

**ORIGINAL**Decision No. 83730

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investiga- )  
 tion into the rates, rules, regu- )  
 lations, 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, )  
 transportation for which rates )  
 are provided in Minimum Rate )  
 Tariff No. 2). )

Case No. 5432

SUPPLEMENTAL OPINION AND ORDER

On April 15, 1974, there was sent to interested parties for comments or suggestions a report prepared by the Commission's Transportation Division Freight Economics Branch staff, concerning the provisions governing the rates in Item 260 of Minimum Rate Tariff 2 for forklift service by the carrier at locations other than its established depot or a wharf. The parties were informed that, in the absence of objection but subject to possible modifications suggested by them, consideration may be given to the issuance of an ex parte order revising Minimum Rate Tariff 2 in accordance with the staff recommendations.

The aforementioned item presently reads in part as follows:

"The forklift and driver's hours of service shall be computed from the time the forklift leaves the carrier's established depot until it returns to the carrier's established depot."

According to the report, it has been brought to the Commission staff's attention that there are circumstances when (1) the carrier does not pick up the forklift from its established

depot or (2) picks up the forklift at its established depot but does not use the forklift at the first origin but at the second or subsequent origin or (3) the carrier does not return immediately to its established depot when it no longer requires the use of the forklift.

The report recommended that the forklift and/or forklift operator's time be computed by adding to the time calculated from arrival time at origin to departure time at destination: (1) the time determined from carrier's established depot to point of origin or 15 minutes when the carrier's equipment is dispatched from other than its established depot; and (2) the time computed from point of destination to the carrier's established depot or 15 minutes when the carrier's equipment does not return to its established terminal.

Written comments have been received from California Manufacturers Association, California Trucking Association, Willig Freight Lines and Sears, Roebuck and Co. Approval of the proposal was indicated in one of the comments. The other comments included suggestions which were intended to clarify the application of the rates for forklift service. The staff proposal with certain recommended amendments will be adopted.

The staff's report and written replies thereto are respectively received in evidence as Ex Parte Exhibits Nos. O-23 and O-24 in Case No. 5432.

Upon consideration of the evidence in this proceeding, the Commission finds that the proposed staff amendment to Minimum Rate Tariff 2, as modified by certain suggestions received from interested parties, is reasonable and the resulting rates and charges will be just, reasonable and nondiscriminatory minimum rates and charges for the transportation service involved. A public hearing is not necessary. The Commission concludes that Minimum Rate Tariff 2 should be amended accordingly by the order herein.

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 December 20, 1974, Fourteenth Revised Page 27-B and Original Page 27-BB 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 hereby directed 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 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 December 20, 1974.

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.

C. 5432 - HK

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

Dated at San Francisco, California, this 19<sup>th</sup> day of November, 1974.

William Symons President  
Alvin  
Stanley  
Robert E. Merlo Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">ISSUANCE OF DOCUMENTS (Concluded) (Items 255 and 256)</p> <p>4. For the transportation of (1) permit shipments, (2) shipments which require circuitous routing, (3) shipments requiring escort service, or (4) dangerous articles, the following information, wherever applicable, shall be shown on all bills of lading, freight bills or accessorial service documents issued by the carrier in connection therewith and shall be in addition to the information otherwise required to be shown thereon:</p> <p>(a) Permit identification of all permit shipments. (See Item 11)</p> <p>(b) Any circuitous routing required, and the authority therefor.</p> <p>(c) Any escort service furnished and the authority therefor. (See Item 10)</p> <p>(d) Description of dangerous articles must be in terms proscribed in the Dangerous Articles Tariff, including reference to labeling requirements. A further description, not inconsistent therewith, may be included.</p> <p>5. A copy of each bill of lading, freight bill, accessorial service document, weigh-master's certificate, written instructions, written agreement, written request or any other written document which supports the rates and charges assessed and which the carrier is required to issue, receive or obtain by this tariff for any transportation or accessorial service shall be retained and preserved by the carrier, at a location within the State of California, subject to the Commission's inspection, for a period of not less than three years from the date of issue.</p>	256
<p style="text-align: center;">UNITS OF MEASUREMENT TO BE OBSERVED</p> <p>Except as otherwise provided in this tariff, rates or accessorial charges shall not be quoted or assessed by carriers based upon a unit of measurement different from that in which the minimum rates and charges in this tariff are stated.</p>	257
<p>(1) Item 260 transferred to Original Page 27-BB. Decision No. <b>83730</b></p>	
EFFECTIVE	
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	

## SECTION 1--RULES OF GENERAL APPLICATION (Continued)

ITEM

## FORKLIFT SERVICE RATES

1. When carrier supplies forklift for loading and/or unloading at other than carrier's established depot or a wharf, the following rates shall be assessed in addition to all other applicable rates and charges contained in the tariff.

Column 1

(Cents per Hour)

Column 2Forklift Operator

1245

Forklift

155

2. When carrier's truck driver operates the forklift, the rate in Column 2 of Paragraph 1 shall apply. When carrier supplies the forklift operator other than the truck driver, the rate in Column 1 shall be added to the rate in Column 2.

03. The forklift and/or forklift operator's hours of service shall be computed as follows:

- (a) The time computed from time of arrival of the forklift at place of first utilization until the departure of the forklift at place of last utilization.
- (b) Add to the time computed under subparagraph (a) the time determined by any of the following applicable components:
- (1) Time in transit from carrier's established depot or such other place where the forklift was engaged to the place of first utilization.

EXCEPTION--When carrier's equipment does not proceed directly from its established depot or place where forklift was engaged to the place of first utilization, add 15 minutes to time computed under subparagraph (a).

- (2) Time in transit from the place of last utilization to carrier's established depot or such other place where forklift was engaged.

EXCEPTION--When carrier's equipment does not proceed directly from the place of last utilization to either carrier's established depot or such other place where the forklift was engaged, add 15 minutes to the time computed under subparagraph (a).

NOTE--Charges for fractions of an hour shall be determined in accordance with the following table:

<u>MINUTES</u>		
<u>Over</u>	<u>But Not Over</u>	
0	15	Shall be 1/4 hour
15	30	Shall be 1/2 hour
30	45	Shall be 3/4 hour
45	60	Shall be 1 hour

(1)  
ø260

- (1) Item 260 transferred from Thirteenth Revised Page 27-B.

ø Change } Decision No. **83730**  
 ø Increase }

EFFECTIVE

Correction

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