980, Sub 2) Manholes or Utility Vaults (50605)</p> <p>Truckload: Minimum Weight 42,000 pounds-----</p> <p>(2) Subject to Notes 1 through 6.</p> <p>NOTE 1.--Applies only when all provisions of the following Notes are met. Otherwise, apply provisions of the Governing Classification.</p> <p>NOTE 2.--Applies only when commodities named in this item are shipped in straight shipments or in mixed shipments with one or more other commodities named in this item.</p> <p>NOTE 3.--Rates resulting from application of the provisions of this item do not alternate with other rates and charges in this tariff and such rates may not be used in combination with any other rates.</p> <p>NOTE 4.--Applies only in connection with prepaid shipments released to one-half actual value or 50 cents per pound, per article, whichever is less. Shipper must enter the following statement on the bill of lading or shipping document as follows: "The agreed or declared value of the property is hereby specifically stated by the shipper to be one-half of actual value or 50¢ per pound, per article, whichever is less." If shipper fails or declines to declare such value in writing, the provisions of this item will not apply.</p> <p>NOTE 5.--Applies only in connection with shipments loaded by consignee and unloaded by consignee with power equipment, as described in Item 11, furnished and used without expense to the carrier and when no services are performed at carrier expense or by carrier personnel.</p> <p>NOTE 6.--If more than one vehicle or combination of vehicles constituting a single unit of carrier's equipment is used for the transportation of a single shipment, each such vehicle or combination of vehicles shall be subject to the minimum weight named in this item.</p>	<p>(2) 335.3</p> <p>*334.8</p>
<p>(1) Item 335.5 transferred to Original Page 37-AAA.</p> <p>* Addition) Decision No. 77431 ◊ Reduction)</p>	
EFFECTIVE	
Correction 2239	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">EXCEPTIONS TO GOVERNING CLASSIFICATION AND EXCEPTION RATINGS TARIFF (Continued)</p> <p>(Numbers within parentheses immediately following commodities shown below refer to such commodities as they are described in the corresponding item numbers of the Governing Classification.)</p>	<p style="text-align: center;">Class Rating</p>
<p>DAIRY AND RELATED PRODUCTS, viz.:</p> <p>Butter or Oleomargarine (55380) Cheese and Cheese Foods (55470) Lard, Lard Compounds, Lard Substitutes, Shortening or Vegetable Oil Shortening (134530 or 134550) Monoglycerides, diglycerides or triglycerides of fat-forming fatty acids, or mixtures thereof, edible, other than shortening, with or without other edible acids (145020) Oil, Cooking or Salad (144800, 145100, 145170 or 145190)</p> <p>Less truckload-----</p> <p>Truckload:</p> <p>Minimum Weight 30,000 pounds-----</p> <p>Minimum Weight 36,000 pounds-----</p> <p>Minimum Weight 45,000 pounds-----</p> <p>(1) Subject to the following provisions:</p> <p>(a) When a shipment is transported on one unit of equipment at one time it is subject to a minimum weight of 45,000 pounds.</p> <p>(b) When a shipment is transported in multiple lots subject to Item 85 of this tariff, the initial lot transported on one unit of equipment at one time is subject to a minimum weight of 45,000 pounds and the actual weight of the remaining or following lot or lots shall be rated at the Class 35.3 rate.</p>	<p style="text-align: center;">50.1</p> <p style="text-align: center;">35</p> <p style="text-align: center;">35.1</p> <p style="text-align: center;">(1)35.3</p> <p style="text-align: center;">(2) 335.5</p>
<p>(2) Item 335.5 transferred from Tenth Revised Page 37-AA, Decision No. 77431</p>	
<p>EFFECTIVE</p>	
<p>Correction 2240</p>	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>