

LTC

Decision No. 83604

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investi-)
gation into the rates, rules,)
regulations, charges, allowances)
and practices of all common)
carriers, highway carriers and)
city carriers relating to the)
transportation of property in)
the City and County of San)
Francisco, and the Counties of)
Alameda, Contra Costa, Lake,)
Marin, Mendocino, Monterey,)
Napa, San Benito, San Mateo,)
Santa Clara, Santa Cruz, Solano)
and Sonoma.)

Case No. 5441
Petition for Modification
No. 311
(Filed July 26, 1974)

OPINION AND ORDER

Minimum Rate Tariff 1-B (MRT 1-B) names minimum rates and rules for the transportation of property by highway carriers within and between the Cities of Alameda, Albany, Berkeley, Emeryville, Oakland and Piedmont (East Bay Drayage Area) and Minimum Rate Tariff 19 (MRT 19) names minimum rates and rules for such transportation within the City and County of San Francisco (San Francisco Drayage Area). By this petition, California Trucking Association seeks to have the "Freight - Inhaul and Shipping" provisions of Item 900 of MRT 1-B and Item 580 of MRT 19 cancelled. Petitioner also requests that common carriers be directed to establish in their respective tariffs all such 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.

The aforementioned tariff items set forth provisions for determining transportation charges to be assessed for the transportation of property between docks, piers or wharves in the East Bay or San Francisco Drayage Area, on the one hand, and

warehouses and industries served by railroad spur track facilities in the East Bay or San Francisco Drayage Area, respectively, on the other hand. These provisions only apply to shipments which originate at points outside the territorial limits of the East Bay or San Francisco Drayage Area and are received from another carrier or to shipments which are destined to points outside the East Bay or San Francisco Drayage Area and are delivered to another carrier.

Petitioner states that the aforementioned items were established to provide motor carrier rates which were competitive with rail movements and that an examination of the sources of such rates indicates that the competitive rail movements were solely interstate or foreign movements. Petitioner contends that, under the provisions of said tariff items, rates for car loading and car unloading at docks, piers and wharves and rates for rail switching and car rental are to be determined from tariffs not lawfully filed with the Commission. Petitioner alleges that it is apparent that the rail movements with which the inhaul and shipping rates at issue are intended to compete are not intrastate rail movements under the jurisdiction of the Commission. Petitioner asserts that such movements are in interstate or foreign commerce and the "Freight - Inhaul and Shipping" provisions should be cancelled.

Copies of the petition were mailed to various chambers of commerce, shipper organizations and carrier representatives on or about July 24, 1974. The petition was listed on the Commission's Daily Calendar of July 30, 1974. No objection to the granting of the petition has been received.

In the circumstances, the Commission finds that petitioner's proposal is reasonable and, to the extent that said tariff amendments may result in increases, 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 1-B (Appendix B to Decision No. 65834, as amended) is further amended by incorporating therein to become effective November 16, 1974, Twenty-Second Revised Page 19 and Second Revised Page 45 attached hereto and by this reference made a part hereof.

2. Minimum Rate Tariff 19 (Appendix A to Decision No. 41363, as amended) is further amended by incorporating therein, to become effective November 16, 1974, Fourth Revised Page 48 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 Decisions Nos. 41363 and 65834, as amended, are hereby directed to establish in their tariffs the amendments necessary to conform with the further adjustments ordered herein.

4. Tariff publications required 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 and shall be made effective not later than November 16, 1974.


5. 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.

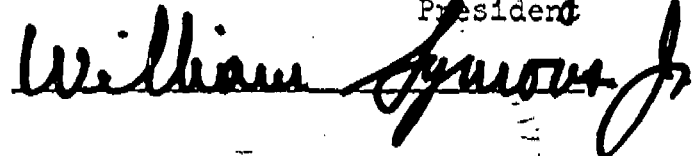
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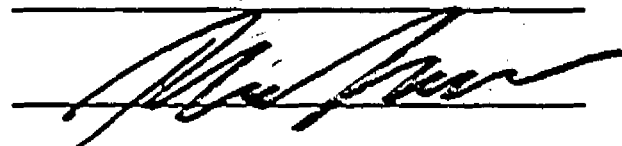
6. In all other respects Decisions Nos. 41363 and 65834, as amended, shall remain in full force and effect.


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

Dated at San Francisco, California, this 16th day of October, 1974.


President






Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

SECTION 1--RULES (Continued)	ITEM
<p data-bbox="470 327 1080 353">ALTERNATIVE APPLICATION OF COMMON CARRIER RATES</p> <p data-bbox="239 376 1387 471">Common carrier rates may be applied in lieu of the rates provided in this tariff when such common carrier rates produce a lower aggregate charge for the same transportation between the same points of origin and destination and for the same accessorial services than results from the application of the rates herein provided. (See Exception)</p> <p data-bbox="239 491 1354 559">When the common carrier rate used does not include accessorial services performed by the carrier, the following charges for such accessorial services shall be added: (See Notes 1, 2 and 3)</p> <ul data-bbox="310 581 1377 765" style="list-style-type: none">(a) For loading onto carrier's equipment, the charges provided in paragraph (d).(b) For unloading from carrier's equipment, the charges provided in paragraph (d).(c) For other accessorial services for which charges are provided in this tariff, the additional charge or charges so provided.(d) 5¢ cents per 100 pounds. <p data-bbox="239 785 1392 946">NOTE 1.--When a rail carload rate is subject to varying minimum weights, dependent upon the size of the car ordered or used, the lowest minimum weight obtainable under such minimum weight provisions may be used in applying the basis provided in this item. When the rail carload rate is subject to a specified minimum weight, subject to the condition that if the car is loaded to full visible or weight carrying capacity, actual weight will apply, or to actual weight but not less than a lesser carload minimum weight, the actual weight will apply subject to the lesser carload minimum weight, if any.</p> <p data-bbox="239 968 1343 1039">NOTE 2.--When rail switching charges are applicable in connection with line-haul movements by rail and the gross weight of the shipment exceeds the applicable carload minimum weight, only one rail switching charge shall be assessed.</p> <p data-bbox="239 1061 1356 1154">NOTE 3.--In applying the provisions of this item, a rate no lower than the common carrier rate and a weight no lower than the actual weight or published minimum weight (whichever is the higher) applicable in connection with the common carrier rate shall be used.</p> <p data-bbox="297 1172 477 1194">EXCEPTION: **</p>	Ø130
<p data-bbox="424 1265 1134 1289">CHARGES FOR SERVICE AT OTHER THAN REGULAR WORKING HOURS</p> <p data-bbox="242 1311 1343 1382">Rates named in Sections 2, 3, 4 and 5 apply for service performed during regular working hours of 8:00 a.m. to 5:00 p.m. except Saturdays, Sundays and holidays as defined in Item 10.</p> <p data-bbox="242 1404 1371 1475">For services performed at the request of the shipper or consignee at other than those hours specified above and on Saturdays, Sundays or holidays, an additional charge equal to the cost of overtime will be made.</p>	140
<p data-bbox="297 1577 867 1621">Ø Change) ** Eliminated) Decision No. 83604</p>	
EFFECTIVE	
Correction ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	

SECTION 4--SPECIAL COMMODITY RATES	ITEM
<p data-bbox="657 443 855 477">Item Cancelled.</p>	<p data-bbox="1400 875 1455 902">ø900</p>
<p data-bbox="294 1473 794 1514">ø Change, Decision No. 83604</p>	
<p data-bbox="756 1917 880 1939">EFFECTIVE</p>	
<p data-bbox="232 2011 365 2040">Correction</p> <p data-bbox="555 1989 1447 2040">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>	

ITEM	SECTION 6--SPECIAL RATES
6580	Item cancelled.
<div data-bbox="365 1458 657 1489">ø Change, Decision No.</div> <div data-bbox="728 1443 882 1489">83604</div>	
EFFECTIVE	
<div data-bbox="244 1961 386 1991">Correction</div> <div data-bbox="563 1939 1460 1991">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</div>	