

ORIGINAL

Decision No. 78117

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 car-)
riers 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. 15)
(Filed November 24, 1970)

OPINION AND ORDER

Minimum Rate Tariff No. 13 names rates and rules for the statewide transportation of property in vacuum-type and pump-type tank vehicles. By this petition California Trucking Association seeks adjustment in the minimum rates and charges in the above tariff to offset increases in transportation costs. Petitioner asks that the tariff revisions be made effective January 1, 1971, and that common carriers be authorized and directed to establish in their respective tariffs such modifications as may be prescribed by the Commission's order in this proceeding. Relief from the long- and short-haul provisions of Section 460 of the Public Utilities Code is also sought.

The proposed tariff revisions are set forth in detail in Exhibit B, as amended, of the petition and involve generally:

- (a) Increasing the accessorial charges for furnishing help in addition to the driver from \$8.10 per man per hour to \$8.80 per man per hour; and

- (b) Increasing the hourly rates for the aforementioned transportation by amounts ranging approximately from 4 to 5 percent depending upon the capacities of the carriers' equipment.

Petitioner states that the rates and charges were last revised generally September 26, 1970, and that the costs of transporting commodities in vacuum-type and pump-type tank vehicles will be substantially increased due to negotiations on a new contract which will become effective January 1, 1971. Petitioner avers that the increase in wage rates and allied labor costs will not be lower than 57.1 cents per hour and that such costs are set forth in detail in Exhibit A attached to the petition. Petitioner asserts that the minimum rates and charges in Minimum Rate Tariff No. 13 are non-compensatory and unreasonably low and that immediate increases in rates and charges are necessary to restore these rates and charges to a reasonable level. Petitioner declares that it seeks only to recover the out-of-pocket costs which will be experienced as of January 1, 1971.

Copies of the petition and amendment were mailed to various oil companies and carrier representatives. The petition was listed on the Commission's Daily Calendar of November 25, 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 petitioner's proposed rates and charges are reasonable and that the resulting minimum rates and charges will be just, reasonable and nondiscriminatory minimum rates and charges for the transportation involved, and, to the extent that said rates and charges will

result in increases, such increases are justified. A public hearing is not necessary. The Commission concludes the petition should be granted.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 13 (Appendix "B" of Decision No. 55584, as amended) is further amended by incorporating therein, to become effective January 1, 1971, Ninth Revised Page 7 and Eighth Revised Page 12 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 also to Decision No. 55584, 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. Common carriers maintaining rates on a level other than the minimum rates for transportation for which rates are prescribed in Minimum Rate Tariff No. 13 are authorized to increase such rates by the same amounts authorized for Minimum Rate Tariff No. 13 rates herein.

4. Common carriers maintaining rates on the same level as Minimum Rate Tariff No. 13 rates for the transportation of commodities and/or for transportation not subject to Minimum Rate Tariff No. 13 are authorized to increase said rates by the same amounts authorized for Minimum Rate Tariff No. 13 rates herein.

5. 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 January 1, 1971, on

not less than two days' notice to the Commission and to the public; such tariff publications as are required shall be made effective not later than January 1, 1971; as to increases which are authorized but not required, the authority granted herein shall expire unless exercised within sixty days after the effective date of this order.

6. 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.

7. In all other respects, Decision No. 55584, as amended, shall remain in full force and effect.

The effective date of this order shall be December 28, 1970.

Dated at San Francisco, California, this 22nd day of December, 1970.

L. Abston
J. Robinson
G. Hamilton

Chairman
Augustus

William Lyons Jr.

John L. Sturgeon
Commissioners

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">ACCESSORIAL CHARGES</p> <p>When carrier furnishes help in addition to the driver, an additional charge of \$8.80 per man per hour shall apply. The time for computing the additional charge shall be not less than the actual time in minutes the helper or helpers are engaged in performing the services. The total time so computed shall be converted into hours and fractions thereof. Fractions of an hour shall be determined in accordance with the table provided in Item 80.</p>	660
<p style="text-align: center;">MINIMUM CHARGE</p> <p>1. The minimum charge per shipment shall be that for two hours of service at the applicable rate.</p> <p>2. When service is provided under the provisions of Items 60 or 200 on holidays, an additional charge shall be assessed for each driver or helper so furnished, as follows:</p> <p>(a) On New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day and Christmas Day, twice the hourly charge in Item 60 for each hour worked with a minimum charge of four hours.</p> <p>(b) On Washington's Birthday and December 24th, the hourly charge in Item 60 for each hour worked with a minimum charge of four hours.</p>	70
<p> ◇ Change) Decision No. 78117 ◇ Increase) </p>	
EFFECTIVE	
Correction	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA

SECTION 2--HOURLY RATES				ITEM
Capacity of Equipment (In Barrels)		Rates in Dollars per Hour (See Note)		
More Than	But Not More Than	Territory "A"(1)	Territory "B"(2)	
0	35	\$14.85	\$14.85	
35	45	14.85	15.10	
45	60	16.15	16.25	
60	80	17.10	17.20	
80	95	18.00	17.95	
95		19.05	19.05	

(1) Territory "A" consists of the Counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego and Imperial.

(2) Territory "B" consists of all counties in California other than those included in Territory "A".

NOTE.--The rates named are for transportation by vacuum-type tank vehicles. Where the transportation is performed by pump-type tank vehicles, the applicable rates are \$1.00 per hour less than those for transportation in vacuum-type tank vehicles.

Change } Decision No. 78117
 Increase }

DEFECTIVE

Correction

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