

ORIGINAL

Decision No. 78069

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) Case No. 5432
 of all highway carriers relating) (Petition for Modification
 to the transportation of any and) No. 609
 all commodities between and within) (Filed November 17, 1970)
 all points and places in the State) (Petition for Modification
 of California (including, but not) No. 612
 limited to, transportation for which) (Filed November 18, 1970)
 rates are provided in Minimum)
 Rate Tariff No. 2).)

And Related Matters) Cases Nos. 5435, 5439,
) 5441 and 7858
) (Petitions for Modifications
) Nos. 167, 133, 214 and 89
) (Filed November 18, 1970)

OPINION AND ORDER

By the above petitions, California Trucking Association (CTA) and Cannery League of California (CLC) seek authority to extend the expiration dates on various rules and ratings in certain of the Commission's Minimum Rate Tariffs from December 31, 1970, to either June 30 or December 31, 1971.¹

For the past several years proceedings have been before the Commission to effect an orderly transition to the National Motor Freight Classification from the rail classification. As a result certain rail-oriented rules and ratings in the Commission's minimum rate tariffs have not yet been disposed of and are published in these tariffs with an expiration date.

¹ CTA requests an extension to June 30, 1971 on certain reinforced concrete products and tree and weed killing compounds; with respect to transportation of liquids, compressed gases etc. in collapsible tanks or bags it seeks an extension to December 31, 1971. CLC requests the latter extension date on empty pallets returning.

Petitioner, CTA, states that it has been actively engaged in the above program and has made other filings for this purpose, and preliminary shipper and carrier discussions have played an important role in this effort and have made possible the disposition of many matters related to the above program without the need of adversary proceedings.

Petitioner, CTA, alleges that because of more detailed considerations relating to the concrete items and the tree or weed killing compounds and because of the involvement of shipper and carrier parties in progressing other related matters before the Commission it has not been able to satisfactorily conclude discussions relating to such commodities and make the necessary filings with the Commission prior to the expiration of the present tariff provisions with December 31, 1970.

According to petitioner, CTA, it is informed that studies involving disposition of exemptions relating to transportation of named commodities in bulk in tank vehicles have not been completed. Petitioner, CTA, asserts that there remains a need for clarifying the application of such exemptions relating to this transportation, and no useful purpose would be served by removing the clarifying language from the tariff at this time.

Petitioner, CLC, declares provisions for a free return of empty pallets within a defined mileage radius when certain conditions are met were originally published in 1966, and the provisions were established on an experimental basis through joint consideration of shippers and carriers, and reflected the rate-making judgment of such parties. Petitioner, CLC, avers that the initial item bore an expiration date of December 31, 1967, in order to provide and insure that any detrimental effects upon either shippers or carriers would not be continued indefinitely.

Petitioner, CLC, contends that subsequent experience with the initial provisions indicated revisions which were made from time to time as experience was gained in the application and use of the item, and generally there were liberalizations made by extending the allowable mileage radius and adding additional commodities. Petitioner, CLC, states that these provisions have been periodically extended since their original publication date.

According to petitioner, CLC, experience with free return of empty pallets continues to be gained and discussions have been, and continue to be, held between shippers, receivers, truckers and the CTA, and diligent efforts have been made, and continue to be made, to bring all parties into complete agreement on needed changes so that a petition might be filed with the Commission for permanent adoption of provisions covering the free return of pallets. Petitioner, CLC, alleges that parties are in substantial agreement as to the most desirable provisions and best wording and are hopeful that said petition might be filed in the near future, but the time involvement of many of the parties in various and numerous other petitions and applications before the Commission has prevented finalization.

A letter received from CTA supports CLC in its petition for extension of the above provisions but suggests a revision which would include a related technical adjustment and remove a deficiency which exists in CLC's petition and preclude any undesired costs to responsible users of pallets.

Copies of the petitions were mailed to various chambers of commerce, shipper organizations, carrier representatives and other interested parties on or about November 17 and 18, 1970. The petitions were listed on the Commission's Daily Calendar of November 18 and 19, 1970. No objection to the granting of the petitions has been received.

Staff analysis of petitioners' proposed amendments indicates that extension of the expiration dates in question will allow shippers, receivers and carriers additional time in which to dispose of the involved matters without resorting to unnecessary adverse proceedings and maintain valuable provisions for all of the concerned parties.

In the circumstances, it appears, and the Commission finds, that petitioners' proposals are reasonable and that the resulting rates and charges will be just, reasonable and nondiscriminatory minimum rates and charges for the transportation involved, and, to the extent that the proposals result in increases, such increases are justified. A public hearing is not necessary. The Commission concludes that the petitions should be granted.

In order to avoid duplication of tariff distribution, Minimum Rate Tariff No. 2 will be amended by the order herein and Minimum Rate Tariffs Nos. 1-B, 5, 9-B and 19 and Exception Ratings Tariff No. 1 will be amended by separate orders.

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 January 1, 1971, Eighteenth Revised Page 15-A, Seventh Revised Page 15-B, Fourteenth Revised Page 29 and Tenth Revised Page 30-B attached hereto and by this reference made a part hereof.

2. Common carriers subject to the Public Utilities Act, to the extent that they are subject to Decision No. 31606, as amended, are hereby directed to establish in their tariffs the amendments necessary to conform with the further adjustments ordered herein.

3. 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 second day after the effective date of this order on not less than two days' notice to the Commission and to the public; 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 second day after the effective date of this order and may be made effective on not less than two 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 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.

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

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

Dated at San Francisco, California, this 8th day of December, 1970.

Chairman
Algeria

William J. Lyons, Jr.

Tom W.

James L. Sturgeon
Commissioners

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

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES (Concluded) (Items 40, 41 and 42)</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> <p>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.</p> <p>United States mail transported for the Post Office Department under contract.</p> <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 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.</p> <p>Vegetables, fresh or green, including mushrooms, fresh (not cold pack or frozen).</p> <p>Vegetables, which are placed in a preservative and are destined to a cannery for processing into a preserved or pickled vegetable.</p> <p>Vegetables, dried, viz.: Beans (except Mesquite), Lentils, Onions, Peas (except Cow Peas), Pepper Pods.</p> <p>Voting Booths, Ballot Boxes, Election Tents and Election Supplies, when transported from or to polling places.</p> <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 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 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 or Shell Marl 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 100.</p> <p>NOTE 12.--Exemption applies only to transportation between points located within the Los Angeles Basin Territory as described in Item 270.</p> <p>NOTE 15.--The portion of this exemption preceded by # expires with December 31, 1971.</p> <p>NOTE 16.--Exemption applies only between points within Southern Territory, as described in Item 80 of Minimum Rate Tariff 10, and expires with April 13, 1971.</p>	<p>42</p>
<p>Change, Decision No. 78069</p>	
<p>EFFECTIVE</p>	
<p>Correction</p>	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
EXCEPTIONS TO GOVERNING CLASSIFICATION AND EXCEPTION RATINGS TARIFF	
<p style="text-align: center;">RULES</p> <p>This tariff is subject to the following rules (items) only of the Governing Classification:</p> <p>110, Sections 1, 3(a), 3(b), 3(c), 3(d), 4, 4(a), 4(b), 5, 6(a), 6(b), 6(c), 7, 7(a), 7(b), 7(c), 7(d), 8, 9, 10, 11(a), 11(b), 11(c), 12, 12(a), 12(b), 12(c), 12(d), 12(e), 12(f), 13(a), 13(b), 13(c), 14, 15, 15(a), 15(b), 15(c), 15(d), and 16;</p> <p>200; 205; 210; 215; 220; 222; 225; 230; 235; 240; 245; 250; 255; 257; 260; 265; 270; 275; 280; 285; 291; 292; 294; 296; 297; 300; 310;</p> <p>360, Sections 1, 1(a), 1(b), 1(c), 1(d), 1(h), 2, 2(a), 2(b), 2(c), 2(d), 3, 4, 4(a), 4(b), and 5;</p> <p>370; 381; 420, Sections 1, 2, 4 and 5; 421; 422; 423; 424; 426; 428, Section 2;</p> <p>430, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11(a), 11(b), and 13;</p> <p>455; 520; 535; 540; 565; 595; 640; 645; 680; 685; 687; 689; 765; 780, Section 2;</p> <p>845; 995; 997 (Table A).</p>	280
<p style="text-align: center;">APPLICATION OF EXCEPTION RATINGS NAMED IN THIS TARIFF</p> <p>Unless otherwise specifically provided in individual items in this Section, the exception ratings named herein apply as follows:</p> <p>(a) Exception ratings provided in this Section which are designated as truckload ratings or are made subject to specified minimum weights supersede the "truckload" ratings and minimum weights in the Governing Classification and Exception Ratings Tariff, but do not supersede "less-truckload" or "any quantity" ratings provided in the Governing Classification and Exception Ratings Tariff, but do not supersede "less-truckload" or "any quantity" ratings provided in the Governing Classification or Exception Ratings Tariff.</p> <p>(b) Exception ratings provided in this Section which are designated as "less-truckload" or "any quantity" ratings, or are not subject to specified minimum weights, supersede the "less-truckload" and "any quantity" ratings shown in the Governing Classification and Exception Ratings Tariff but do not supersede the "truckload" ratings and minimum weights in the Governing Classification, Exception Ratings Tariff or in this tariff.</p>	285
<p style="text-align: center;">RATINGS (Exception to Sec. 3 of Item 997 of the Governing Classification)</p> <p>Except as otherwise provided in this Section, class rates contained in Section 2 are subject to any quantity, less-truckload and truckload ratings (including minimum weights) as shown in the Governing Classification and Exception Ratings Tariff. (See Exception)</p> <p>EXCEPTION.—When the truckload minimum weight provided in connection with ratings in the Governing Classification or Exception Ratings Tariff exceeds 45,000 pounds, the minimum weight shall be considered as being 45,000 pounds for the purpose of applying rates in Section 2 of this tariff.</p>	290
<p style="text-align: center;">EMPTY PACKAGES OR CARRIERS, SECONDHAND</p> <p>When Empty Packages or Carriers, as described below, are offered for shipment at the rates published in this tariff:</p> <p>(a) Empty Packages or Carriers, secondhand, empty returned: The carrier must determine that such packages were moved filled and are being returned over the same carrier or carriers to consignor of the original filled packages at locations from which original filled packages were shipped or to another location;</p> <p>(b) Empty Packages or Carriers, secondhand, forwarded for return paying loads: Carrier must determine that such packages will, when filled, be moved over the same carrier or carriers to the consignor of the original empty packages at locations from which original empty packages were shipped or to another location;</p> <p>otherwise carrier will apply the ratings for secondhand packages or carriers not returned.</p>	** 291
<p>** Expiration date eliminated, Decision No. 78069</p>	
<p>EFFECTIVE</p> <p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA. SAN FRANCISCO, CALIFORNIA.</p>	
<p>Correction</p>	

MINIMUM RATE TARIFF 2

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>Beverages, flavored or phosphated, NOI, not including extracts, syrups, alcoholic liquors and dealcoholized or nonalcoholic cordials and liqueurs; in metal cans in boxes (72160), subject to Notes 1, 2 and 3:</p> <p>Truckload: Minimum Weight 45,000 pounds-----</p> <p>NOTE 1.--The provisions of this item will not apply to shipments which are subject to charges for Temperature Control Service.</p> <p>NOTE 2.--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 vehicle shall be subject to the highest minimum weight applicable to any rate used in computing charges.</p> <p>NOTE 3.--The provisions of this item apply only in connection with shipments loaded by consignor and unloaded by consignee with power equipment, furnished and used without expense to the carrier. Physical assistance of the carrier employee is restricted to work within or on carrier's equipment and does not include stacking, unstacking, removal or placement of merchandise on pallets.</p>	<p style="text-align: center;">35.3</p> <p style="text-align: center;">316</p>
<p>Books, viz.: School textbooks, prepaid, shipped by, or for the account of, the State of California (161560)</p> <p>Truckload: Minimum Weight 45,000 pounds-----</p>	<p style="text-align: center;">35.1</p> <p style="text-align: center;">317</p>
<p>Beams, Channels, Columns, Girders or Joists, reinforced concrete (32020) Minimum Weight 40,000 pounds-----</p> <p>Piling, cement or concrete (32020) Minimum Weight 36,000 pounds-----</p> <p>Tile or Slab, building or roofing, reinforced concrete (32690) With corkboard, fibreboard or plasterboard insulation Minimum Weight 36,000 pounds-----</p> <p>With glass insertions Minimum Weight 36,000 pounds-----</p> <p>Without glass insertions or corkboard, fibreboard or plasterboard insulation Minimum Weight 40,000 pounds-----</p>	<p style="text-align: center;">35</p> <p style="text-align: center;">35.4</p> <p style="text-align: center;">35.3</p> <p style="text-align: center;">35.3</p> <p style="text-align: center;">35.4</p> <p style="text-align: center;">*(E) 318</p>
<p>(E) Expires with June 30, 1971.</p> <p>* Addition, Decision No. 78069</p>	
<p>EFFECTIVE</p>	
<p>Correction</p>	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>