

Decision No. 78842

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. 16)
(Filed May 25, 1971)

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 certain minimum rates and charges in the above tariff to offset increases in transportation costs. Petitioner asks that the tariff revisions be made effective July 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 of the petition and involve generally:

- (a) Increasing the accessorial charges for furnishing help in addition to the driver from \$8.80 per man per hour to \$9.30 per man per hour; and

- (b) Increasing the hourly rates by amounts ranging approximately from 2.6 to 3.4 percent depending upon the capacities of the carriers' equipment for the aforementioned transportation within and between points in Territory "A".¹

Petitioner states that the rates and charges were last revised generally January 1, 1971, and that the costs of transporting commodities in vacuum-type and pump-type tank vehicles within Territory "A" will be substantially increased due to contractual increases in wage rates and allied labor costs which will become effective July 1, 1971. Petitioner avers that the increase in wage rates and allied labor costs will not be lower than 41.9 cents per hour as shown in Exhibit C attached to the petition. Petitioner asserts that the minimum rates and charges in Minimum Rate Tariff No. 13 for the above transportation within Territory "A" are noncompensatory and unreasonably low and that immediate increases in rates and charges are necessary to restore these rates and charges to a reasonable level.

Copies of the petition were mailed to various oil companies and carrier representatives. The petition was listed on the Commission's Daily Calendar of May 27, 1971. No objection to the granting of the petition has been received.

The Transportation Division staff has reviewed the petition and recommends that it be granted by ex parte order. The proposed increases would yield to the carriers involved an estimated additional revenue of \$133,000 per year which would offset the increases in labor costs.

¹ Territory "A" consists of the Counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego and Imperial. Territory "B" consists of all counties in California other than those included in Territory "A."

In the circumstances, it appears, and the Commission finds, that petitioner's proposed rates and charges, as hereinafter modified, 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. Since the sought increase in the accessorial charges would apply statewide and such increase is based on increases in wage rates and allied labor costs that will occur in the six counties comprising Territory "A," the increase in the accessorial charges will be restricted to apply only when the accessorial service is performed in Territory "A." A public hearing is not necessary. The Commission concludes that the petition should be granted as set forth in the ensuing order.

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 July 1, 1971, Tenth Revised Page 7 and Ninth 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 July 1, 1971, on not less than one day's notice to the Commission and to the public; such tariff publications as are required shall be made effective July 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 June 28, 1971.

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

Chairman
William J. Synovis, Jr.

Yessan L. Stungen

Commissioners

I dissent
[Signature] Chairman

I abstain
Thomas Moran Commissioner

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 (1) \$9.30 or (2) \$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> <p>(1) Applies when the accessorial service is performed in Territory "A" consisting of the Counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego and Imperial.</p> <p>(2) Applies when the accessorial service is performed in Territory "B" consisting of all counties in California other than those included in Territory "A".</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) Increase) Decision No. 78842</p>	
<p>EFFECTIVE</p>	
<p>Correction</p>	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>

SECTION 2--HOURLY RATES				ITEM
Capacity of Equipment (In Barrels)		Rates in Dollars per Hour (See Note)		
<u>More Than</u>	<u>But Not More Than</u>	<u>Territory "A"(1)</u>	<u>Territory "B"(2)</u>	
0	35-----	\$15.35	\$14.85	#200
35	45-----	15.35	15.10	
45	60-----	16.65	16.25	
60	80-----	17.60	17.20	
80	95-----	18.50	17.95	
95	-----	19.55	19.05	
<p>(1) Territory "A" consists of the Counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego and Imperial.</p> <p>(2) Territory "B" consists of all counties in California other than those included in Territory "A".</p> <p>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.</p>				

◊ Change } Decision No. **78842**
 ◊ Increase }

EFFECTIVE

Correction

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