

Decision No. 81146

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 highway 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 2).)

Case 5432
(Petition for Modification
No. 729)
(Filed December 20, 1972)

And Related Matter.)

Case 7857
(Petition for Modification
No. 70)
(Filed December 20, 1972)

OPINION AND ORDER

Minimum Rate Tariffs 2 and 14-A (MRT 2 and MRT 14-A), respectively, name minimum rates and rules for the statewide transportation of general commodities in packages and in bulk and agricultural commodities, in bulk, by highway carriers. By the above petitions, American Modoc, Inc., Lindauer & Company, Inc., Long Beach Shavings, Publishers Forest Products, Sequoia Forest Products Co., National Bark Sales and Bandini Fertilizer Company seek to have these tariffs amended by (1) establishing various truckload exception ratings in MRT 2 for the transportation of gardening and landscaping products and litter¹ and

¹ The exception ratings, which are lower than the ratings in National Motor Freight Classification A-13 for the involved commodities, apply to the transportation of animal or poultry litter, bark, earth, humus, horticultural mulch, moss, peat, sawdust and wood shavings. The proposed exception ratings are Class 35.2 and 35.4, minimum weights 30,000 and 40,000 pounds, respectively, for transportation in bulk and Class 35, 35.3 and 35.4, minimum weights 30,000, 40,000 and 45,000 pounds, respectively, for transportation in packages.

(2) cancelling the descriptive commodity list in MRT 14-A for bedding and related articles.²

Petitioners state that they are engaged in the manufacture and/or sale of products produced mainly from lumber millwaste for use in gardening or landscaping or as animal or poultry litter. Petitioners allege that they are major California producers, shippers or receivers of such products which are composed principally of wood bark, wood sawdust, wood shavings, peat and peat moss. Petitioners aver that, in recent years, these products have become increasingly prominent in gardening and landscaping use and extensively used as bedding or litter for animals or poultry. Petitioners contend that, traditionally, these commodities have been considered waste products and, as such, have been burned but that the increasing use of these commodities has created large markets for these products. Petitioners declare that California is one of the major producing states utilizing these waste lumber products and, also one of the largest consumers of the final products.

Petitioners state that recent circumstances have seriously curtailed the movement of waste products by for-hire carriers and that significant tonnages have been diverted to proprietary transportation. Petitioners allege that, in recognition of these conditions, affected shippers and carriers met to consider reasonable alternatives which would enable for-hire carriers to continue to participate in this traffic. Petitioners contend that the provisions of MRT 14-A involved herein are more appropriately consolidated with those proposed for MRT 2 and that their proposal gives consideration to the current rate levels in MRT 14-A.

² List 4-A of Item 525 of MRT 14-A would be canceled under the proposal. The commodities listed thereunder are wood shavings and sawdust.

Petitioners aver that their proposal reflects the judgment of the known shipper and carrier interests which participated in the discussions in this matter and that such proposal is in the interest of, and desired by, such parties.

A copy of the petitions was mailed to the California Trucking Association. The petitions were listed on the Commission's Daily Calendar of December 21, 1972. No objection to the granting of the petitions has been received.

In the circumstances, the Commission finds that petitioners' proposal is reasonable and the resulting rates and charges will be just, reasonable and nondiscriminatory minimum rates and charges for the transportation involved. A public hearing is not necessary. The Commission concludes that the petitions should be granted.

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 April 15, 1973, Forty-first Revised Page 6, Second Revised Page 37-DD and Original Page 37-DDD attached hereto and by this reference made a part hereof.

2. Minimum Rate Tariff 14-A (Appendix A to Decision No. 67397, as amended) is further amended by incorporating therein to become effective April 15, 1973, Sixth Revised Page 31-C and Eleventh Revised Page 32 attached hereto and by this reference made a part hereof.

3. Common carriers subject to the Public Utilities Act, to the extent that they are subject to Decision No. 31606, as amended, are hereby authorized to establish in their tariffs the amendments necessary to conform with the further adjustments ordered herein.

4. Common carriers subject to the Public Utilities Act, to the extent that they are subject to Decision No. 67397, as amended, are hereby directed to establish in their tariffs the amendments necessary to conform with the further adjustments ordered herein.

5. Tariff publications required or authorized to be made by common carriers as a result of the order herein may be made effective not earlier than the fifth day after the effective date of this order on not less than five days' notice to the Commission and to the public; such tariff publications as are required shall be made effective not later than April 15, 1973; 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 of the minimum rate tariff pages incorporated in this order.

6. Common carriers, in establishing and maintaining the amendments 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 amendments 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 Decisions Nos. 31606 and 67397, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 13th day of March, 1973.

Vernon L. Sturgeon
President
William J. Sykes, Jr.
J. H. Moran
[Signature]
Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.

Only those articles which are named in commodity rate items or in Exceptions to the Governing Classification and Exception Ratings Tariff are shown in the following list.

(M) Denotes articles on which application of rates is limited to mixed shipments.

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

SECTION 1--RULES OF GENERAL APPLICATION (Continued)		ITEM
EXCEPTIONS TO GOVERNING CLASSIFICATION AND EXCEPTION RATINGS TARIFF (Continued)		Class Rating
(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.)		
GARDENING OR LANDSCAPING PRODUCTS AND LITTER, subject to Notes 1 through 6, viz.:		
Animal or Poultry Litter, NOI (111655)		
Bark (21520, 21540, 21560, 21580, 21620, 21640, 21660)		
Earth (soil) NOI, in packages only (48240)		
Humus (48290)		
Mulch, horticultural (138720, Subs 1 and 2)		
Moss (138400, Subs 1, 2 and 3, 138440)		
Peat, NOI (154900)		
Sawdust (113200, 113710)		
Wood Shavings (113710, 113730, Subs 1 and 2)		
Truckload, in bulk, subject to Notes 10 and 11		
Minimum weight 30,000 pounds-----		35.2
Minimum weight 40,000 pounds-----		35.4
Truckload, in packages, subject to Note 12		
Minimum weight 30,000 pounds-----		35
Minimum weight 40,000 pounds, subject to Note 7-----		35.3
Minimum weight 45,000 pounds, subject to Notes 8 and 9-----		35.4
NOTE 1.--Applies only when all provisions of the following notes are met. Otherwise, other provisions of this tariff or of the Governing Classification shall apply.		
NOTE 2.--Applies only in connection with straight or mixed shipments of commodities named in this item.		*00 370
NOTE 3.--Applies only in connection with prepaid shipments released to one-half of actual value or 50¢ per pound, per article, whichever is less. Shipper must enter the following statement on the bill of lading: "The agreed or declared value of the property is hereby stated by the shipper to be one-half of actual value or 50¢ per pound, per article, whichever is less." If the shipper fails or declines to declare such value in writing, the provisions of this item will not apply.		
NOTE 4.--Rates resulting from application of the provisions of this item may not be used in combination with any other rates.		
NOTE 5.--If more than one unit of equipment is used for the transportation of a single shipment, each unit of equipment shall be subject to the highest minimum weight applicable to any rate used in computing charges.		
NOTE 6.--Except as otherwise provided, the provisions of this item are limited to services of a single carrier employee (driver) only. If the carrier incurs expenses for helpers or other parties to perform or assist in performance of loading, unloading or accessorial services rendered under this tariff, the actual charges incurred shall be billed to the debtor. Such charges shall be in addition to all other rates and charges accruing under this tariff and in no event shall such charges be less than those provided under Item 145.		
NOTE 7.--Not more than 10 component parts shall be permitted in connection with shipments moving in split pickup or split delivery service.		
NOTE 8.--Shipments must be loaded by consignor and unloaded by consignee without expense to the carrier.		
(Concluded on following page)		
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Correction		

SECTION 1--RULES OF GENERAL APPLICATION (Continued)

ITEM

EXCEPTIONS TO GOVERNING CLASSIFICATION AND
EXCEPTION RATINGS TARIFF (Continued)

(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.)

GARDENING OR LANDSCAPING PRODUCTS AND LITTER, subject to Notes 1 through 6, viz.:

NOTE 9.--Items 160 through 173 will not apply in connection with provisions making reference hereto.

NOTE 10.--Bulk shipments moving under provisions of this item must be transported in carrier's equipment capable of gravity end dump or side dump unloading only. Shipments transported in pneumatic equipment, regardless of whether such pneumatic facilities are utilized in unloading, will be subject to other provisions of this tariff or of the Governing Classification.

NOTE 11.--An allowance of one hour free time for loading shall be made for each unit of equipment used. Time shall be computed from the time of arrival of carrier's equipment at place of loading until loading is completed and equipment is released. Excess loading time shall be charged for at the rates provided in Item 145 herein.

NOTE 12.--An allowance of two hours free time for loading shall be made for each unit of equipment used. The time shall be computed from the time of arrival of carrier's equipment at place of loading until loading is completed and equipment is released. Excess loading time shall be charged for at the rates provided in Item 145 herein.

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* Addition)
o Increase) Decision No.
o Reduction)

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Correction

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

SECTION 5--DISTANCE COMMODITY RATES (Continued)	ITEM
(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, except as to packing requirements and form in which the commodity is shipped.)	
<p>LIST 4--SEEDS AND RELATED ARTICLES (Unless otherwise exempt under the provisions of Item 40.)</p> <p>Seeds, other than cotton, flax, or safflower, as described under the heading "Seeds" in the Governing Classification, in bulk, or in bins, or in containers with a capacity exceeding 40 cubic feet.</p> <p>Beans, castor (23020).</p> <p>**</p>	#525
<p>* Change) ** Eliminated) Decision No. 81146</p>	
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MINIMUM RATE TARIFF 14-71

SECTION 5--DISTANCE COMMODITY RATES (Concluded)
(In Cents Per 100 Pounds)

ITEM

Grain, Rice, Grain Products, Animal or Poultry Feed, Seeds, and Related Articles,
as described in Items 515, 520, 525 and 530, in bulk or in bins or in containers,
otherwise specified.

MILES		RATES (See Note 1)				
		MINIMUM WEIGHT IN POUNDS				
		10,000 (See Note 2)	20,000	30,000	40,000	52,000 (See Note 3)
Over	But Not Over					
0	3	17	14	11	8	7
3	5	18	15	12	9	7½
5	10	20	17	13	10	8
10	15	21	18	14	11	8½
15	20	23	19	15	12	9
20	25	25	20	16	13	10
25	30	26	21	17	14	11½
30	35	28	23	18	15	12½
35	40	30	24	19	16	13½
40	45	32	25	20	17	14
45	50	34	26	21	18	14½
50	60	37	28	23	20	15½
60	70	40	30	25	22	16½
70	80	43	32	26	23	17½
80	90	46	34	28	24	18½
90	100	49	35	30	26	19½
100	110	52	37	32	28	20½
110	120	55	39	34	29	21½
120	130	58	40	35	30	23½
130	140	61	42	37	33	24½
140	150	64	44	39	34	25½
150	160	67	46	41	36	26½
160	170	69	48	43	38	27½
170	180	72	50	44	40	28½
180	190	74	52	46	42	30
190	200	77	54	48	43	32
200	220	81	57	51	46	35
220	240	85	60	55	48	37
240	260	89	63	57	51	39
260	280	93	66	60	54	41
280	300	97	69	63	57	44
300	325	101	72	66	60	47
325	350	104	76	69	62	51
350	375	108	79	72	65	54
375	400	112	82	76	67	57
400	425	116	85	79	69	60
425	450	120	88	81	71	63
450	475	124	91	84	73	66
475	500	127	95	86	76	69
For distances over 500 miles, add for each 25 miles or frac- tion thereof:		4	3	3	3	3

§550

NOTE 1.—On all Field Pickup Shipments, as defined in Item 180, add the charges
provided therein to the rate otherwise applicable.NOTE 2.—Rates for shipments weighing less than 10,000 pounds are provided in
Minimum Rate Tariff 2.

NOTE 3.—Rates in this column are subject to the provisions of Item 512.

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§ Change)
 ** Eliminated) Decision No.

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