

ORIGINALDecision No. ~~83068~~

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investiga-)
 tion into the rates, rules,)
 regulations, charges, allowances)
 and practices of all common)
 carriers, highway carriers 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, transporta-)
 tion for which rates are provided)
 in Minimum Rate Tariff No. 2).)

Case No. 5432
 Petition for Modification
 No. 808
 (Filed June 14, 1974)

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 seeks to have the expiration date of June 30, 1974, extended to June 30, 1975, in connection with various volume incentive service provisions of MRT 2.¹ Petitioner asks that these provisions be modified by providing the services for a greater number of commodities and expanding the area in which Premium Volume Incentive Service would apply.² Petitioner also requests that common carriers be directed to establish in their respective tariffs all such

¹The provisions pertain to Special Volume Incentive Service, Premium Volume Incentive Service and Multiple Utilization of Equipment as set forth in Items 293, 293.1, 293.2 and 293.3 of MRT 2. These volume incentive services provide bases for reduced rates when shippers cooperate with carriers in promoting carrier operating efficiencies.

²The proposal is set forth in detail in Exhibits A, B and C attached to the petition.

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 alleges that the aforementioned volume incentive services were designed to promote efficiencies and economies in motor carrier operations and the shippers that participated in that effort shared in a part of the savings through reduced freight costs. Petitioner asserts that the proposal would broaden exposure of the important concepts and purposes of these volume incentive provisions and afford shippers a further and continuing opportunity to participate in cost reductions. Petitioner declares that continuation of these provisions would enable for-hire carriers to compete more nearly with proprietary operations in like circumstances and allow further time for evaluation of the incentive features and the need to modify, continue or terminate said provisions.

Copies of the petition were mailed to various chambers of commerce, shipper organizations and carrier representatives on or about June 13, 1974. The Petition was listed on the Commission's Daily Calendar of June 17, 1974. No objection to the granting of the petition has been received.

In the circumstances, the Commission finds that petitioner's proposal is reasonable; 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 July 1, 1974, the revised pages attached hereto and listed

in Appendix A, also attached hereto, which pages and appendix by this reference are made a part hereof.

2. Common carriers subject to the Public Utilities Act, to the extent that they are subject also to Decision No. 31606, as amended, are authorized 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 the first day after the effective date of this order on not less than one day's notice to the Commission and to the public and such tariff publications shall be made effective not later than July 1, 1974; and the 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 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.

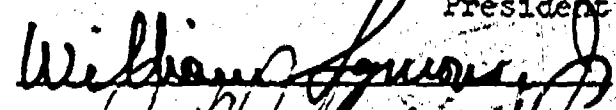
5. In all other respects Decision No. 31606, as amended, shall remain in full force and effect.


C. 5432 (Pet. 808) - JW

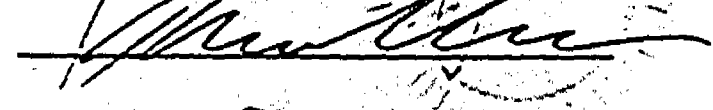
The effective date of this order is the date hereof.

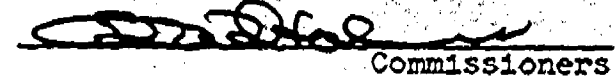
Dated at San Francisco, California, this 25th day of
June, 1974. .



President








Commissioners

C. 5432 (Pet. 808)

APPENDIX A

LIST OF REVISED PAGES TO
MINIMUM RATE TARIFF 2

FOURTH REVISED PAGE 29-A-1

SECOND REVISED PAGE 29-A-2

FIRST REVISED PAGE 29-A-3

SECOND REVISED PAGE 29-A-4

FIRST REVISED PAGE 29-A-5

FIRST REVISED PAGE 29-A-6

(END OF APPENDIX A LIST)

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
EXCEPTIONS TO GOVERNING CLASSIFICATION AND SECTION 2 OF THE EXCEPTION RATINGS TARIFF	
<p style="text-align: center;">SPECIAL VOLUME INCENTIVE SERVICE APPLICATION OF RATES (Applies only in connection with the truckload class rates named in Items 507 through 520) (Items 293 and 293.1)</p> <p>1. The provisions of this item apply only when the bill of lading is annotated by the shipper with the words "Special Volume Incentive Service Requested". By such request the shipper agrees to the requirements of this item as a prerequisite to application of the provisions herein.</p> <p>2. The provisions of this item apply only in connection with:</p> <ul style="list-style-type: none"> (a) Prepaid shipments released to one-half of actual value or 50 cents per pound per article, whichever is less. (b) Shipments consisting of not more than five commodities differently described (by item number) in the Governing Classification and not otherwise excluded under provisions of Paragraph 3. (c) Shipments loaded by consignor and unloaded by consignee with power equipment, furnished and used without expense to the carrier. In such circumstances, physical assistance of the carrier employee is restricted to work within or on carrier equipment and does not include stacking, unstacking, removal or placement of merchandise on pallets. <p>3. The provisions of this item do not apply in connection with:</p> <ul style="list-style-type: none"> (a) Shipments, all or any portions of which are provided Temperature Control Service. (b) Split Pickup shipments or Split Delivery shipments. (c) Shipments subject to Collect on Delivery (C.O.D.) or Order Notify Service. (d) Shipments which are transported from, to or between oil, water or gas well job sites; sites for drilling exploratory oil, water or gas wells; job sites, other than oil, water or gas well job sites, located off paved roads; or wharves. A job site means a point at which the shipment was, or is to be, used in the construction of a facility. (e) Shipments transported under government bills of lading. (f) Shipments which are not loaded in their entirety during one calendar day. (g) Shipments subject to provisions of Item 85 (Shipments Transported in Multiple Lots). (h) Shipments containing commodities for which exception ratings have been named in this tariff or the Exception Ratings Tariff (except Sections 2-B, 2-C and 2-D thereof). (i) Permit shipments. (j) Multiple Service Shipments. <p style="text-align: center;">(Continued in Item 293.1)</p>	(E) 293
<p>606(E) Expires with June 30, 1975.</p> <p> <input type="checkbox"/> Change) <input type="checkbox"/> Increase) Decision No. 83068 <input type="checkbox"/> Reduction) </p>	
EFFECTIVE	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	

Correction

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM		
EXCEPTIONS TO GOVERNING CLASSIFICATION AND SECTION 2 OF THE EXCEPTION RATINGS TARIFF			
<p style="text-align: center;">SPECIAL VOLUME INCENTIVE SERVICE (Concluded) APPLICATION OF RATES (Applies only when specific reference is made hereto) (Items 293 and 293.1)</p> <p>4. The charge for service under the provisions of Item 293 shall be determined and applied as follows:</p> <p>(a) Determine the applicable truckload rating as provided in the Governing Classification or Sections 2-B, 2-C or 2-D (only) of the Exception Ratings Tariff.</p> <p>(b) Multiply the actual weight of the shipment, but not less than 96,000 pounds (see Note), by the rate determined in accordance with the table below:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>When the applicable rating determined in accordance with paragraph 4 (a) is:</p> <p>50 45 40 37½ 35 35.1 35.2 35.3 35.4</p> </td><td style="width: 50%; vertical-align: top;"> <p>The rate to apply is that which corresponds to the rating shown below:</p> <p>40 37½ 35 35.1 35.2 35.3 35.4 95% of 35.4 90% of 35.4</p> </td></tr> </table> <p>NOTE.--If more than 2 units of carrier's equipment are required to transport the shipment, the minimum weight shall be determined by multiplying the number of units of carrier's equipment utilized (whether or not fully loaded) by 45,000 pounds.</p> <p>5. Rates resulting from application of this item do not alternate with other rates and charges in this tariff and may not be used in combination with any other rates.</p>	<p>When the applicable rating determined in accordance with paragraph 4 (a) is:</p> <p>50 45 40 37½ 35 35.1 35.2 35.3 35.4</p>	<p>The rate to apply is that which corresponds to the rating shown below:</p> <p>40 37½ 35 35.1 35.2 35.3 35.4 95% of 35.4 90% of 35.4</p>	<p>ø(E) 293.1</p>
<p>When the applicable rating determined in accordance with paragraph 4 (a) is:</p> <p>50 45 40 37½ 35 35.1 35.2 35.3 35.4</p>	<p>The rate to apply is that which corresponds to the rating shown below:</p> <p>40 37½ 35 35.1 35.2 35.3 35.4 95% of 35.4 90% of 35.4</p>		
<p>øøø(E) This item expires with June 30, 1975.</p> <p>ø Change) ø Increase) Decision No. 83068 ø Reduction)</p>			
EFFECTIVE			
<p>Correction</p> <p style="text-align: right;">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 SECTION 2 OF THE EXCEPTION RATINGS TARIFF	
<p>PREMIUM VOLUME INCENTIVE SERVICE APPLICATION OF RATES (Applies only in connection with the truckload class rates named in Items 507 through 520)</p> <p>1. The provisions of this item apply only when the shipper annotates the required bill of lading with the statement "Premium Volume Incentive Service Requested." By such annotation, the shipper agrees to the requirements of this item as a prerequisite to application of the provisions herein.</p> <p>2. The provisions of this item apply only in connection with:</p> <ul style="list-style-type: none"> (a) Prepaid shipments released to one-half of actual value or 50 cents per pound, per article, whichever is less. (b) Shipments consisting of not more than five commodities differently described (by item number) in the Governing Classification and not otherwise excluded under other provisions of this item. (c) Shipments loaded by consignor and unloaded by consignee with equipment furnished and used without expense to the carrier (see Notes 1 and 2). An allowance of one hour free time for loading and one hour free time for unloading will be made for each time a unit of carrier's equipment is used. Excess loading or unloading time will be charged for at the rates named in Item 145 herein. 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 the unit of equipment is released. <p>NOTE 1--When fully loaded, each unit of carrier's equipment must comply with all governmental regulations relating to size and weight of loads upon vehicles operated over the public highways.</p> <p>NOTE 2--Shipments in bulk, moving in carrier's equipment capable of unloading only by gravity, may include the services of the driver when such services are restricted to activating the loading or unloading of the carrier's equipment.</p> <ul style="list-style-type: none"> (d) Shipments transported: <ul style="list-style-type: none"> (1) for distances not exceeding 150 constructive miles; or (2) under rates in Item 510; or (3) between Sacramento, North Sacramento or points in San Francisco Territory on one hand and Metropolitan Zones 201, 202, 209, 210, 211, 212, 213, 221, 222, 223, 237, 238, 239, 244, 245, 246, 253, 254, 255, 256, 257 and 258 on the other hand. (e) Shipments transported: <ul style="list-style-type: none"> (1) In bulk (see Note): <p>NOTE--For purposes of applying the provisions of this item, the following definition will apply:</p> <p>BULK means not in bags, sacks, packages or other containers except bins having a capacity of not less than 40 cubic feet.</p> <ul style="list-style-type: none"> (2) In barrels, drums or steel cylinders. (3) On elevating or lift truck pallets, platforms or skids or in unitized lots, loaded and unloaded by mechanical means (see Notes 1 and 2): <p>NOTE 1--When transported on elevating or lift truck pallets, platforms or skids, the carrier will acknowledge receipt of a specified number of pallets, platforms or skids only.</p> <p>NOTE 2--For purposes of applying the provisions of this item, the following definition will apply:</p> <p>UNITIZED means (a) securely fastened on elevating or lift truck pallets, platforms or skids or (b) assembled into bundles with metal or wire strapping materials.</p> <ul style="list-style-type: none"> (4) In packages, viz.: Newsprint paper (151150) when in rolls, each weighing 750 pounds or more, loaded and unloaded by mechanical means. <p>(Continued on following page)</p>	<p>6(E) 293.2</p>
Decision No. 83068	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 SECTION 2 OF THE EXCEPTION RATINGS TARIFF	
<p style="text-align: center;">PREMIUM VOLUME INCENTIVE SERVICE (Continued) APPLICATION OF RATES (Applies only in connection with the truckload class rates named in Items 507 through 520)</p> <p>3. The provisions of this item do not apply in connection with:</p> <ul style="list-style-type: none"> (a) Shipments, all or any portions of which are provided Temperature Control Service. (b) Split Pickup Shipments or Split Delivery Shipments. (c) Shipments subject to Collect on Delivery (C.O.D.) or Order Notify Service. (d) Shipments transported under government bills of lading. (e) Pool shipments. (f) Permit shipments. ø(g) Shipments containing one or more commodities which the Dangerous Articles Tariff prohibits being transported with other commodities at the same time in or on the same unit of carrier's equipment. (h) Shipments which are transported from, to or between: <ul style="list-style-type: none"> (1) sites for drilling exploratory oil, water or gas wells or (2) wharves. (i) Shipments which are transported from, to or between job sites, regardless of whether on or off paved roads. For purposes of applying the provisions of this item, job site means a point at which the shipment was, or is to be, used in construction of a facility. (j) Shipments, all or any portions of which require stringing services. (k) Shipments, all or any portions of which require sorting, segregating, dividing, stacking, unstacking or any other accessorial service not specifically authorized in this item. (l) Shipments transported in pneumatic equipment regardless of whether such pneumatic facilities are utilized in unloading. For purposes of applying provisions of this item, the term pneumatic equipment means carrier's equipment capable of unloading by air pressure in defiance of gravity. (m) Commodities described in the Dangerous Articles Tariff as Class A or B Explosives; Class A or B Poisons; or Class 1, 2 or 3 Radioactive Materials. (n) Multiple Service Shipment. <p>4. The following provisions of this tariff shall not apply in connection with rates determined under this item:</p> <ul style="list-style-type: none"> Item 70 - Weights - Gross Weights and Dunnage Item 120 - Application of Rates Item 142 - Delays to Equipment, paragraphs 1 and 3 only Item 262 - Rail Carloading and Unloading Charges - Metropolitan Los Angeles Area <p>If any provisions of the Governing Classification, Exception Ratings Tariff or Section 1 of this tariff conflict with the provisions of this item, the provisions of this item will apply.</p> <p>5. Rates resulting from application of this item do not alternate with other rates and charges in this tariff and may not be used in combination with any other rates.</p> <p>ø6. Rates resulting from the application of this item are subject to Notes 1 through 7 and apply only when the consignor tenders to the carrier.</p> <ul style="list-style-type: none"> (a) A single shipment rated at not less than 96,000 pounds; or <p style="text-align: center;">(Concluded on following page)</p>	<p>ø(E) 293.2 (Continued)</p>
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SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM																				
EXCEPTIONS TO GOVERNING CLASSIFICATION AND SECTION 2 OF THE EXCEPTION RATINGS TARIFF																					
<p data-bbox="485 362 1067 406">PREMIUM VOLUME INCENTIVE SERVICE (Concluded) APPLICATION OF RATES</p> <p data-bbox="464 428 1073 476">(Applies only in connection with the truckload class rates named in Items 507 through 520)</p> <p data-bbox="360 497 1394 570">(b) Two or more shipments, at one time, at the same place, with each shipment loaded in or on separate units of carrier's equipment or the same unit of carrier's equipment when moving under the provisions of Item 293.3.</p> <p data-bbox="409 580 1364 602">§NOTE 1.-Each of such shipments must meet all requirements of this item.</p> <p data-bbox="356 613 1405 685">*NOTE 2.-In no event shall the weight on which freight charges are computed be less than 48,000 pounds for each time a unit of carrier's equipment is used to transport a shipment or portion thereof.</p> <p data-bbox="356 696 1394 766">§NOTE 3.-The entire amount tendered under provisions of this item shall be available to the carrier for immediate transportation at the time of initial pickup.</p> <p data-bbox="356 777 1381 849">§NOTE 4.-The entire amount tendered under provisions of this item must be picked up by the carrier within a 24 hour period computed from 12:01 A.M. of the date on which the initial pickup commences.</p> <p data-bbox="356 860 1405 930">*NOTE 5.-Bills of Lading issued for the two or more shipments moving under provisions hereof, must make reference, by number or other individual identity, to each other bill of lading issued.</p> <p data-bbox="356 941 1422 1054">§NOTE 6.-Rates include the services of a single driver only, for each unit of carrier's equipment used. No additional employees may be furnished nor may the carrier pay for services of helpers or other parties to perform, or assist in performance of loading, unloading or accessorial services rendered under this tariff, whether or not reimbursed therefor.</p> <p data-bbox="356 1065 1405 1157">§NOTE 7.-For purposes of applying the provisions of this item, the term "shipment" means a quantity of freight tendered to a carrier by one consignor at one place at one time for delivery to one consignee at one place on one bill of lading.</p> <p data-bbox="232 1179 1372 1225">7. The charge for service under the provisions of this item shall be determined and applied as follows:</p> <p data-bbox="365 1247 1356 1295">(a) Determine the applicable truckload rating as provided in the Governing Classification, the Exception Ratings Tariff or this tariff.</p> <p data-bbox="348 1316 1372 1365">§(b) Multiply the actual weight or minimum weight of the shipment, whichever is greater, by the rate determined in accordance with the table below:</p> <table data-bbox="422 1386 1281 1710"> <tr> <td>When the rating determined in accordance with Paragraph 7(a) is</td><td>The rate to apply is that which corresponds to the rating shown below (subject to Item 293.3)</td></tr> <tr> <td>50</td><td>37½</td></tr> <tr> <td>45</td><td>35</td></tr> <tr> <td>40</td><td>35.1</td></tr> <tr> <td>37½</td><td>35.2</td></tr> <tr> <td>35</td><td>35.3</td></tr> <tr> <td>35.1</td><td>35.4</td></tr> <tr> <td>35.2</td><td>95% of 35.4</td></tr> <tr> <td>35.3</td><td>90% of 35.4</td></tr> <tr> <td>35.4</td><td>85% of 35.4</td></tr> </table>	When the rating determined in accordance with Paragraph 7(a) is	The rate to apply is that which corresponds to the rating shown below (subject to Item 293.3)	50	37½	45	35	40	35.1	37½	35.2	35	35.3	35.1	35.4	35.2	95% of 35.4	35.3	90% of 35.4	35.4	85% of 35.4	<p data-bbox="1438 963 1500 1076">§(E) 293.2 (Con- cluded)</p>
When the rating determined in accordance with Paragraph 7(a) is	The rate to apply is that which corresponds to the rating shown below (subject to Item 293.3)																				
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<p data-bbox="257 1731 839 1753">§ 6(E) This item expires with June 30, 1975.</p> <p data-bbox="299 1775 844 1862"> § Change) * Addition) o Increase) o Reduction) </p> <p data-bbox="508 1808 844 1852">Decision No. 83068</p>																					
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<p data-bbox="574 1967 1488 2011">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p data-bbox="232 1993 365 2015">Correction</p>																					

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
EXCEPTIONS TO GOVERNING CLASSIFICATION AND SECTION 2 OF THE EXCEPTION RATINGS TARIFF	
<p data-bbox="459 388 1153 438">MULTIPLE UTILIZATION OF EQUIPMENT (Applies only when specific reference is made hereto)</p> <p data-bbox="257 460 1397 668">When the carrier picks up and transports in or on the same unit of carrier's equipment, utilizing the same driver, a shipment or shipments tendered in accordance with provisions making reference hereto, the charges for such shipment or shipments moving in or on the same unit of carrier's equipment, exclusive of any accessorial charges, will be reduced by an additional 5 percent provided, however, that the pickup of the second and any subsequent shipments or portion of a shipment transported in accordance with this item must be preceded by delivery to the consignee of the shipment or portion of a shipment picked up immediately prior thereto (see Notes 1 and 2).</p> <p data-bbox="257 690 1372 788">NOTE 1--The provisions of this item shall in no way be interpreted as requiring the carrier or its employees to operate in violation of State or Federal hours of service regulations or other provisions of law precluding carrier from transporting two shipments in or on the same piece of equipment within the allotted time period.</p> <p data-bbox="257 810 1372 886">NOTE 2--Shipments moving under the provisions of this item, where the point of origin is located in the Central Coastal Territory, must be picked up between the hours of 8:00 A.M. and 5:00 P.M. (see Exception).</p> <p data-bbox="257 908 1381 952">EXCEPTION: If origin is in San Francisco or San Mateo County, shipments must be picked up between the hours of 8:15 A.M. and 5:15 P.M.</p>	<p data-bbox="1450 602 1521 646">ø(E) 293.3</p>
<p data-bbox="327 1013 910 1039">øøø(E) This item expires with June 30, 1975.</p> <p data-bbox="327 1061 877 1126">ø Change) ø Increase) Decision No. 83068 ø Reduction)</p>	
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