

LTC

Decision No. 83574

ORIGINAL

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. 816
(Filed July 25, 1974)

And Related Matters.)

Case No. 5439, Petition No. 224

Case No. 5441, Petition No. 310
(Filed July 25, 1974)

OPINION AND ORDER

Minimum Rate Tariff 2 names minimum class and commodity rates for the statewide transportation of general commodities by highway permit carriers and Minimum Rate Tariffs 1-B, 9-B and 19, respectively, set forth minimum rates for such transportation within the East Bay, San Diego and San Francisco Drayage Areas. By these petitions, Ameron, Inc., seeks to have the aforementioned tariffs amended by establishing therein a less-truckload exception rating of Class 65 and a truckload exception rating of Class 35, minimum weight 40,000 pounds, on outdoor, iron or steel, electric light poles without electric fixtures or wire.

Petitioner states that Ameron Pole Products, a division of Ameron, Inc., manufactures steel poles and distributes them between points in California and from points in California to points in other states and that said division moved 3,600,000 pounds of poles from Oakland by for-hire motor carriers in intrastate commerce in 1973.

Petitioner alleges that a less-truckload rating of Class 65 and a truckload rating of Class 37-1/2, minimum weight 36,000 pounds, on iron lamp posts without electric fixtures had been in effect for years but that such ratings were substantially increased on September 2, 1970, on lamp posts over 10 feet in length.¹ Petitioner declares that the poles which it manufactures are not only used as lamp posts but also as traffic and electric wire poles and the class ratings for the traffic and electric wire poles were not changed by reason of the length of the poles.

Petitioner avers that the transportation characteristics of poles over 10 feet in length are the same regardless of the purpose for which they are used. According to petitioner, considerations involved in increasing the ratings on lamp posts over 10 feet in length included susceptibility to damage for posts having polished or finished surfaces, the necessity for the use of drag line systems at docks and the establishment of breakbulk terminals. Petitioner asserts that these considerations do not apply to the poles it distributes in California and this is borne out by the fact that motor carriers transporting its poles from California origins in interstate commerce have established rates comparable to or lower than those which would result under the proposed exception ratings.

¹The current less-truckload ratings are Class 125 for posts exceeding 10 feet but not exceeding 20 feet in length and Class 150 for posts exceeding 20 feet in length. The present truckload rating is Class 37-1/2, minimum weight 36,000 pounds, regardless of length. These ratings are provided in Item 161210 of National Motor Freight Classification NMF 100 A.

Copies of the petitions were mailed to Pacific Union Metal Division and California Trucking Association. The petitions were listed on the Commission's Daily Calendar of July 30, 1974. No objection to the granting of the petitions has been received.

In the circumstances, the Commission finds that petitioner's 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 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 November 8, 1974, Forty-eighth Revised Page 8 and Eleventh Revised Page 38-C attached hereto and by this reference made a part hereof.

2. Minimum Rate Tariff 1-B (Appendix B to Decision No. 65834, as amended) is further amended by incorporating therein to become effective November 8, 1974, Eleventh Revised Page 6 and Thirteenth Revised Page 35 attached hereto and by this reference made a part hereof.

3. Minimum Rate Tariff 9-B (Appendix A of Decision No. 67766, as amended) is further amended by incorporating therein to become effective November 8, 1974, Sixth Revised Page 4 and First Revised Page 35-A attached hereto and by this reference made a part hereof.

4. Minimum Rate Tariff 19 (Appendix A to Decision No. 41363, as amended) is further amended by incorporating therein to become effective November 8, 1974, Twenty-fourth Revised Page 4, Tenth Revised Page 27 and Original Page 27-A attached hereto and by this reference made a part hereof.

5. Common carriers subject to the Public Utilities Act, to the extent that they are subject to Decisions Nos. 31606, 41363, 65834 and 67766, as amended, are directed to establish in their tariffs the increases necessary to conform with the further adjustments ordered herein.

6. Tariff publications required or authorized to be made by common carriers as a result of this order shall be filed not earlier than the effective date of this order and 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 November 8, 1974; and as to tariff publications which are authorized but not required, the authority shall expire unless exercised within sixty days after the effective date of this order.


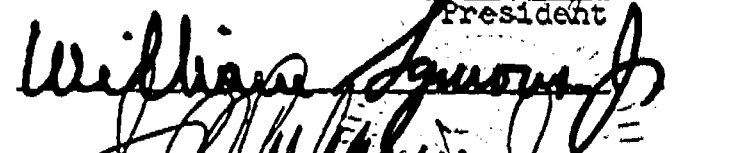
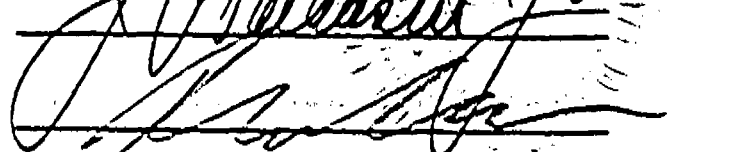

7. Common carriers, in establishing and maintaining the amendments authorized hereinabove, are hereby authorized to depart from the provisions of Section 460 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; 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.

8. In all other respects Decisions Nos. 31606, 41363, 65834 and 67766, as amended, shall remain in full force and effect.

C. 5432 (Pet. 816) et al. - LTC

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 8th day of October, 1974.


President



Commissioners

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
Paint, asphaltic (M)	377.5,723-726	Pomace	652-6544
Paint, liquid (M)	377.5,723-726	Popcorn, not popped	360.5
Paper	765,770	Popped Corn (M)	360.5
Paper, Building, Roofing		Porter	310,360
or Sheathing	761,767	Posts	690,710
Paperboard or Pulpboard	770	Potatoes, cooked and	
Parts, Boiler (M)	365	powdered, other than frozen	360
Paste, Confectionery	360	Potatoes, processed, cooked	
Paste, Icing	360	and powdered	320-1
Paste, Tomato	320-1	Potato Chips (M)	360.5
Paving Joints, expansion	761,767	Poultry and poultry parts	379
Peaches, powdered	350	Poultry Litter (M)	652-6544
Peanut Butter	320-1	Powder, Baking	360.5
Peanut Spread	320-1	Powders, Citrus Fruit Juice	360
Pectin, Fruit or Vegetable	320-1	Powder, Yeast	360.5
Peel, fruit, candied, crys-		Power Pumps (M)	365
tallized glazed or stuffed	360	Preservatives, wood (M)	377.5,723-726
Peel, grapefruit, lemon or		Preserves	320
orange, dried	350	Prunes, powdered	350
Petroleum and Petroleum		Puddings	320-1
products as described		Pulleys, tank or reservoir	760,764,765
in Governing Classification	377.5, 723-726	Pulp, Fruit or Vegetable	320,320-1
Pickles	320-1	Pumps, Power (M)	365
Pie Mix, Pizza	345	Puree, Tomato	320-1
Pie Preparations	320-1		
Pig Iron	760, 764, 765	Rags	765
Piling	690,710,760,	Railings, bridge	760,764,765
	764,765	Rails	760,764,765
Pimentos	320-1	Ravioli (prepared)	320-1
Pipe	760,764,765	Repellents, insect (M)	377.5, 723-726
Pipe, cast iron pressure	378	Rice-and-Milk	320-1
Pipe, cast iron soil	378	Rice, Brewers'	652-6544
Pipe, iron or steel, cast or		Rice, Cleaned	652-6544
wrought, plate or sheet	365	Rice, dry, and other ingre-	
Pipe, iron or steel, well		dients	345,360.5
casing or drilling	365	Rice, Paddy	652-6544
Pitch (M)	762,767	Rivets	760,764,765
Pizza Pie Mix	345	Rods, iron or steel	760,764,765
Plaster Boards (M)	762,767	Rods, Pull (M)	365
Plates, iron or steel	760,764,765	Rods, Sucker	365
Plates, fish	760,764,765	Roofing, building or	
Plywood	690,710	paving material	761,767
Poles	690,710	Roofing, composition or	
*Poles, electric light	378.5	prepared	761,767
Polish, boat, floor, furni-		Rope (M)	365
ture or vehicle	730-732	Running Gears, Steam	
Polish, floor (M)	377.5,723-726	boiler (M)	365
Polish, furniture (M)	377.5,723-726		
Polish, metal (M)	377.5,723-726	Sago	360.5
Polish, vehicle (M)	377.5,723-726		

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

* Addition, Decision No.

83574

EFFECTIVE

Correction

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

SECTION 1--RULES OF GENERAL APPLICATION (Continued)		ITEM
<p>EXCEPTIONS TO GOVERNING CLASSIFICATION AND EXCEPTION RATINGS TARIFF (Continued)</p> <p>(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>		Class Rating
<p>Petroleum and Petroleum Products, in packages, as described in and subject to the provisions of Items 723 and 723-1 of this tariff.</p> <p>TRUCKLOAD:</p> <p>Minimum Weight 20,000 pounds----- 50.1 Minimum Weight 30,000 pounds----- 35 Minimum Weight 36,000 pounds----- 35.1 Minimum Weight 42,000 pounds----- (1) 35.2 Minimum Weight 40,000 pounds----- (2) 35.3</p> <p>(1) Not applicable on Asphalt (Asphaltum), natural, by-product or petroleum, liquid, other than paint, stain or varnish (15220).</p> <p>(2) Applicable only on Asphalt (Asphaltum), natural, by-product or petroleum, liquid, other than paint, stain or varnish (15220).</p>		377.5
<p>Pipe, cast iron pressure (51200), not less than 12 feet and not more than 18 1/2 feet in length, in straight shipments or in mixed shipments with cast iron pressure pipe fittings.</p> <p>Pipe, cast iron soil (51290), not less than 2 feet and not more than 11 feet in length, in straight shipments, or in mixed shipments with cast iron soil pipe fittings.</p> <p>TRUCKLOAD:</p> <p>Minimum Weight 36,000 pounds----- 35</p>		378
<p>Poles, electric light, outdoor, iron or steel, without electric fixtures or wire.</p> <p>Less Truckload----- 65</p> <p>TRUCKLOAD:</p> <p>Minimum Weight 40,000 pounds----- 35</p>		*66 378.5
<p>Poultry and Poultry Parts (134740)</p> <p>Less Truckload----- 100</p> <p>Minimum Weight 10,000 pounds----- 55</p> <p>TRUCKLOAD:</p> <p>Minimum Weight 30,000 pounds----- 35 Minimum Weight 36,000 pounds----- 35.1 Minimum Weight 42,000 pounds----- 35.2</p>		379
<p>* Addition) o Increase) Decision No. 83574 o Reduction)</p>		
EFFECTIVE		
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>		

INDEX OF COMMODITIES AND EXCEPTIONS TO
GOVERNING CLASSIFICATION (Continued)

ARTICLE	ITEM	ARTICLE	ITEM
Molasses	(1)	Pads, sanitary	545
Monoglycerides of Fat-forming		Paraffin	(2)
Acids	(2)	Parcel City Delivery (Wholesale)	840-850
Mushrooms	(1)	Paste, confectioners' or	
Mustard	(1) (2)	icing	(2)
Noodles	(2)	Paste, fig	(2)
Noodles (cooked)	(2)	Patterns, foundry	810
Nuts	(2)	Peanut Butter	(1)
Nut Meats	(2)	Peas, dried	(2)
Oil, cooking	(2)	Pectin	(1)
Oil, corn	(1) (2)	Petroleum	550
Oil, cottonseed	(1) (2)	Petroleum Products	550
Oil, edible	(2)	Pickles	(1)
Oil, lard	(2)	*Poles, electric light	560
Oil, olive	(1)	Polish, shoe	(2)
Oil, salad	(1) (2)	Popcorn (not popped)	(2)
Oil, soybean	(1) (2)	Potatoes	(2)
Oleomargarine	(2)	Poultry and Poultry Parts	570
Olive Oil	(1)	Powder, baking	(2)
Olives	(1)	Preserves	(1)
Onions	(2)	Puddings	(1)
		Puree, tomato	(1)

- (1) See Canned Goods, Pickles, and Preserves, as described in Item 400.
 (2) See Groceries and Grocers' Supplies, as described in Item 500.

* Addition, Decision No.

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EFFECTIVE

Correction

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

SECTION 1--RULES (Concluded)		ITEM
EXCEPTIONS TO GOVERNING CLASSIFICATION AND EXCEPTION RATINGS TARIFF		
ARTICLE	CLASS	
PADS, Sanitary (148960 Sub 1): Any Quantity----- Minimum Weight 5,000 pounds----- Minimum Weight 15,000 pounds, subject to Note----- NOTE.--Minimum weight applies to each unit of carrier's equipment used in the transportation of a single shipment. A unit of equipment includes any motor truck or other self-propelled highway vehicle, trailer, semi-trailer, or any combination of such highway vehicles operated as a single unit.	150 125 92½	545
PETROLEUM OR PETROLEUM PRODUCTS, INCLUDING COMPOUNDED OILS OR GREASES HAVING A PETROLEUM BASE, as described under the heading "PETROLEUM PRODUCTS GROUP" in the Governing Classification, less truckload-----	55	550
POLES, electric light, outdoor, iron or steel, without electric fixtures or wire Less Truckload----- TRUCKLOAD: Minimum Weight 40,000 pounds-----	65 35	*00 560
POULTRY AND POULTRY PARTS, as described in Item 134740 of the Governing Classification: Any Quantity----- Minimum Weight 10,000 pounds----- TRUCKLOAD: Minimum Weight 30,000 pounds-----	100 55 35	570
WINE OR VERMOUTH, as described in Items 75430, 111490 or 111510 of the Governing Classification, having a declared value of not more than \$2.00 per gallon, less truckload-----	55	640
* Addition) ◊ Increase) Decision No. 83574 ◊ Reduction)		
EFFECTIVE		
Correction	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	

INDEX OF COMMODITIES TAKING EXCEPTIONS
TO GOVERNING CLASSIFICATION

ARTICLE	ITEM
Asphalt-----	340,390
Cartons, Egg, Pulp-----	315
Egg Case or Egg Carrier Filler Flats-----	318
Feed, Animal or Poultry-----	320,371,372
Forest Products-----	330,380-382
Grain-----	320,370
Grain Products-----	320,370-372
Liquefied Petroleum Gas-----	340,390
Lubricant, Grease Binder-----	340,390
Lumber and Forest Products-----	330,380-382
Pads, Sanitary-----	335
*Poles, electric light-----	342
Petroleum and Petroleum Products-----	340,390
Poultry and Poultry Parts-----	345
Salt, Common-----	350
Seed-----	320,371
Sugar-----	360

* Addition, Decision No.

83574

EFFECTIVE

Correction

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

SECTION 1--RULES (Continued)		ITEM
EXCEPTIONS TO GOVERNING CLASSIFICATION AND EXCEPTION RATINGS TARIFF (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.)		
ARTICLES	Class Rating	
Pads, Sanitary (148960, Sub 1) Any Quantity----- Minimum Weight 5,000 pounds----- Minimum Weight 15,000 pounds, subject to Note----- NOTE.--Minimum weight applies to each unit of carrier's equip- ment used in the transportation of a single shipment. A unit of equipment includes any motor truck or other self-propelled highway vehicle, trailer, semi-trailer, or any combination of such highway vehicles operated as a single unit.	150 125 92½	335
Petroleum and Petroleum Products as described in Item 390. Minimum Weight 10,000 pounds-----	65% of Class 100	340
Poles, electric light, outdoor, iron or steel, without electric fixtures or wire Less Truckload----- Minimum Weight 40,000 pounds----- (1) Subject to Paragraph (d) of Item 80.	65 (1) 35	*00 342
Poultry and Poultry Parts (134740) Less Truckload----- Minimum Weight 10,000 pounds----- Minimum Weight 36,000 pounds-----	100 55 65% of Class 100	345
Salt, Common (sodium chloride) (46260, 74660) Minimum Weight 10,000 pounds-----	55% of Class 100	350
Sugar (74900, 74910) Minimum Weight 10,000 pounds-----	65% of Class 100	360
* Addition) o Increase) Decision No. 83574 o Reduction)		
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 items or in Exceptions to the Governing Classification are shown in the following list.

COMMODITY	ITEM	COMMODITY	ITEM
Malt Liquors	310	Poultry and Poultry Parts	325
Meats, canned	300	Powder, icing	280
Mushrooms	300	Preserves	300
Newsprint Paper	470	Snuff	396
Nuts, edible	280	Spices	410
Oleomargarine	279	Sugar	530
Olives	300	Table Sauces	300
Pads, sanitary	315	Tobacco, manufactured	396
Paper, Newsprint	470	Vanilla Beans	300
Petroleum and Petroleum Products	320	Vermouth	310
Pickles	300	Vinegar	300
*Poles, electric light	322	Wine	310

* Addition, Decision No.

83574

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Correction

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

SECTION 1--RULES OF GENERAL APPLICATION (Continued)			(1) ITEM
EXCEPTIONS TO GOVERNING CLASSIFICATION AND EXCEPTION RATINGS TARIFF (Continued) (All item references are to the Governing Classification, except as otherwise provided.)			
COMMODITY	Ratings		
	LTL	TL	
Foodstuffs, viz.: Beans, vanilla (72120) 100 Cocoa, with or without sugar (72520) 55 Coffee, roasted (72680) 70 Dessert Preparations, dry (72760) 85 Juice, fruit, canned (72440, 73550, 73570, 73600, 73620, 73630, 73650 or 73670) 55 Milk and Chocolate Compounds (73790) 55 Foodstuffs, viz.: Fish, canned (72930, 72950, 72970 or 72990) Honey (73460) Jams, Jellies or Preserves (73240 or 73500) Meats, canned (134620) Mushrooms (74130) Olives (74180) Pickles (74300) Table Sauces (74710) Vinegar (75360) In packages each weighing less than 30 pounds----- 70 In packages each weighing 30 pounds or over----- 55			300
Liquors, Beverages viz.: Liquors, Alcoholic, Domestic, NOX (111450) (Inhaul or shipping, and transportation from liquor bottling plants to wholesalers or public warehouses, only) 70 Liquors, Alcoholic, Imported, NOIBN (Inhaul or shipping, only) 85 Liquors, Malt (111470), in packages each weighing 30 pounds or over 55 Wine or Vermouth (75430, 111490 or 111510), having a declared value not exceeding \$2.00 per gallon 70			310
Pads, sanitary (148960, Sub 1) Any Quantity----- 150 Minimum Weight 5,000 pounds----- 125 Minimum Weight 15,000 pounds, subject to Note----- NOTE.--Minimum weight applies to each unit of carrier's equipment used in the transportation of single shipment. A unit of equipment includes any motor truck or other self- propelled highway vehicle, trailer, semi-trailer, or any combination of such highway vehicles operated as a single unit.		924	315
(1) Items 320 and 325 transferred to Original Page 27-A. A Change, neither increase nor reduction, Decision No. 83574			
EFFECTIVE			
Correction	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.		

SECTION 1--RULES OF GENERAL APPLICATION (Continued)			(1) ITEM
EXCEPTIONS TO GOVERNING CLASSIFICATION AND EXCEPTION RATINGS TARIFF (Continued) (All item references are to the Governing Classification, except as otherwise provided.)			
COMMODITY	Ratings		
	LTL	TL	
Petroleum or Petroleum Products, including compounded oils or greases having a petroleum base, as described under the heading "Petroleum Products Group" in the Governing Classification	55		320
Poles, electric light, outdoor, iron or steel, without electric fixtures or wire			
Less Truckload-----	65		*06 322
Minimum Weight 40,000 pounds-----		35	
Poultry and Poultry Parts (134740)			
Less truckload-----	100		325
Minimum Weight 10,000 pounds-----	55		
Minimum Weight 30,000 pounds-----		35	
(1) Items 320 and 325, transferred from Ninth Revised Page 27. * Addition) ♦ Increase) Decision No. 83574 ◊ Reduction)			
EFFECTIVE			
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.			
Correction			