

ORIGINAL

Decision No. 81817

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 Minimum)
Rate Tariff 2).

Case No. 5432
(Petition for Modification
No. 746)
(Filed May 9, 1973)

OPINION AND ORDER

Minimum Rate Tariff 2 (MRT 2) names minimum rates and rules for the statewide transportation of general commodities by highway carriers. By this petition, California Trucking Association and Can Manufacturers Institute, Inc. seek to have MRT 2 amended by establishing therein: (1) truckload commodity rates for the transportation of sheet steel or tin cans and aluminum, steel or tin can ends; (2) a less truckload exception rating of 50 percent of Class 70 on secondhand pallets, returning or shipped for a return paying load, of the aforementioned cans or can ends (can packs); and (3) various truckload exception ratings on sheet steel cans.¹

¹ These ratings are Classes 85, 77½, 50 and 35, minimum weights 10,000, 12,000, 20,000 and 30,000 pounds, respectively. These ratings are set forth in Item 52755 of National Motor Freight Classification A-13 and they are currently subject to the multiple lot provisions of Item 85 of MRT 2. Under the proposal herein, such ratings would not be subject to said multiple lot provisions.

Petitioners state that shippers and carriers of tin cans, can ends and can packs met recently to consider levels of rates, including related rules and other provisions, which would reflect the peculiar characteristics surrounding the transportation of such commodities more appropriately than the characteristics currently recognized under the prevailing minimum rates. According to petitioners, these parties represented the principal manufacturers (shippers) and carriers of tin cans and can ends in this State.

Petitioners allege that these parties considered: (1) the current methods of transport, including specially designed equipment; (2) the efficient loading and unloading conditions generally applying to movements of cans and can ends because of industry adoption and use of specially developed pallet units; (3) the proportionately greater volume of traffic moving within California due, in large measure, to the agriculturally oriented economy of the State; (4) the favorable year-round growing and packing conditions; (5) the increasing potential for further traffic diversion to proprietary trucking; (6) the need and desire of motor carriers to promote and encourage operational efficiencies and economies through which savings could be shared with shippers; (7) the environmental consequences flowing from such proposals particularly as they relate to can packs; and (8) the cost to carriers of providing needed services in an inflationary climate. Petitioners aver that their proposal is the result of these considerations and declare that the proposed tariff amendments are desired by, and in the interest of shippers and carriers.

The petition was listed on the Commission's Daily Calendar of May 10, 1973. No objection to the granting of the petition 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 and, to the extent that increases may be involved, 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 2 (Appendix D to Decision No. 31606, as amended) is further amended by incorporating therein to become effective September 28, 1973, Sixty-first Revised Page 5, Thirteenth Revised Page 5-A, Sixth Revised Page 31-AA, Original Page 48-B and Original Page 48-C 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 directed to establish in their tariffs the increases necessary to conform with the further adjustments ordered herein.

3. 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 tenth day after the effective date of this order on not less than ten days' notice to the Commission and

to the public; such tariff publications as are required shall be made effective not later than September 28, 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.

4. 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.

5. In all other respects Decision No. 31606, 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 28th day of August, 1973.

Vernon L. Sturges
President
William Synnott
William O.
John

Commissioners

Commissioner D. W. Holmes, being
necessarily absent, did not participate
-4- in the disposition of this proceeding.

INDEX OF COMMODITIES (Continued)

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.

COMMODITY	ITEM	COMMODITY	ITEM
*Can Ends	640	Cocoa Butter	318-1
Candles(M)	377.5, 723-726	Cocanut, prepared	333.5
Candy	318-1, 360	Coffee	360
Candy coating, other than chocolate	360	Coffee, extract of (condensed or instant), dry	360
Canned Goods	320-320-1, 620-630	Coffee Substitutes	360
*Cans	*640, 772	Coloring, Confectioners'	360
Carriers (used packages), malt or cereal beverage	331	Columns	318
*Carriers (used packages)	*330.4, 330.6, 331	Compound, cleaning(M)	377.5, 723-726
Carts, Freight	331	Compound, electrical insulating(M)	377.5, 723-726
Catsup	320-1	Compound, metal cutting, drawing or drilling(M)	377.5, 723-726
Cement, pipe fitting(M)	377.5, 723-726	Compound, paint thinning(M)	377.5, 723-726
Cereal and Nuts combined	360	Compound, pneumatic tire mounting(M)	377.5, 723-726
Cereal Food Preparations(M)	360	Compound, radiator cleaning (M)	377.5, 723-726
Channels	318	Compound, rust preventing or removing(M)	377.5, 723-726
Cheese	333.5, 335.6, 335.7	Compound, type cleaning (M)	377.5, 723-726
Cheese Foods	335.5	Compound, waterproofing (M)	377.5, 723-726
Chili, ground	320	Compounds, ammonia	730-732
Chips, Wood	635-636	Compounds, antifreeze(M)	377.5, 723-726
Chloride of Lime Bleach	730-732	Compounds, burring or polishing	730-732
Chocolate	318-1, 360	Compounds, carbon, gum or sludge removing(M)	377.5, 723-726
Chocolate Coating	318-1, 360	Compounds, Cleaning, Scouring or Washing	730-732
Chowders	320		
Cider(M)	335.7		
Citrus Fruit Juice Powders or Crystals	360		
Clay, Fire(M)	365		
Coating, candy, other than chocolate	360		
Coating, Chocolate	318-1, 360		
Cocoa	318-1, 360		

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

* Change)
* Addition) Decision No.

81817

EFFECTIVE

Correction

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

INDEX OF COMMODITIES (Continued)

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.

COMMODITY	ITEM	COMMODITY	ITEM
Compounds, Flavoring	360	Dairy Products and Related	
Compounds, floor hardening (M)	377.5, 723-726	Articles	335.6
Compounds, Food Curing, Pre-		Deodorants	730-732
serving or Seasoning	347, 360	Dessert Preparations	360
Compounds, Lard	335.5	Dessert Toppings (M)	335.7
Compounds, Lubricating and		Diglycerides of Fat-forming	
cleaning	730-732	Fatty Acids	335.5
Compounds, Malt or Milk and		Disinfectants	730-732
Chocolate or Cocoa (M)	318-1, 335.7	Dough, prepared	336
Compounds, Milk, Cream or		Drain Pipe Solvent	730-732
Vegetable Oil (M)	335.7	Dressing, Automobile Top (M)	377.5, 723-726
Compounds, Mud Treating	365	Dressing, rubber (M)	377.5, 723-726
Compounds or Mud, well drill-		Dressing, Salad	320-1
ing	365	Dressing, shoe (M)	377.5, 723-726
Compounds, water softening or		Drink, fruit	320
purifying	730-732	Dry Milk Solids	345
Concrete products and related		Eggs	335.6
articles	334.8	Egg Yolk	320
Conduits, drainage or sewer	330	Eggs, Shelled	360
Confectionery	318-1, 360	Engines (M)	365
*Containers, sheet steel	330.3	Ether (M)	377.5, 723-726
Containers (used packages)	330.6-331	Exterminators, vermin (M)	377.5, 723-726
Containers (used packages),		Extracts	360
malt or cereal beverage	331	Extracts, coffee or tea	
Corn	320-1	(condensed or instant), dry	360
Cream, NOI	335.6	Farina	652-654
Cream, Pasteurized	345	Feed as described under the	
Cream, Sterilized	335.7, 345	heading of "Feed Group" in	
Cream, Substitutes	335.7, 345	the Governing Classifica-	
Cribbing	334.8	tion, not frozen	652-654
Cross Arms, wooden	690, 710	Feed, Animal	338, 620, 630
Crystals, Citrus Fruit Juice	360	Feed, Animal or Poultry	652-654
Cylinders, Well Pump	365		

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

* Addition, Decision No.

S1317

EFFECTIVE

Correction

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) (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.)		Class Rating
CONTAINERS, SHEET STEEL, Viz.: Cans, NOI, including Jacketed Cans (52755) Truckload (Subject to Notes 1 and 2): Minimum Weight 10,000 pounds----- Minimum Weight 12,000 pounds----- Minimum Weight 20,000 pounds----- Minimum Weight 30,000 pounds----- NOTE 1.--Truckload ratings named in this item do not alternate with provisions named in the Governing Classification. NOTE 2.--Shipments of commodities named in this item are not subject to provisions of Item 85 of this tariff.		85 77½ 50 35 *o 330.3
PALLETS, Secondhand, used for transporting Sheet Steel or Tin Cans or Aluminum, Steel or Tin Can Ends (Subject to Notes 1 thru 4): Any Quantity----- NOTE 1.--Applies on used Pallets (150390, Sub 4) including wooden or fibreboard top frames; or fibreboard over wraps; or fibreboard or chipboard separators. NOTE 2.--Applies only on empty pallets, returning or shipped for a return paying load, subject to Item 291. NOTE 3.--Applies only when the palletized shipment of Cans or Can Ends is transported at class or commodity rates named in this tariff. NOTE 4.--Applies only when the entire shipment is transported in one unit of carrier's equipment at one time.		50% of 70 *o 330.4
<div>* Addition) o Increase) Decision No. 81817 o Reduction)</div>		
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Correction		

SECTION 3--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.)											
<p>CONTAINERS, PACKAGING (Subject to Notes 1 through 7), viz.:</p> <p>Cans, Sheet Steel or Tin, MOI (52755) Can Ends, Aluminum, Steel or Tin (40245, 40250)</p> <p>NOTE 1.--The provisions of this item apply only in connection with straight or mixed shipments of commodities named herein.</p> <p>NOTE 2.--Rates named in this item include the services of a single carrier employee (driver) for each shipment. The carrier or his employee may not engage or pay for the services of helpers or other employees under any circumstances.</p> <p>NOTE 3.--The rates in this item may not be used in combination with any other rates.</p> <p>NOTE 4.--The provisions of Item 430 of the Governing Classification and the following provisions of this tariff may not be applied in connection with rates named in this item:</p> <table border="0"> <tr> <td>Item 85</td><td>- Multiple Lot Shipments</td></tr> <tr> <td>Item 90</td><td>- Mixed Shipments (except as provided in Note 1)</td></tr> <tr> <td>Items 160-163</td><td>- Split Pickup</td></tr> <tr> <td>Items 170-173</td><td>- Split Delivery</td></tr> <tr> <td>Items 181-1 and 182</td><td>- Collect on Delivery (C.O.D.)</td></tr> </table> <p>NOTE 5.--Shipments must be prepaid and must be tendered to and transported by the carrier on pallets. Such shipments must be loaded by the consignor and unloaded by the consignee with the assistance of the carrier driver only. In such circumstances, physical assistance of the carrier driver is restricted to work within or on the carrier's equipment and does not include stacking, unstacking, removal or placement of merchandise on pallets.</p> <p>NOTE 6.--An allowance of one hour free time for loading and one hour free time for unloading shall be made in connection with each unit of equipment used. Excess loading or unloading time shall be charged for at rates named in Item 145 of this tariff. Time shall be computed from actual or shipper-designated time of arrival of carrier's equipment at place of loading or unloading, whichever is later, until loading or unloading is completed and carrier's equipment is released.</p> <p>NOTE 7.--If more than one unit of carrier's equipment is used for the transportation of a single shipment, each such unit of carrier's equipment shall be subject to the highest minimum weight applicable in connection with any rate used in computing charges.</p> <p>(Concluded on following page)</p>	Item 85	- Multiple Lot Shipments	Item 90	- Mixed Shipments (except as provided in Note 1)	Items 160-163	- Split Pickup	Items 170-173	- Split Delivery	Items 181-1 and 182	- Collect on Delivery (C.O.D.)	<p>*00 640</p>
Item 85	- Multiple Lot Shipments										
Item 90	- Mixed Shipments (except as provided in Note 1)										
Items 160-163	- Split Pickup										
Items 170-173	- Split Delivery										
Items 181-1 and 182	- Collect on Delivery (C.O.D.)										
<p>* Addition) o Increase) Decision No. 81817 o Reduction)</p>											
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SECTION 3--COMMODITY RATES (Continued) In Cents Per 100 Pounds					ITEM
CONTAINERS, PACKAGING (Concluded)					
MILES		RATES			
		MINIMUM WEIGHT IN POUNDS (See Note)			
Over	But Not Over	20,000	30,000		
0	3	31	28		
3	5	33	29		
5	10	35	30		
10	15	36	31		
15	20	37	33		
20	25	39	34		
25	30	40	35		
30	35	41	36		
35	40	43	38		
40	45	46	39		
45	50	47	40		
50	60	50	42		
60	70	52	44		
70	80	54	46		
80	90	56	48		
90	100	59	50		
100	110	61	52		
110	120	64	54		
120	130	67	56		
130	140	70	58		
140	150	73	59		
		Over 150 miles apply Class 50	Over 150 miles apply Class 35.1		
NOTE.--Freight charges will be computed on net weight of commodities transported, exclusive of pallets.					
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