

ORIGINAL

Decision No. 79632

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Western Motor)
Tariff Bureau, Inc. under the)
Shortened Procedure Tariff Docket)
to publish for and on behalf of)
Progressive Transportation Company)
provisions resulting in increases)
because of proposed portal to)
portal method of computing hourly)
rates.)

Shortened Procedure
Tariff Docket
Application No. 52958
(Filed November 1, 1971)

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., seeks authority on behalf of Progressive Transportation Company (Progressive), to publish an amended tariff item dealing with hourly rates for the transportation of property within the metropolitan Los Angeles area consisting of Los Angeles and Orange counties.¹

Applicant proposes to eliminate the current provisions of Note 2, paragraph (A), as shown in Item No. 1020 of Tariff No. 123, which note provides that the total of the loading, unloading and driving time is computed from the arrival of carrier's equipment at point of origin until the time unloading is completed at point of destination. Applicant proposes to substitute the following method of computing hours of service in lieu of the aforementioned Note 2,

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The tariff involved is Western Motor Tariff Bureau, Inc., Agent, Local and Proportional Freight Tariff No. 123, Cal.P.U.C. No. 32 (Tariff No. 123).

paragraph (A) :

"Charges shall be computed on the following basis:
(See Exception) The number of hours of service shall be computed from the time carrier's driver commences either operating the motor vehicle or performing other related services, whichever is earlier, and ending at the time carrier's driver either ceases operating the motor vehicle or performing other related services, whichever is later.

"When the service performed extends over more than one (1) 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: Allowance shall be made for delays occasioned due to failure of carrier's equipment, or due to the time taken out for meals."

Applicant states that Tariff No. 123 names class, commodity, unit and hourly rates for specialized carriers primarily engaged in the transportation of (1) commodities from or to oil, gas or water well sites, which in most instances are located beyond public highways; (2) commodities of unusual weight that require the use of specialized equipment; and (3) machinery moving under permit loads. Applicant declares that in some instances carriers are required to travel excessive hours to reach points of origin as well as from points of destination to return to its terminal and that the method of computing time as now prescribed in Item No.1020 of its tariff does not adequately compensate it for the time involved. Applicant contends that the method of computing time and charges on the so-called portal-to-portal basis as sought by this application would allow Progressive the needed revenue to compensate it for this type of movement and yet would not have an adverse effect upon shipments transported relatively short distances or to points which are not located beyond public highways. Applicant points out that the proposed method of computing hours of service is the same as currently published in Item 720 series of the Commission's Minimum Rate Tariff 2 and that the Commission has

established in its Minimum Rate Tariff 15 hourly rates based upon a so-called portal-to-portal method of computation.

Applicant asserts that increases resulting from the proposal herein would not increase the California intrastate gross revenue of Progressive by as much as one percent.

The application was listed on the Commission's Daily Calendar of November 2, 1971. No objection to the granting of the application has been received.

Commission staff analysis discloses that publication of the proposed amendment to Item No. 1020 of Tariff No. 123 will provide Progressive with a method of determining the charges applicable from the time the carrier's equipment leaves its terminal until it returns thereto, thus returning to the carrier revenues which are more closely related to the cost of providing the service.

In the circumstances, it appears, and the Commission finds, that applicant's proposal is reasonable. To the extent that the proposal results in increases, they are in the lower zone of reasonableness and are consistent with the Federal Government's economic stabilization program and are justified. A public hearing is not necessary. The Commission concludes that the application should be granted.

IT IS ORDERED that:


1. Western Motor Tariff Bureau, Inc., is hereby authorized, on behalf of Progressive Transportation Company, to publish amendments to its Local and Proportional Freight Tariff No. 123, Cal.P.U.C. No. 32, as specifically proposed in the application.

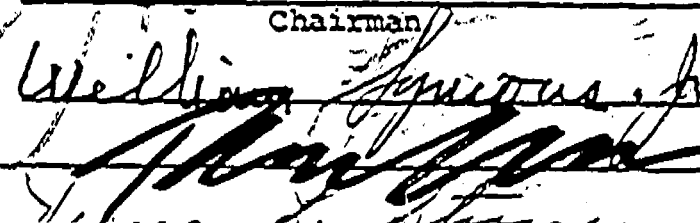
2. Tariff publications authorized to be made as a result of the order herein shall be filed not earlier than the effective date of this order and may be made effective not earlier than thirty days after the effective date of this order on not less thirty days' notice to the Commission and to the public.

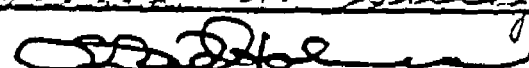
3. The authority herein granted shall expire unless exercised within ninety days after the effective date of this order.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 25th day of January, 1972.



Chairman




Commissioners