

ORIGINAL

Decision No. 78664

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 highway carriers relating to the transportation of property in San Diego County (transportation for which rates are provided in Minimum Rate Tariff 9-B)

Case No. 5439  
Petition for Modification  
No. 125  
(Filed August 14, 1970;  
Amended August 31, 1970  
and October 5, 1970)

Richard W. Smith, Attorney at Law,  
A. D. Poe, Attorney at Law, and  
H. F. Kollmyer, for California  
Trucking Association, petitioner.  
John R. Chamberlain, for Aztec  
Transportation Co., Inc., respondent.  
Rodney Starkey, for Pacific Messenger,  
respondent.  
A. Davis, by J. B. Tweed, for California  
Manufacturers Association, interested  
party.  
Fred P. Hughes and Norman Haley, for the  
Commission's staff.

O P I N I O N

Decision No. 78135, dated December 22, 1970, on this petition ordered increases of 8 percent (with certain exceptions) in the rates in Minimum Rate Tariff 9-B (MRT 9-B), rates which apply as minimum for the transportation of general commodities by for-hire highway carriers within the San Diego Drayage Area, a defined area in and about the City of San Diego. Said rate increases were ordered in response to showings by petitioner, the California Trucking Association (CTA), and by the Commission's staff during four days of public hearings that the carriers in the San Diego area

were committed to the payment of substantial increases in their labor costs commencing with January 1, 1971; that they were committed to further labor cost increases commencing with July 1, 1971, and that increases in the rates were necessary to compensate for the increased costs. The increased rates were prescribed as interim adjustments pending further hearings on the petition and consideration thereof.

The further hearings were held before Examiner C. S. Abernathy at Los Angeles on January 4, 5, and 11, 1971. On January 20, 1971, the matter was taken under submission with the receipt of late-filed exhibits.

The rates in MRT 9-B which were in effect prior to the interim adjustments ordered by Decision No. 78135 were established by Decision No. 77445, dated June 30, 1970, in Case No. 5439. The hearings which resulted in Decision No. 78135 dealt mainly with the extent that the increases in the carriers' labor costs (and in certain other costs) would raise the carriers' total operating costs above the level of the costs reflected in the rates established by Decision No. 77445. The CTA submitted evidence to show that the carriers' operating costs would be increased 8 to 13 percent and that increases of like amounts should be made in the minimum rates. The showing of the Commission's staff was that the carriers' total operating costs would be increased 8.64 to 9.15 percent, and that rate increases of 7 to 9 percent would be sufficient to compensate for the increases in costs.

At the further hearings in January both petitioner and the staff revised their earlier showings of the cost increases to relate

them more closely to the bases upon which the rates established by Decision No. 77445 were prescribed. As a result of these revisions the prior differences between the cost showings of petitioner and of the staff, respectively, were virtually eliminated. According to the revised figures, the increases in labor and related costs which the carriers will experience during 1971 will increase the carriers' operating costs by about 7 to 11 percent over the level of the costs reflected in the rates prescribed by Decision No. 77445.

Other matters with which the further hearings dealt centered mainly about the manner by which rates which would give appropriate effect to the revised cost data should be calculated. Said rates would be used to supersede the interim rates prescribed by Decision No. 78135.

On the one hand the CTA asserted that, with certain exceptions, the base rates -- those which were prescribed by Decision No. 77445 -- should be increased by a uniform percentage that represents an average of the percentages by which the costs for the various weight groups and various lengths of haul have increased. The CTA pointed out that in recent years adjustments in the rates in MRT 9-B have been calculated in this manner.

On the other hand representatives of the Commission's staff contended that the adjustments should reflect differences between the cost increases for the various weight groups. They also contended that in order to maintain proper rate relationships between classes, the percentages of increase should be applied to the Class 70 rates and that the other class rates should be

adjusted according to the basic percentage relationship to the Class 100 rates, as was designated in Table 2 of Decision No. 74310, dated July 15, 1968 (68 Cal. F.U.C. 445, 453).

The CTA and the staff representatives also differed as to the amount of profit which should be included in the increased rates. Under petitioner's proposals the increased rates would include the same provision for profit, percentagewise, as was included in the rates prescribed by Decision No. 77445. Under the staff's proposal, the rates would be increased only to the extent necessary to compensate for the increased costs. In terms of ratio to the resultant rates the margin of profit would be reduced below the level which has prevailed heretofore.

#### Discussion

Although petitioner and the Commission's staff witnesses were in substantial agreement that the cost data which were ultimately developed and presented over the seven days of public hearings on this matter indicated the extent that carriers' operating costs have been or will be increased by the increases in labor and related costs to which the carriers are thus far committed in 1971, it is evident that as a full measure of the increases the showings themselves provide somewhat meager grounds for adjustment of the rates. Most of petitioner's showing initially assumed the applicability of a higher level of indirect costs than has been found reasonable prescriptively heretofore in Decision No. 77445 in connection with the minimum rates for the San Diego

Drayage Area. <sup>1/</sup> Also, much of both petitioner's and the staff's presentations were developed to show the effect of the cost increases in relation to higher costs than those which formed the basis of the rates prescribed by Decision No. 77445. <sup>2/</sup> The presentations in the latter respect do not provide an acceptable measure of the increases in costs above those reflected in said rates.

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<sup>1/</sup> Petitioner developed its showing by the so-called "wage-cost" method which assumes that as carriers experience increases in their direct labor costs, they will experience proportionate increases in their indirect costs. Finding No. 1 of Decision No. 77445 states that:

"The 'wage-offset' method should continue to govern offset increases in the minimum rates in MRT 9-B, pending development of new full-scale cost and rate studies for that tariff."

The wage-offset method assumes that as carriers experience increases in their direct labor costs only one half of their indirect costs will be affected and will be increased proportionately.

At the further hearings petitioner presented data whereby it revised its earlier showing to show the carriers' cost increases computed by the wage-offset method.

<sup>2/</sup> The higher costs which were used for comparison were set forth in an exhibit designated as No. 116-1 in the proceeding which resulted in Decision No. 77445.

It appears that most of the usable cost increase data which the CTA submitted in support of its petition are confined to those which are included in its Exhibits Nos. 125-11 and 125-14. Exhibit No. 125-11 purports to show the increases in operating costs, calculated by the wage-offset method, over the costs previously presented in Exhibit No. 116-1 for movements within and between the 12 zones which comprise the San Diego Drayage Area. Exhibit No. 125-14 purports to show the increases in operating costs, calculated by the wage-offset method, in relation to costs that were used as a basis for Decision No. 77445. Petitioner limited its showing in Exhibit No. 125-14 to that of the costs applicable to shipments in only two weight groups moving within a single zone.<sup>3/</sup>

By a subsequent exhibit, Exhibit No. 125-16, the Commission's staff undertook to expand the data in petitioner's Exhibit No. 125-14 to show costs for shipments (a) falling within six additional weight groups and (b) moving under class rates and minimum charges within and between the various San Diego Drayage

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<sup>3/</sup>

Petitioner's showing in exhibit No. 125-14 was developed for shipments within the weight groups 100 to 500 pounds and 20,000 pounds or more. MRT 9-B sets forth class rates for weight groups as follows:

Any quantity			
Minimum weight	2,000	pounds	
"	4,000	"	
"	10,000	"	
"	20,000	"	
"	30,000	"	

Zones. The staff's presentation was developed by a process of interpolation and extrapolation on the basis of the ratio of the costs in petitioner's Exhibit No. 125-14 to corresponding costs in Exhibit No. 125-11.

Petitioner objected to this method of cost development but did not undertake to show either how the resultant figures are faulty or to provide alternatives of its own. Despite petitioner's objections, we are of the opinion that the staff's measure of the cost increases may be accepted as reasonably representing said increases and may be used for adjustment of the rates in MRT 9-B. Where the staff's showing does not reflect all of the cost increases, as in the case of transportation performed at hourly rates, the cost increases in connection therewith which were developed by petitioner should be used for the applicable rate adjustments. Inasmuch as said cost increases of petitioner were calculated in relation to hourly costs set forth in Exhibit No. 116-1 instead of lower costs upon which the hourly rates which were established by Decision No. 77445 were prescribed, it appears that said increases may slightly understate the increases in the hourly costs which have actually occurred. On this record, however, greater increases may not be found to be reasonable.

In the adjustment of the rates to give effect to the cost increases, the increases in rates should conform to the percentages of cost increase for the weight group and distance involved rather than to an average of said percentages as proposed by petitioner. Under petitioner's proposal the increases which would be made in the rates for shipments within the smaller weight

groups or moving the shorter distances would not fully reflect the cost increases, and rates for shipments in the high weight groups or moving across several zones would be increased by amounts more than sufficient to return the increased costs. The staff-proposed increases would be subject to the same infirmity to the extent they were based on averages of the increases for the various distances involved. Averages may be employed where necessary in proper rate making procedures. However, in this matter more precise measurement of the cost increases are available in most respects and should be used in order to give due consideration to the effect of said increases upon the carriers' costs of service and in order, also, to avoid needless distortion of the rates. For like reasons the increases should be applied to the Class 100 rates with derivation of the other class rates in accordance with the prescribed differentials between classes.

The staff's proposal to limit the rate increases only to those necessary to compensate for the increased costs, without any provision for profit, should not be adopted. The staff's proposal would, in effect, result in a reduction of the provision for profit now included as reasonable in the structure of the rates in MRT 9-B. The factors which underlie the present provision for profit, and whether said factors have changed sufficiently to justify a change in the profit level, were not a subject of consideration at the hearings on this petition. The record does not support the proposed change.



Petitioner's requests in this matter include a request that common carriers be authorized to establish increases in their rates and charges for the transportation of exempt commodities (commodities which are not subject to the provisions of MRT 9-B) to conform to increases ordered in the rates and charges in MRT 9-B. Decision No. 78135 authorized increases in the rates and charges for said exempt commodities to the extent necessary to avoid rate discrimination of the type prohibited by Article XII, Section 21, of the State Constitution and by Section 453 of the Public Utilities Code. The decision states that "in other respects decision on the requests should be deferred pending the receipt of whatever showings petitioner may wish to make in this regard at the further hearings to be held in these matters."

At the further hearings petitioner did not undertake to justify other increases in the rates for exempt commodities. It appears that with the establishment of such increases as are hereinafter prescribed in the rates and charges in MRT 9-B, corresponding increases should be made for the purposes heretofore stated in the rates and charges for exempt commodities. In other respects, however, increases in the rates and charges for said commodities have not been shown to be justified.

#### Findings

Upon consideration of the facts and circumstances of record the Commission finds that:

1. For-hire highway carriers who are engaged in transportation subject to the provisions of MRT 9-B have experienced increases in their operating costs as of January 1, 1971, and will experience further increases in their operating costs as of July 1, 1971.

2. In relation to the carriers' demonstrated costs of service during 1971 the rates and charges which were promulgated in MRT 9-B by Decision No. 77445 are unreasonably low and insufficient.

3. In relation to the carriers' demonstrated costs of service during 1971, the rates and charges which were promulgated in MRT 9-B by Decision No. 78135 are, with certain exceptions, unreasonably low and insufficient.

4. In relation to the carriers' demonstrated costs of service during 1971, the minimum rates and charges which are prescribed by the following Order are, and will be just, reasonable and nondiscriminatory minimum rates and charges for the transportation and related services to which they will apply.

5. To the extent that the provisions of MRT 9-B have been found heretofore to constitute reasonable minimum rates, rules and regulations 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 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, such 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.

6. Increases in the rates, minimum charges and accessorial charges of common carriers are justified to the extent that increases in said rates and charges are authorized or directed by the following Order.

Increases as hereinafter provided in the rates and charges in MRT 9-B may result in the applicability of higher rates and charges within the San Diego Drayage Area than those which are concurrently applicable under other minimum rate tariffs of the Commission for like transportation between points within said drayage area, on the one hand, and points outside said drayage area, on the other hand. In order that common carriers may not be chargeable with violations of the so-called long- and short-haul prohibitions of Article XII, Section 21 of the State Constitution and of Section 460 of the Public Utilities Code in carrying out minimum rate orders of the Commission, the Commission also finds as a fact that departures by common carriers from said long- and short-haul prohibitions are justified to the extent hereinafter provided.

#### Conclusions

The Commission concludes that:

1. The rates and charges in MRT 9-B should be increased as hereinafter provided in order that said rates and charges may be just, reasonable and nondiscriminatory minimum rates and charges for the transportation and related services to which they apply.

2. Common carriers should be authorized to increase their rates to the extent hereinafter provided.

3. Common carriers should be authorized to depart from the long- and short-haul prohibitions of Article XII, Section 21 of the State Constitution and of Section 460 of the Public Utilities Code to the extent hereinafter provided.

O R D E R

IT IS ORDERED that:

1. Minimum Rate Tariff 9-B (Appendix A of Decision No. 67766, as amended) is further amended by incorporating therein, to become effective July 1, 1971, the revised pages attached hereto and listed in Appendix A also attached hereto, which appendix and 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. 67766, as amended, are hereby directed to establish in their tariffs the increases necessary to conform with the further adjustments ordered herein.

3. Except as is otherwise provided in paragraph 4 below, the increased class and hourly rates and the increased minimum charges and accessorial charges which are established pursuant to ordering paragraph 2 hereof are authorized as rates and charges to be assessed by common carriers subject to Decision No. 67766, as amended (except common carriers by railroad with respect to their carload rates and charges and common carriers by vessel), for the transportation of the commodities listed in Items Nos. 50 and 51 of

MRT 9-B provided that (a) said transportation is performed between origins and destinations which are both located within the San Diego Drayage Area (as described in MRT 9-B).

4. The authority which is granted by ordering paragraph 3 hereof does not apply:

- (a) To transportation for which minimum rates apply in accordance with the provisions of other minimum rate tariffs of the Commission; and
- (b) To transportation which is being performed by dump or tank vehicles.

5. Tariff publications 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 July 1, 1971, on not less than ten days' notice to the Commission and to the public; such tariff publications as are required shall be made effective July 1, 1971; and as to tariff publications which are authorized but not required, the authority herein granted shall expire unless exercised within sixty days after the effective date hereof.

6. Common carriers and other transportation companies, in establishing and maintaining the increased rates and charges provided by this order, are authorized to depart from the provisions of Article XII, Section 21, of the Constitution of the State of California, and Section 460 of the Public Utilities Code, to the extent necessary to assess said increased rates and charges prescribed or authorized herein. Common carriers, in publishing

rates under the authority conferred in this ordering paragraph, shall make reference to this order and to prior orders authorizing long- and short-haul departures.

7. Concurrently with the effectiveness of the revised tariff pages herein and, in the case of common carriers, concurrently with the effectiveness of the tariff publications required or authorized herein, the surcharges and authorities granted by Supplement and Order in Decision No. 78135, dated December 22, 1970, are canceled.

8. In all other respects Decision No. 67766, as amended, shall remain in full force and effect.

9. Except to the extent granted herein, Petition for Modification No. 125, as amended, is hereby denied.

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

Dated at San Francisco, California, this 11th day of MAY, 1971.

William S. ... Chairman  
...  
Vernon L. Sturgeon  
... Commissioners

Labstom  
J. ... Chairman

APPENDIX A TO DECISION NO. 78664

LIST OF REVISED PAGES AND SUPPLEMENT  
TO MINIMUM RATE TARIFF 9-B  
AUTHORIZED BY SAID DECISION

FIFTH REVISED PAGE 20

SEVENTH REVISED PAGE 21

EIGHTH REVISED PAGE 22

FIRST REVISED PAGE 22-A

EIGHTH REVISED PAGE 29

EIGHTH REVISED PAGE 31

EIGHTH REVISED PAGE 34

TENTH REVISED PAGE 44

THIRD REVISED PAGE 44-A

ELEVENTH REVISED PAGE 47

TENTH REVISED PAGE 49

SUPPLEMENT 6

(END OF APPENDIX A LIST)

SUPPLEMENT 6

(CANCELS SPECIAL INCREASE SUPPLEMENT 5)

(Supplement 6 Contains All Changes)

TO

MINIMUM RATE TARIFF 9-B

NAMING

MINIMUM RATES AND RULES

FOR THE

TRANSPORTATION OF PROPERTY OVER THE

PUBLIC HIGHWAYS WITHIN A

DEFINED SAN DIEGO DRAYAGE AREA

BY

HIGHWAY CONTRACT CARRIERS

CEMENT CONTRACT CARRIERS

AND

RADIAL HIGHWAY COMMON CARRIERS

Decision No.

**78664**

EFFECTIVE

Issued by the  
PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA  
State Building, Civic Center  
San Francisco, California 94102



SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">ALTERNATIVE APPLICATION OF COMMON CARRIER RATES</p> <p>Common carrier rates (including common carrier railroad switching rates) may be applied in lieu of the rates provided in this tariff when such common carrier rates produce a lower aggregate charge for the same transportation between the same points of origin and destination and for the same accessorial services than results from the application of the rates herein provided.</p> <p>When the common carrier rate used does not include accessorial services performed by the carrier, the following charges for such accessorial services shall be added: (See Note)</p> <p>(a) For loading onto carrier's equipment, the charges provided in paragraph (d).</p> <p>(b) For unloading from carrier's equipment, the charges provided in paragraph (d)</p> <p>(c) For other accessorial services for which charges are provided in this tariff, the additional charge or charges so provided.</p> <p>(d) 0 7/8 cents per 100 pounds.</p> <p>NOTE.--In applying the provisions of this item, a rate no lower than the common carrier rate and a weight no lower than the actual weight or published minimum weight (whichever is the higher) applicable in connection with the common carrier rate shall be used.</p>	<p>6110</p>
<p> <input type="checkbox"/> Change        )  <input type="checkbox"/> Increase     )     Decision No.     <b>78664</b> </p>	
<p><b>EFFECTIVE</b></p>	
<p>Correction</p>	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,                  SAN FRANCISCO, CALIFORNIA.</p>

SECTION 1--RULES (Continued)	ITEM																		
<p style="text-align: center;"><b>ACCESSORIAL SERVICE</b></p> <p>When carrier performs any accessorial or incidental service which is not authorized to be performed under rates named in this tariff, and for which a charge is not otherwise provided, additional charges shall be assessed as provided in Item 140. The charge therein provided for unit of equipment shall apply whenever the accessorial or incidental service requires its use, or whenever the unit of equipment is inactivated by reason of its driver or helper being engaged in such service.</p>	120																		
<p style="text-align: center;"><b>DELAYS TO EQUIPMENT</b></p> <p>When consignor or consignee is responsible for delay to carrier's equipment at or in vicinity of either point of loading or point of unloading in excess of 30 minutes (exclusive of time actually involved in loading or unloading), additional charges for delay time in excess of 30 minutes shall be assessed as provided in Item 140.</p>	130																		
<p style="text-align: center;"><b>CHARGES FOR ACCESSORIAL SERVICES OR DELAYS</b></p> <p>For accessorial services or delays under the conditions specified in Items 120 and 130, charges shall be assessed for each period or fraction thereof, as follows:</p> <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th colspan="2" style="text-align: center;"><u>Charges in Cents</u></th> </tr> <tr> <th></th> <th style="text-align: center;"><u>For First</u></th> <th style="text-align: center;"><u>For Each</u></th> </tr> <tr> <th></th> <th style="text-align: center;"><u>30 Minutes</u></th> <th style="text-align: center;"><u>Additional</u></th> </tr> <tr> <th></th> <th></th> <th style="text-align: center;"><u>15 Minutes</u></th> </tr> </thead> <tbody> <tr> <td>(a) For driver, helper or other employee, per man</td> <td style="text-align: center;">0470</td> <td style="text-align: center;">0235</td> </tr> <tr> <td>(b) For unit of equipment-----</td> <td style="text-align: center;">30</td> <td style="text-align: center;">15</td> </tr> </tbody> </table>		<u>Charges in Cents</u>			<u>For First</u>	<u>For Each</u>		<u>30 Minutes</u>	<u>Additional</u>			<u>15 Minutes</u>	(a) For driver, helper or other employee, per man	0470	0235	(b) For unit of equipment-----	30	15	140
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SECTION 1--RULES (Continued)	ITEM																					
<p style="text-align: center;"><b>CHARGES FOR ESCORT SERVICE</b></p> <p>In addition to all other applicable rates and charges named in this tariff, the following charges shall be assessed on shipments requiring escort service:</p> <p>(a) A charge of \$10.45 per hour, plus 9 cents per actual mile, shall be made for each escort vehicle and driver furnished, for the time and distance said vehicle and driver are engaged in such service. (See Notes 1 and 2)</p> <p>(b) A charge shall be made equal to the actual cost of any bridge or ferry tolls incurred for each escort car.</p> <p>NOTE 1.--Service shall commence with departure of each escort vehicle from its point of dispatch and terminate with the return of each escort car to its point of dispatch, excluding off-duty hours.</p> <p>NOTE 2.--Charges for fractions of an hour shall be determined in accordance with the following table:</p> <table style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;"><u>MINUTES</u></th> <th></th> </tr> <tr> <th style="text-align: center;"><u>Over</u></th> <th style="text-align: center;"><u>But Not Over</u></th> <th></th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">0</td> <td style="text-align: center;">8</td> <td style="text-align: right;">----- Omit</td> </tr> <tr> <td style="text-align: center;">8</td> <td style="text-align: center;">23</td> <td style="text-align: right;">----- shall be 1/4 hour</td> </tr> <tr> <td style="text-align: center;">23</td> <td style="text-align: center;">38</td> <td style="text-align: right;">----- shall be 1/2 hour</td> </tr> <tr> <td style="text-align: center;">38</td> <td style="text-align: center;">53</td> <td style="text-align: right;">----- shall be 3/4 hour</td> </tr> <tr> <td style="text-align: center;">53</td> <td style="text-align: center;">60</td> <td style="text-align: right;">----- shall be 1 hour</td> </tr> </tbody> </table>	<u>MINUTES</u>			<u>Over</u>	<u>But Not Over</u>		0	8	----- Omit	8	23	----- shall be 1/4 hour	23	38	----- shall be 1/2 hour	38	53	----- shall be 3/4 hour	53	60	----- shall be 1 hour	<p>6150</p>
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38	53	----- shall be 3/4 hour																				
53	60	----- shall be 1 hour																				
<p style="text-align: center;"><b>CHARGES FOR PERMIT SHIPMENTS</b></p> <p>In addition to all other applicable rates and charges named in this tariff, the following charges shall be assessed on shipments requiring transportation permits:</p> <p>(a) A charge of \$11.85 shall be made for the service of securing each permit, and</p> <p>(b) A charge shall be made equal to the fee, if any, assessed by the governmental agency for issuing each permit.</p>	<p>6160</p>																					
<p> <input type="checkbox"/> Change            )     Decision No.     <b>78664</b>  <input type="checkbox"/> Increase         )                 </p>																						
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SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;"><b>DANGEROUS ARTICLES</b></p> <p>Dangerous Articles include those articles described in and subject to the provisions of the Dangerous Articles Tariff.</p> <p>Dangerous articles must not be accepted for transportation unless at the time of or prior to the initial pickup the consignor has furnished to the carrier written information as required under the regulations of the Dangerous Articles Tariff.</p> <p>To the extent hereinafter provided, the following provisions of this tariff will not apply to shipments of dangerous articles:</p> <ol style="list-style-type: none"> <li>1. Item 220 (Mixed Shipments) will not apply to shipments containing one or more commodities which the Dangerous Articles Tariff prohibits being transported at the same time on a single unit of carrier's equipment.</li> <li>2. Items 180-182 (C.O.D. Shipments) and 300 (Split Delivery) will not apply to shipments, including any component parts thereof, containing explosives (Class A, B or C) and/or any other dangerous articles which may not be left unattended in the carrier's equipment under the regulations of the Dangerous Articles Tariff.</li> </ol>	165
<p style="text-align: center;"><b>FAILURE TO ACCOMPLISH DELIVERY</b>                      (Applies only in connection with Item 165)</p> <p>Except as otherwise provided in the Dangerous Articles Tariff, if the carrier, through no fault of its own, is unable to effect delivery of any shipment within 48 hours, excluding Saturdays, Sundays and holidays, after receipt of the shipment, notice will be sent or given to consignor or consignee that the shipment is being placed in storage. Thereafter the shipment will be stored at carrier's terminal subject to the rates and charges set forth below, or at carrier's option may be placed in public warehouse.</p> <p>For each of the first five days, 5½ cents per 100 pounds.                      For the sixth and each succeeding day, 8 cents per 100 pounds.</p> <p>Minimum storage charge per shipment on freight held beyond 48 hours, 5 days or less, 77 cents; 6 days or more, \$1.18.                      In computing time, any fractional part of 24 hours will be counted as one day.                      In computing charges, any fractional part of 100 pounds will be computed as 100 pounds.</p> <p>Shipments unloaded from vehicle and reloaded on vehicle will be subject to a charge of \$3.25 per ton in addition to all other charges.</p> <p>Subsequent delivery from point of storage will be charged as a new shipment.</p>	167
<p>Change )                      Increase ) Decision No. <b>78664</b></p>	
EFFECTIVE	
Correction	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA

SECTION 1--RULES (Continued)

ITEM

MINIMUM CHARGE

Except as otherwise provided, the minimum charge per shipment shall be as follows: (See Note)

<u>Weight of Shipment (In Pounds)</u>		<u>Charge (In Cents)</u>
<u>Over</u>	<u>But Not Over</u>	
0	25	295
25	50	340
50	75	385
75	100	410
100	150	440
150	200	475
200	250	505
250	300	535
300	400	575
400	500	625
500	600	690
600	700	765
700	800	800
800	900	885
900	---	965

0210

NOTE.--Will not apply on shipments made under the provisions of Item 420.

◊ Increase, Decision No. **78664**

EFFECTIVE

Correction

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

SECTION 1--RULES (Continued)										ITEM																					
<p><b>POOL LOT</b></p> <p>(a) For the service of segregating, or unloading and segregating, a pool lot, the following shall be assessed for each shipment destined to points in the San Diego Drayage Area, in addition to transportation rates:</p> <p>Merchandise classified as:</p> <table border="1" style="width:100%; border-collapse: collapse; margin: 5px 0;"> <tr> <td style="width:10%;">Class:</td> <td style="width:10%;">.100</td> <td style="width:10%;">92½</td> <td style="width:10%;">85</td> <td style="width:10%;">77½</td> <td style="width:10%;">70</td> <td style="width:10%;">65</td> <td style="width:10%;">60</td> <td style="width:10%;">55</td> <td style="width:10%;">50</td> </tr> <tr> <td>Rates in cents per 100 pounds:</td> <td>43</td> <td>41</td> <td>38</td> <td>36</td> <td>34</td> <td>32</td> <td>31</td> <td>30</td> <td>28</td> </tr> </table>											Class:	.100	92½	85	77½	70	65	60	55	50	Rates in cents per 100 pounds:	43	41	38	36	34	32	31	30	28	
Class:	.100	92½	85	77½	70	65	60	55	50																						
Rates in cents per 100 pounds:	43	41	38	36	34	32	31	30	28																						
<p>(b) Classification ratings shall be based upon the LTL (less-truckload) ratings in the Governing Classification, Sections 2-A or 2-C of the Exception Ratings Tariff, or this tariff.</p> <p>(c) Articles taking a rating higher than Class 100 shall be computed upon the percentage of the Class 100 rating, as set forth in the Governing Classification, Sections 2-A or 2-C of the Exception Ratings Tariff, or this tariff, except that shipments consisting of articles rated higher than Class 150 in the Governing Classification, Sections 2-A or 2-C of the Exception Ratings Tariff, or this tariff shall be subject to the rates applicable for Class 150.</p> <p>(d) No additional charge shall be made under this item on shipments for which transportation charges are based on a minimum weight of 20,000 pounds when the carrier performing the distribution service receives a transportation charge on such shipment from the distribution point.</p> <p>(e) See Item 220 for mixed shipments.</p> <p>(f) When a pool lot is segregated at and delivery is made from carrier's established depot, said depot will be considered as being located within Metropolitan Zone 301 for the purpose of assessing transportation charges under this tariff, and transportation rates shall be applied from Metropolitan Zone 301 as point of origin.</p> <p>(g) Rates named in this item alternate with rates for the same services contained in tariffs filed with the Commission pursuant to the provisions of the Public Utilities Act, and in effect on the date the services are performed.</p>										Q230																					
<p>◇ Increase, Decision No. <span style="font-size: 1.2em; font-weight: bold;">78664</span></p>																															
EFFECTIVE																															
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.																															
Correction																															

SECTION 1--RULES (Continued)

ITEM

SPLIT DELIVERY

The rate for transportation of a split delivery shipment shall be the rate applicable for the rate base determined as follows:

- (a) When point of origin and all points of destination are within a single zone, apply rate for rate basis B, subject to Notes 1, 2, and 3;
- (b) When point of origin and all points of destination are within the area encompassed by two adjoining Metropolitan Zones, apply rate for rate basis C, subject to Notes 1, 2, and 3 (Metropolitan Zone 305 does not adjoin any other zone, except Metropolitan Zone 311, for the purposes of this rule);
- (c) For all other shipments, apply rates for rate basis F, subject to Notes 1, 2, and 3.

NOTE 1.--For each split delivery shipment a single bill of lading or shipping order shall be issued. It shall describe the kind and quantity of property for the entire shipment, and bear the date such property is physically accepted by the carrier. At the time of or prior to the tender of the shipment the carrier shall be furnished with written instructions showing the name of each consignee, the point or points of destination, and a description of the kind and quantity of property in each component part of the split delivery shipment.

NOTE 2.--If shipping instructions do not conform with the requirements of Note 1 hereof, each component part of the split delivery shipment shall be rated as a separate shipment under other provisions of this tariff. When shipping instructions do conform with the requirements of Note 1 hereof, component parts of split delivery shipments shall not be treated as separate shipments.

NOTE 3.--In addition to the rate for transportation, the following additional charges shall be assessed for split delivery service:

Weight of Component Parts (Pounds)		Split Delivery Charge for Each Component Part in Cents
Over	But not Over	
0	500	210
500	1000	250
1000	2000	360
2000	4000	505
4000	10000	575
10000		680

NOTE 4.--Rates provided in this tariff do not apply to transportation of split delivery shipments unless point of origin and all points of destination are within the San Diego Drayage Area. When point of origin or one or more points of destination are located outside of the San Diego Drayage Area, rates in Minimum Rate Tariff 2 shall apply.

6300

Change } Decision No. 78664  
 Increase }

EFFECTIVE

Correction

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

SECTION 2--RATE BASES AND RATES (Continued)										ITEM
CLASS RATES (In Cents per 100 Pounds)										
Rate Basis	Any Quantity									
	100	92½	85	77½	70	65	60	55	50	
A	99	94	89	84	79	76	73	69	67	0410
B	120	114	108	102	96	92	89	84	82	
C	133	126	120	113	106	102	98	93	90	
D	151	143	136	128	121	116	112	106	103	
E	161	153	145	137	129	124	119	113	109	
F	175	166	158	149	140	135	130	123	119	
Rate Basis	Minimum Weight 2,000 Pounds									
	100	92½	85	77½	70	65	60	55	50	
A	83	79	75	71	66	64	61	58	56	0410
B	96	91	86	82	77	74	71	67	65	
C	105	100	95	89	84	81	78	74	71	
D	118	112	106	100	94	91	87	83	80	
E	130	124	117	111	104	100	96	91	88	
F	144	137	130	122	115	111	107	101	98	
Rate Basis	Minimum Weight 4,000 Pounds									
	100	92½	85	77½	70	65	60	55	50	
A	60	057	54	051	048	046	44	42	41	0410
B	70	67	063	60	056	54	52	049	548	
C	84	80	76	71	67	65	62	59	57	
D	93	88	84	079	74	72	69	65	063	
E	100	095	090	085	80	077	74	70	068	
F	112	106	101	95	90	86	83	078	76	
◊ Increase, except as noted } Decision No. <b>78664</b> ◊ Reduction										
EFFECTIVE										
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.										
Correction										



SECTION 2--RATE BASES AND RATES (Continued)										ITEM
CLASS RATES (In Cents per 100 Pounds)										
Rate Basis	Minimum Weight 10,000 Pounds									
	100	92½	85	77½	70	65	60	55	50	
A	43	41	39	37	34	33	32	030	029	0415
B	54	051	049	46	43	42	40	38	37	
C	63	60	57	54	50	49	47	44	43	
D	068	65	061	058	54	052	050	048	046	
E	80	76	72	68	64	62	59	56	54	
F	085	081	077	072	068	065	063	60	058	
Rate Basis	Minimum Weight 20,000 Pounds									
	100	92½	85	77½	70	65	60	55	50	
A	34	32	31	29	27	26	25	24	23	0415
B	041	39	37	035	33	32	030	028½	028	
C	046	44	041	39	37	035	34	032	031	
D	54	051	49	46	43	42	40	38	37	
E	058	055	052	049	046	45	043	041	039	
F	064	61	058	054	051	049	047	045	44	
Rate Basis	Minimum Weight 30,000 Pounds									
	100	92½	85	77½	70	65	60	55	50	
A	30	28½	27	25½	24	023	22	21	20½	0415
B	34	32	31	29	27	26	25	24	23	
C	38	36	34	32	030	29½	028	26½	26	
D	041	39	037	035	033	32	030	028½	028	
E	046	44	041	39	037	035	34	032	031	
F	050	048	45	43	40	39	37	035	34	
◇ Increase, except as noted } Decision No. <b>78664</b> ◊ Reduction										
EFFECTIVE										
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.										
Correction										

SECTION 3--EQUIPMENT RATES AND RULES	ITEM
<p style="text-align: center;">RULES</p> <p>(a) Rates named in this section are subject to Items 10 and 11, Definitions of Technical Terms; Item 20, Application of Tariff; Item 30, Application of Tariff--Territorial; Items 50 and 51, Application of Tariff--Commodities; Item 150, Charges for Escort Service; Item 160, Charges for Permit Shipments; Item 165, Dangerous Articles; Item 170, Collection of Charges; Items 180, 181 and 182, Collect on Delivery (C.O.D.) Shipments; Items 200 and 201, Issuance of Shipping Documents; Item 250, References to Items and Other Tariffs; and Item 260, Units of Measurement To Be Observed. They are not subject to the other rules provided in Section 1.</p> <p>(b) Rates named in this section are subject to Items 110 and 565 of the Governing Classification. They are not subject to the other rules of the Governing Classification.</p> <p>(c) Rates named in this section apply only when the property is transported by one carrier for one shipper.</p> <p>(d) Prior to the transportation of the property, the shipper must enter into written agreement with the carrier to ship at rates no lower than those provided in this section, stating specifically the class of service desired. (See Item 510.) Except as herein provided, no single agreement shall cover shipments transported over a period in excess of 31 days. EXCEPTION: The agreement will not be necessary for transportation of overweight and/or oversize shipments for which a special permit has been issued pursuant to the provisions of Sections 35780 to 35784, inclusive, of the Vehicle Code, State of California, and attached to or identified on the shipping document.</p> <p>(e) Rates named in Item 520 are subject to an additional charge at the rate of \$68.60 per man, per hour, minimum charge one-half hour, when carrier furnishes help in addition to the driver. 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 Note 1(c), Item 520.</p> <p>(f) When carrier's equipment is painted, lettered or marked, or when special equipment or accessories are furnished by the carrier, in connection with transportation which is performed subject to the rates named in Item 520, a charge not less than the cost of painting, lettering or marking or the costs applicable to the use of the special equipment or accessories shall be made.</p>	<p>4500</p>
<p> <span style="font-size: 2em;">}</span>                 Change } Decision No. <span style="font-size: 1.5em;">78664</span>                  Increase }             </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--EQUIPMENT RATES AND RULES (Concluded)

ITEM

FREIGHT, regardless of classification, subject to Note 1:

Weight in Pounds (See Note 2)	(1)(2) Rates in Cents Per Hour		
	Column 1	Column 2	Column 3
Less than 12,000-----	1015	1435	1855
12,000 but not over 20,000-----	1060	1445	1860
Over 20,000-----	1160	1510	1865

- (1) Minimum Charge--The charge for one hour.
- (2) Rates do not include bridge or ferry tolls. Such tolls, when incurred by the carrier, shall be added to the transportation charges.

Column 1--Rates per unit of equipment with driver, except for time equipment is operated in excess of 8 hours out of 9 consecutive hours, and except when operated on Saturdays, Sundays or holidays.

Column 2--Rates per unit of equipment with driver for time equipment is operated in excess of 8 hours out of 9 consecutive hours or on Saturdays, Sundays or the following holidays: Washington's Birthday, Memorial Day, the day after Thanksgiving or the day before Christmas.

Column 3--Rates per unit of equipment with driver for time equipment is operated on the following holidays: Independence Day, Labor Day, Thanksgiving Day, Christmas or New Year's Day.

NOTE 1--

(a) Subject to paragraph (b) below, rates in this item apply from the time the truck and driver report for service pursuant to the shipper's order to the time of completion of the last trip under such order. EXCEPTION: If the single transaction covers a period in excess of one day, time consumed in driving from last point of destination to the carrier's terminal at the close of one day's business, and from the carrier's terminal to the point of origin at the beginning of the next day's business will not be included in computing the chargeable time.

(b) In computing time for trailer shuttle service no time shall be charged for the movement of truck tractors without load or for trailers or semitrailers without power unit except when such trailers are being loaded or unloaded.

(c) In computing time under the basis outlined in paragraphs (a) and (b) hereof the various time factors shall not be less than the actual time involved in minutes. After the total time has been determined under the provisions of paragraph (a) hereof, it shall be converted into hours and fractions thereof. Fractions of an hour shall be determined in accordance with the following table:

- Less than 8 minutes--omit.
- 8 minutes or more but less than 23 minutes shall be  $\frac{1}{2}$  hour.
- 23 minutes or more but less than 38 minutes shall be  $\frac{2}{3}$  hour.
- 38 minutes or more but less than 53 minutes shall be  $\frac{3}{4}$  hour.
- 53 minutes or more shall be 1 hour.

NOTE 2.--The normal carrying capacity of each vehicle unit shall be determined by the carrier based upon that amount of property in pounds, which physically can be loaded therein and safely transported under normal conditions.

0520

◇ Increase, except as noted } Decision No. 78664  
 ◊ Reduction

EFFECTIVE

Correction

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 SAN FRANCISCO, CALIFORNIA.