

ORIGINAL

Decision No. 78817

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 any and all)
commodities between and within all)
points and places in the State of)
California (including, but not)
limited to, transportation for)
which rates are provided in Minimum)
Rate Tariff No. 2).)

Case No. 5432
(Petition for Modification
No. 650)
(Filed May 7, 1971)

OPINION AND ORDER

Minimum Rate Tariff No. 2 (MRT 2) names minimum class and commodity rates for the transportation of property over the public highways in the State of California by highway carriers. MRT 2 also contains specific exception ratings which govern the class rates named therein for the transportation of certain reinforced concrete products. These exception ratings are scheduled to expire with June 30, 1971.

By the above petition, Prestressed Concrete Manufacturers Association of California, Inc., seeks to modify these exception ratings and extend the expiration date to December 31, 1971. Petitioner also requests that common carriers be directed to establish in their respective tariffs, on less-than-statutory notice to the Commission and the public, all such modifications as may be prescribed by the Commission's order in this proceeding, including relief from the long- and short-haul provisions of Section 460 of the Public Utilities Code.

Petitioner proposes to: (1) maintain the current exception ratings on shipments of these concrete products which do not require a permit; (2) establish higher ratings on such shipments which require a permit; (3) increase the minimum weights of 36,000 and 40,000 pounds governing these exception ratings to 45,000 pounds; (4) require that these shipments be prepaid and released to one-half actual value or 50 cents per pound per article whichever is less; (5) require that the shipments be loaded by consignor and unloaded by consignee with power equipment furnished and used without expense to the carrier; and (6) apply the minimum weight to each single unit of carrier's equipment used in transporting a single shipment.

Petitioner states that the current exception ratings were established on a temporary basis to enable shippers and carriers to discuss and determine mutually agreeable ratings and rules for the transportation of reinforced concrete commodities which would make possible the disposition thereof without the need of adversary proceedings before the Commission. Petitioner declares that the proposal herein is a result of a limited cost study which it undertook commencing in 1970 and continuing during the first four months of 1971 to determine the level of ratings necessary for the transportation of these concrete products. Petitioner avers that it was not possible to reach a satisfactory conclusion concerning the reasonable ratings and rules for this transportation as the carriers did not believe that the limited cost study was sufficient for the purpose. Petitioner alleges that one of the reasons why the limited study was considered insufficient was the fact that some of the movements included commodities of lengths

and/or weights in excess of normal limits on which permits from a regulatory agency were required and the lack of uniformity in the equipment furnished for this transportation made costs vary even for the same commodity. As a result thereof, petitioner seeks higher ratings for shipments which require a permit. Petitioner asserts that the proposed extension and modification of the involved exception ratings would allow affected parties to conclude meaningful discussions in an orderly and efficient manner and would continue to make the minimum rate tariffs responsible to the interpretive needs of shippers and carriers alike.

A copy of the petition was mailed to California Trucking Association on May 6, 1971. The petition was listed on the Commission's Daily Calendar of May 10, 1971. No objection to the granting of the petition has been received.

Commission staff analysis indicates that higher ratings in National Motor Freight Classification A-11 would apply to the transportation of the involved concrete products in the event that the current temporary exception ratings were allowed to expire. Also, extension of the expiration date would allow shippers, receivers and carriers additional time for further review of this matter. The staff recommends that the petition be granted by ex parte order.

In the circumstances, it appears, and the Commission finds, that petitioner's proposal is reasonable, 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 proposal may result in increases, such increases are justified. A public hearing is not necessary. The Commission concludes that the petition should be granted.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 2 (Appendix D to Decision No. 31606, as amended) is further amended by incorporating therein, to become effective July 1, 1971, Eighth Revised Page 30-A and Eleventh 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 one day after the effective date of this order on not less than one day's 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 first day after the effective date of this order and may be made effective on not less than one day's 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 ratings 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 ratings


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 June 28, 1971.

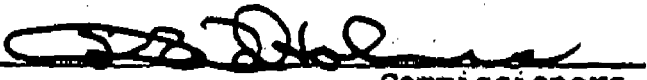
Dated at San Francisco, California, this 22nd day of June, 1971.



Chairman




Vernon L. Sturgeon



Commissioners

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>Asphalt (Asphaltum), natural, by-product or petroleum, solid (15240), in containers not exceeding 55 gallon capacity.</p> <p>Minimum Weight 20,000 pounds----- Minimum Weight 30,000 pounds----- Minimum Weight 36,000 pounds----- Minimum Weight 40,000 pounds-----</p>	<p style="text-align: center;">50.1 35 35.1 35.3</p> <p style="text-align: center;">303</p>
<p>Beverages, malt, viz.: Ale, Beers, Porter, Stout or nonintoxicating cereal beverage (111470)</p> <p>Less truckload----- Truckload: Minimum Weight 40,000 pounds-----</p>	<p style="text-align: center;">55 35.3</p> <p style="text-align: center;">310</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 vehicles 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;">(1) 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;">(1) 317</p>
<p>(1) Items 316 and 317 transferred from Tenth Revised Page 30-B, Decision No. 78817</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 (Continued)	§(2) CLASS RATING	
	* Column 1	* Column 2
(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.)		
Beams, Channels, Columns, Girders or Joists, reinforced concrete (32020) ◊Minimum Weight 45,000 pounds-----	o35	37½
Piling, cement or concrete (32020) ◊Minimum Weight 45,000 pounds-----	o35.4	35.3
Tile or Slab, building or roofing, reinforced concrete (32690) With corkboard, fibreboard or plasterboard insulation ◊Minimum Weight 45,000 pounds-----	o35.3	35.2
With glass insertions ◊Minimum Weight 45,000 pounds-----	o35.3	35.2
Without glass insertions or corkboard, fibreboard or plasterboard insulation ◊Minimum Weight 45,000 pounds-----	o35.4	35.3
*Column 1 ratings do not apply to permit shipments as defined in Item 11. *Column 2 ratings apply to permit shipments as defined in Item 11. *(2) Subject to Notes 1 through 4. *NOTE 1.--Applies only when all provisions of the following Notes are met. Otherwise, apply provisions of the Governing Classification. *NOTE 2.--Applies only in connection with prepaid shipments released to one-half actual value or 50 cents per pound, per article, whichever is less. Shipper must enter the following statement on the bill of lading or shipping document as follows: "The agreed or declared value of the property is hereby specifically stated by the shipper to be one-half of actual value or 50¢ per pound, per article, whichever is less." If shipper fails or declines to declare such value in writing, the provisions of this item will not apply. *NOTE 3.--Applies only in connection with shipments loaded by consignor and unloaded by consignee with power equipment, as described in Item 11, furnished and used without expense to the carrier. *NOTE 4.--If more than one vehicle or combination of vehicles constituting a single unit of carrier's equipment is used for the transportation of a single shipment, each such vehicle or combination of vehicles shall be subject to the highest minimum weight applicable to any rate used in computing charges.		§(E) 318
§(E) Expires with December 31, 1971. (1) Items 316 and 317 transferred to Eighth Revised Page 30-A. § Change) ◊ Increase) * Addition) Decision No. 78817 ◊ No Change)		
EFFECTIVE		
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA		
Correction		