

Decision No. 78252**ORIGINAL**

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 Mini-)
 mum Rate Tariff No. 2).

Case No. 5432
 Petition for Modification No. 611
 (Filed November 18, 1970)

And Related Matters.

Cases Nos.
 5435, 5436, 5439, 5441, 7857
 and 7783
 Petitions for Modification Nos.
 166, 104, 132, 213, 39 and
 36, respectively
 (Filed November 18, 1970)

OPINION AND ORDER

The Commission has established in several of its minimum rate tariffs rules which make reference to various statutory and labor contract "holiday" provisions.^{1/} Most of the minimum rate tariffs include such references in tariff rules relating to collection of charges and as part of the explanation for the application of certain other tariff rules. At present, some of the minimum rate tariffs define what is included in the term "holidays", while other minimum rate tariffs do not specifically list the days included in the term "holidays" as used in said tariffs.

^{1/} The minimum rate tariffs involved herein are MRT 1-B (East Bay Drayage); MRT 2 (General Commodities - Statewide); MRT 5 (Los Angeles Drayage); MRT 6-A (Petroleum); MRT 9-B (San Diego Drayage); MRT 14-A (Grain); MRT 15 (Vehicle Unit Rates); and MRT 19 (San Francisco Drayage).

The California Trucking Association has prepared proposed revisions to the various minimum rate tariffs designed to update or define the present tariff references to "holidays".^{2/} The petitioner's tariff proposals involve restatements or additions of the term "holidays" so as to reflect properly the current legal or other holiday provisions prevailing under existing labor agreements underlying the several minimum rate structures involved in this proceeding. The trucking association explains that in 1971 newly enacted statutory provisions, in California and throughout the nation generally, redesignated certain traditional legal holidays so that they would henceforth be observed on a Monday, in lieu of a stated date of the month. For example, Washington's Birthday is now to be observed on the third Monday of February; Memorial Day, the last Monday in May; and Labor Day, the first Monday in September.

Recent labor negotiations have resulted in a restatement and/or substitution of certain holiday provisions contained in the wage agreements which reflect the labor costs underlying the Commission's several minimum rate structures. A typical example of the current "holiday" provisions contained in prevailing teamster labor contracts is set forth in Exhibit A of Petition 611, et al. A review thereof discloses that "Admission Day" is no longer observed as a teamster holiday but that the day after Thanksgiving and December 24 (or the day before Christmas) are paid holidays.

The petitioner requests that, inasmuch as the proposed revisions are merely responsive to either legislative action or the prevailing labor agreements, its proposed revisions in the various minimum rate tariffs be adopted by ex parte order.

^{2/} Petitioner's tariff proposals are set forth in Exhibits B through I of its petitions in Case No. 5432 (Petition for Modification No. 611) et al.

The Commission's Transportation Division staff has reviewed petitioner's rate proposals and, with certain minor suggested corrections, recommends that petitioner's rate proposals be granted by ex parte order. Copies of the petitions were mailed to various chambers of commerce, shipper organizations and carriers on or about November 16, 1970. The petitions were listed on the Commission's Daily Calendar of November 19, 1970. No objections to the granting of the petitions have been received.

In the circumstances, the Commission finds that:

1. Petitioner's tariff proposals, subject to the minor corrections suggested by the staff, have been shown to be reasonable.
2. To the extent petitioner's tariff proposals will result in increased charges, such increases are justified.
3. The rates and charges resulting under petitioner's tariff proposals are, and for the future will be, the just, reasonable and nondiscriminatory minimum rates for the transportation of property by highway carriers subject to the governing minimum rate tariffs involved herein.

We conclude that petitioner's tariff proposals contained in Case No. 5432 (Petition for Modification No. 611) et al., subject to the relatively minor modifications thereof suggested by the Commission's staff, be adopted and that Minimum Rate Tariffs 1-B, 2, 5, 6-A, 9-B, 14-A, 15 and 19 be amended accordingly. A public hearing is not necessary.

In order to avoid duplication of tariff distribution, Minimum Rate Tariff 2 will be amended by the order herein and Minimum Rate Tariffs 1-B, 5, 6-A, 9-B, 14-A, 15 and 19, respectively, will be amended by separate orders.

IT IS ORDERED that:

1. Minimum Rate Tariff 2 (Appendix D to Decision No. 31606, as amended) is further amended by incorporating therein, to become effective February 12, 1971, the revised pages attached hereto, and by this reference made a part hereof, which pages are numbered as follows:

Forty-First Revised Page 11 ✓
Twenty-Third Revised Page 12 ✓
Twenty-First Revised Page 51-EE
Thirteenth Revised Page 51-EEE

2. Common carriers subject to the Public Utilities Act, to the extent that they are subject also to said Decision No. 31606, as amended, 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 2 are authorized to increase such rates by the same amounts authorized for Minimum Rate Tariff 2 rates herein.

4. Common carriers maintaining rates on the same level as Minimum Rate Tariff 2 rates for the transportation of commodities and/or for transportation not subject to Minimum Rate Tariff 2 are authorized to increase said rates by the same amounts authorized for Minimum Rate Tariff 2 rates herein.

5. 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 2 are authorized to increase said rates by the same amounts authorized for Minimum Rate Tariff 2 rates herein.

6. 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 such tariff publications shall be made effective not later than February 12, 1971; and the 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.

7. 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.

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

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 2nd day of FEBRUARY, 1971.

[Signature]
Chairman
[Signature]
[Signature]

Commissioners
Commissioner William Symons, Jr., being
-5- necessarily absent, did not participate
in the disposition of this proceeding.

SECTION 1--RULES OF GENERAL APPLICATION	ITEM
<p style="text-align: center;">DEFINITIONS OF TECHNICAL TERMS (Items 10, 11 and 12)</p> <p>AIR-MILE means a statute mile measured in a straight line without regard to terrain features or differences in elevation.</p> <p>ARMORED CAR means any motor truck and/or other highway vehicle which has been armored with bullet resistant metal and/or bullet proof glass, and which is manned by an armed crew.</p> <p>CARRIER means a radial highway common carrier, a highway contract carrier, a cement contract carrier or a dump truck carrier as defined in the Highway Carriers' Act, or a household goods carrier as defined in the Household Goods Carriers Act.</p> <p>CARRIER'S EQUIPMENT means any motor truck or other self-propelled highway vehicle, trailer, semitrailer, or any combination of such highway vehicles operated as a single unit.</p> <p>COMMON CARRIER RATE means any intrastate rate or rates of any common carrier or common carriers, as defined in the Public Utilities Act, lawfully on file with the Commission and in effect at time of shipment; any interstate or foreign rate or rates of any common carrier railroad or railroads applying between points in California by an interstate or foreign route, lawfully in effect at time of shipment; also any interstate or foreign rate or rates of any common carrier or common carriers, as defined in the Public Utilities Act, applying between points in California and in effect at time of shipment and covering transportation exempt from rate regulation of the Interstate Commerce Commission under Section 203(b)(6) or Section 203(b)(8) of Part II of the Interstate Commerce Act.</p> <p>CONSIGNOR means the person, firm or corporation shown on the bill of lading as the shipper of the property received by the carrier for transportation.</p> <p>DANGEROUS ARTICLES TARIFF means Motor Carriers' Explosives and Dangerous Articles Tariff 14, Cal.P.U.C. 9, of American Trucking Associations, Inc., Agent.</p> <p>DEBTOR means the person obligated to pay freight charges to the carrier, whether consignor, consignee or other party.</p> <p>DISTANCE TABLE means Distance Table 7 issued by the Cal.P.U.C.</p> <p>ESCORT SERVICE means the furnishing of pilot cars or vehicles by a carrier as may be required by any governmental agency to accompany a shipment for highway safety.</p> <p>ESTABLISHED DEPOT means a freight terminal owned or leased and maintained by a carrier for the receipt and delivery of shipments.</p> <p>EXCEPTION RATINGS TARIFF means Exception Ratings Tariff 1 issued by the Cal.P.U.C.</p> <p>GOVERNING CLASSIFICATION means National Motor Freight Classification A-11, Cal. P.U.C. 9, of National Motor Freight Traffic Association, Inc., Agent.</p> <p>HOLIDAYS means New Year's Day (January 1), Washington's Birthday (the third Monday in February), Memorial Day (the last Monday in May), Fourth of July, Labor Day (the first Monday in September), Thanksgiving Day, the Day after Thanksgiving, December 24 and Christmas Day (December 25). When a holiday falls on Sunday, the following Monday shall be considered as a holiday.</p> <p>INDEPENDENT-CONTRACTOR SUBHAULER means any carrier who renders service for a principal carrier, for a specified recompense, for a specified result, under the control of the principal as to result of the work only and not as to the means by which such result is accomplished.</p> <p style="text-align: right;">(Continued in Item 11)</p>	210
<p>(1) Definitions of Multiple Lot Shipment and Palletized Shipment transferred to Twenty-third Revised Page 12.</p>	
<p>Change) * Addition) Decision No. 78252</p>	
EFFECTIVE	
Correction	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;">DEFINITION OF TECHNICAL TERMS (Continued) (Items 10, 11 and 12)</p> <p>MULTIPLE LOT SHIPMENT means a shipment transported in accordance with the provisions of Item 85.</p> <p>PALLETIZED SHIPMENT means a shipment tendered to and transported by the carrier on pallets (elevating-truck pallets or platforms or lift-truck skids, with or without standing sides or ends, but without tops).</p> <p>PERMIT SHIPMENT means a shipment which because of its width, length, height, weight or size requires special authority from a governmental agency regulating the use of highways, roads or streets for the transportation of such shipment in whole or in part.</p> <p>PICKUP AND DELIVERY CHARGE means the full charge applicable without the deduction authorized by Item 110.</p> <p>POINT OF DESTINATION means the precise location at which property is tendered for physical delivery into the custody of the consignee. All sites within a single business place of one consignee shall be considered as one point of destination. A business place of one consignee shall include only contiguous property which shall not be deemed separate if intersected only by public street or thoroughfare.</p> <p>POINT OF ORIGIN means the precise location at which property is physically delivered by the consignor into the custody of the carrier for transportation. All sites within a single business place of one consignor shall be considered as one point of origin. A business place of one consignor shall include only contiguous property which shall not be deemed separate if intersected only by public street or thoroughfare.</p> <p>POOL SHIPMENT means a shipment consisting of component parts which are for reshipment to two or more points of destination, such shipment being consigned to:</p> <ol style="list-style-type: none"> 1. A carrier with instructions for unloading, distribution and delivery of one or more component parts to consignees, their agents, or to other carriers; or 2. A consignee (other than a carrier) in connection with which pool shipment a carrier is instructed to unload, distribute and deliver one or more component parts to the consignee, subconsignees, their agents or to other carriers. <p>The term "delivery" as used in this definition means relinquishing the property to the consignee, his agent, or another carrier entitled to receive such property, whether at the point of distribution or elsewhere.</p> <p>POWER EQUIPMENT means any gasoline, diesel, electric or gas driven equipment including electric powered cranes and lift-truck equipment.</p> <p>RAILHEAD means a point at which facilities are maintained for the loading of property into or upon, or the unloading of property from, rail cars or vessels. It also includes truck loading facilities of plants or industries located at such rail or vessel loading or unloading point.</p> <p>RATE means the figure stated in cents, dollars and cents, or fractions thereof, including the charge and, also, the ratings, minimum weight and rules governing, and the accessorial charges applying in connection therewith to be used in computing the charge on property transported.</p> <p>SAME TRANSPORTATION means transportation of the same kind and quantity of property between the same points, and subject to the same limitations, conditions and privileges, but not necessarily in an identical type of equipment.</p> <p style="text-align: center;">(Continued in Item 12)</p>	<p>(1) 11</p>
<p>(1) Definitions of Palletized Shipment and Multiple Lot Shipment transferred from Fortieth Revised Page 11, Decision No. 78252</p>	
<p>EFFECTIVE</p>	
<p>Correction</p>	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>

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 \$4.35 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, \$16.55 per hour. Minimum charge, eight hours.

(b) On Washington's Birthday, Memorial Day, the Day after Thanksgiving and December 24th, \$8.25 per hour. Minimum charge, eight hours.

(Continued in Item 720-2)

Change }
 * Addition } Decision No. **78252**

EFFECTIVE

Correction

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

SECTION 3--COMMODITY RATES (Continued)	ITEM
<p style="text-align: center;">HOURLY RATES FOR OIL, WATER OR GAS WELL OUTFITS AND SUPPLIES (Concluded) (Items 720, 720-1 and 720-2)</p> <p>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 \$10.50 per hour per extra man furnished.</p> <p>(a) On Saturdays and Sundays, the applicable helper rate shall be \$10.80 per hour.</p> <p>(b) On July 4th, Labor Day, Thanksgiving Day, Christmas Day and New Year's Day, the applicable helper rate shall be \$22.45 per hour. Minimum charge, eight hours.</p> <p>(c) On Washington's Birthday, Memorial Day, the Day after Thanksgiving and December 24th, the applicable helper rate shall be \$14.60 per hour. Minimum charge, eight hours.</p> <p>(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.</p> <p>(e) Allowances shall be made for delays due to failure of carrier's equipment or time taken out for meals.</p> <p>(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.</p> <p>(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.</p> <p>(h) There shall be a minimum charge of one hour service at the applicable rate, except as provided under 4(b) and (c) above.</p> <p>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.</p> <p>6. Each bill of lading 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.</p> <p>7. Each vehicle shall have stenciled or otherwise permanently displayed on it an equipment number.</p> <p>8. Excess trailers means trailers or semitrailers furnished by carrier in excess of the number of vehicles or combination of vehicles operated as a single unit.</p> <p>9. Rates include converter gears (auxiliary dollies).</p> <p>10. "Dollies" include pole or pipe dollies, stretch dollies, lowbed dollies, bolster type dollies, but not auxiliary dollies.</p>	<p>8720-2</p>
<p> } Change * Addition) Decision No. 78252 </p>	
EFFECTIVE	
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