Decision No. 83772

ORIGINAL

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 car—)
riers, highway carriers and city)
carriers relating to the trans—)
portation of livestock and
related items (commodities for
which rates are provided in
Minimum Rate Tariff No. 3-A.)

Case No. 5433
Petition for Modification
No. 56
(Filed November 1, 1974)

OPINION AND ORDER

Minimum rates for the transportation of livestock by nighway carriers are set forth in Minimum Rate Tariff 3-A (MRT 3-A). By this petition, California Trucking Association seeks an increase in the minimum livestock rates of approximately three percent. Petitioner requests that all common carriers be directed to establish in their respective tariffs such modifications as may be prescribed in 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 states that, since the rates in MRT 3-A were last revised on March 23, 1974, and since the development of the cost data considered in such revision, the overall cost of transporting property by motor vehicle has increased. Petitioner contends that serious and continuous inflation has contributed to increases in nearly every category of operating cost and a major portion of the total increase in such cost results from increases in wage rates and fringe benefits payable to employees pursuant to collective bargaining agreements.

¹ The proposed rates are set forth in detail in Exhibit A attached to the petition.

Petitioner alleges that affected shippers and carriers have conferred jointly to consider matters in their mutual interest including the marketing of livestock, expected future economic conditions which may alter their distribution patterns and the proposal herein involved. Petitioner declares that the principal purpose of such conferences is to maintain the lowest level of reasonable minimum rates consistent with providing adequate for-hire transportation service to the public. As a participant in such discussions, petitioner believes the give and take of divergent interests produces these desirable results.

Exhibit B attached to the petition, which contains a verified statement prepared by petitioner's cost supervisor, sets forth the factual data and other information upon which petitioner relies in formulating its proposal.

Petitioner asks that the tariff revisions be made effective December 22, 1974, as the involved shippers and carriers have determined that the aforementioned date would create the least disruption to their marketing and distribution patterns.

Copies of the petition were mailed to various shipper organizations on or about November 1, 1974. The petition was listed on the Commission's Daily Calendar of November 4, 1974. California Farm Bureau Federation has informed the Commission by letter that it supports petitioner's proposal. No objection to the granting of the petition has been received.

In the circumstances, the Commission finds that the petitioner's proposal is reasonable to the extent indicated in the ensuing order; 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 as set forth in the order which follows.

IT IS ORDERED that:

- 1. Minimum Rate Tariff 3-A (Appendix A of Decision No. 55587, as amended) is hereby further amended by incorporating therein to become effective December 22, 1974, the revised pages attached hereto and listed in Appendix A, also attached hereto, which pages and appendix are by this reference made a part hereof.
- 2. Common carriers subject to the Public Utilities Act, to the extent that they are subject also to Decision No. 55587, as amended, are hereby directed to establish in their tariffs the increases necessary to conform with the further adjustments ordered herein.
- 3. Common carriers maintaining rates on a level other than the minimum rates for transportation for which rates are prescribed in Minimum Rate Tariff 3-A are authorized to increase such rates by the same amounts authorized by this decision for Minimum Rate Tariff 3-A rates.
- 4. Common carriers maintaining rates on the same level as Minimum Rate Tariff 3-A rates for the transportation of commodities and/or for transportation not subject to Minimum Rate Tariff 3-A are authorized to increase such rates by the same amounts authorized by this decision for Minimum Rate Tariff 3-A rates.
- 5. Common carriers maintaining rates at levels other than the minimum rates for the transportation of commodities and/or for transportation not subject to Minimum Rate Tariff 3-A are authorized to increase such rates by the same amounts authorized by this decision for Minimum Rate Tariff 3-A rates.
- 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 fifth day after the effective date of this order, on not less than five days' notice to the Commission and to the public; such tariff publications as are required shall be made

C. 5433 (Pet. 56) - HK

effective not later than December 22, 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 rates authorized by this order, are 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.

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

Dated at San Francisco, California, this 36 day of November, 1974.

APPENDIX A

LIST OF REVISED PAGES TO MINIMUM RATE TARIFF 3-A

EIGHTH	REVISED	PAGE	7
TENTH	REVISED	PAGE	ġ
SEVENTH	REVISED	PAGE	9-A
SIXTH	REVISED	PAGE	10
SEVENTH	REVISED	PAGE	11
THIRD	REVISED	PAGE	17-A
FIFTEENTH	REVISED	PAGE	18
THIRD	REVISED	PAGE	18-3
THIRTEENTH	REVISED	PAGE	19
HTTIT	REVISED	PAGE	21

(END OF APPENDIX A)

SECTION 1RULES (Continued)	ITEM
ACCESSORIAL CHARGES	
An additional charge shall be made for any accessorial or incidental service or delay which is not authorized to be performed under the rates named in this tariff and for which a charge is not otherwise provided, as follows: OCHARGES IN CENTS	
For Each For First Additional 30 Minutes 15 Minutes or Fraction or Fraction	
(a) For driver, helper, or other employee, per man 640 320 (b) For unit of equipment (each motor truck, trailer or semitrailer, exclusive of motor tractors) 70 035	ø110
ACCESSORIAL CHARGES NOT TO BE OFFSET BY TRANSPORTATION CHARGES	
Accessorial charges set forth in this tariff for accessorial services not included in the rate for actual transportation shall be assessed and collected when such services are performed regardless of the level of the transportation rate assessed. Such assessorial charges may not be waived on the basis that a higher-than-minimum transportation rate serves as an offset.	115
SHEEP CAMP OUTFITS	
Rates named in this tariff for the transportation of sheep will also apply to sheep camp outfits, as described in Note 1, when said outfits accompany shipments of sheep. (See Exception)	
NOTE 1Sheep camp outfits include wagons, dogs, horses, mules, burros, camp equipment comprising tents, stoves, cooking utensils, cots, bedding, harness and other appurtenances in use at camp, but do not include hay, grain, feed, merchandise, groceries, clothing or trailer coaches for which rates are provided in Minimum Rate Tariff 18.	120
EXCEPTION The provisions of this item will not apply in connection with shipments transported at any-quantity rates.	
REQUIREMENTS FOR PUBLIC WEIGHMASTER'S CERTIFICATE	
 Shipments of livestock for which the carrier must obtain a public weighmaster's certificate: (a) For each shipment, other than those described in paragraph 2 hereof, the actual weight of the livestock shall be confirmed by a public weighmaster's certificate, which shall be obtained by the carrier prior to or at the time of unloading. (b) Every carrier who fails to obtain a public weighmaster's certificate on shipments consisting of more than 10 head of livestock shall furnish written notification thereof to the Secretary, Public Utilities Commission of the State of California, State Building, San Francisco, California 94102, within seven days after delivery of the shipment. The notification shall include a statement of the reasons for the carrier's failure to obtain the required certificate. A copy of the freight bill issued pursuant to Items 250 and 251 covering the shipment so transported shall be attached to the notification. 2. Shipments of livestock for which the carrier may, but is not required to, obtain a public weighmaster's certificate: (a) Shipments consisting of not more than 10 head of livestock. (b) When the weighing of a shipment on a public weighmaster's scales would require the carrier to traverse a route which is more than five constructive miles longer than the shortest distance between points of origin and destination as determined in accordance with the provisions of Item 80. (c) When no public weighmaster's scale or scales along the route of movement is open for weighing at the time the carrier arrives at the scale point or points. 	130
ø Change) § Increase, except as noted) Decision No.	 -
o No Change) 83772	. <u> </u>
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SECTION 1RULES (Continued)	ITEM
l. The charge for a split pickup shipment, as defined in Item No. 11, shall the charge applicable for transportation of a single shipment of the same kind and quantity of livestock for the distance to point of destination from that point of or which produces the shortest distance via the other point or points of origin (See Exception), plus an added charge of 0\$6.65 per component part. EXCEPTIONIn the event that a shipment has origin and destination points with and without a mileage territory, and any of such points are located within a metropy tan zone, the shortest distance shall be computed subject to the following provision (a) Between a point within a metropolitan zone and a point not within the same metropolitan zone group but within the Related Mileage Territory, use for constructive mileage determination for the point within the metropolitan zone, the mileage basing points for the applicable metropolitan zone groups. (b) Between two or more metropolitan zones within the same metropolitan zone group, use for constructive mileage determination the mileage basing points for the individual metropolitan zones. 2. At the time of or prior to the first pickup, the carrier shall be furnished.	rigin hin hii- his: ø170
with shipping instructions, either manifest, written or oral, containing the name of each consignor, the points of origin and the kind and quantity of livestock in each component part. Oral shipping instructions must be confirmed in writing not later 48 hours after tender of shipment.	•
3. No split pickup shipment shall be accorded split delivery. 4. If split delivery is performed on a split pickup shipment or a component thereof, or if shipping instructions do not conform with the requirements of paragraphereof, each component part of the split pickup shipment shall be rated as a separashipment under other provisions of this tariff.	iph 2

ø Change) Decision No. ♦ Increase)

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

SECTION 1RULES (Continued)	ITEM
1. The charge for a split delivery shipment, as defined in Item 11, shall be the charge applicable to the transportation of a single shipment of the same kind and quantity of livestock for the distance from point of origin to that point of destination which produces the shortest distance, via the other point or points of destination (See Exception), plus an added charge of os6.65 per component part. EXCEPTION.—In the event that a shipment has origin and destination points within and without a mileage territory, and any of such points are located within a metropolitan zone, the shortest distance shall be computed subject to the following provisions: (a) Between a point within a metropolitan zone and a point not within the same metropolitan zone group but within the Related Mileage Territory, use for constructive mileage determination for the point within the metropolitan zone, the mileage basing points for the applicable metropolitan zone groups. (b) Between two or more metropolitan zones within the same metropolitan zone group use for constructive mileage determination the mileage basing points for the individual metropolitan zones. 2. At time of tender of shipment, carrier shall issue a single agreement for carriage for the composite shipment, and be furnished with delivery instructions, either manifest, written or oral, containing the name of each consignee, the points of destination and the kind and quantity of livestock in each component part. Oral delivery instructions must be confirmed in writing not later than 48 hours after tender of shipment. 3. No split delivery shipment shall be accorded split pickup. 4. If split pickup is performed on a split delivery shipment or a component part thereof, or if shipping instructions do not conform with the requirements of paragraph 2 hereof, each component part of the split delivery shipment shall be rated as a separate shipment under other provisions of this tariff.	
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ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.

NIXED SHPMENTS Rates on mixed shipments of livestock shall be assessed in accordance with the following: 1. When two or more types of livestock, for which different rates are named in this tariff, are shipped as a mixed shipment, separate weights will be obtained (See Items 130, 140 and 150) and charges shall be computed at the separate rates applicable to each type of livestock in straight shipments at the combined weight of the mixed shipment. The minimum weight shall be the highest provided for any of the rates used in computing the charges subject to Item 160. If the event a lover charge remules by considering such types of livestock as if they were divided into two or more separate shipments such lower charge shall apply. (See Note 1) WHILL—If the actual weight of a mixed shipment only and not separately for each type of livestock contained therein, charges shall be based on the provided weight service and type of livestock included in the mixed shipment as follows: (a) When the total provided weight oxided the atotal confirmed actual weight, the deficiency between the provided and the actual weights that be computed at the lowest rate for any type of livestock included in the mixed shipment and the amount so determined shall be deduced from the charges resulting under the total provided weight is less than the total confirmed actual weight, the deficiency between the actual and the provided weights shall be computed at the lowest rate for any type of livestock included in the mixed shipment and the mount so determined shall be added to the charges resulting under the total provided weight of the shipment. (b) When the total provided weight of the shipment. (c) When the total provided weight of the shipment. (c) When the total provided weight of the shipment. 2. When livestock for which rates are named in this verify for included in the mixed shipment and the accusal and the provided weight of the shipment. Stoept as otherwise provided in this rule, when a shipment or portion thereof is unloaded i	UM RATE T	CANCELS FIFTH REVISED PAGE	;
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EFFECTIVE		ange } Decision No. 83772	_ <u></u>
effective			
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFOR			_

SECTION 1RULES (Continued)	ITEM
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 from the same point of origin to the same point of destination than results from the application of the rates herein provided. (See Notes 1, 2 and 3) NOTE 1.—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. NOTE 2.—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. NOTE 3.—When a common carrier rate, which does not include the service of loading and/or unloading is applied under the provisions of this item and when loading and/or unloading services are provided in connection with the transportation services performed, the following additional charges shall be assessed. Loading————————————————————————————————————	ø210
ALTERNATIVE APPLICATION OF COMBINATIONS WITH COMMON CARRIER RATES (Items 220 and 221) When lower aggregate charges result, rates provided in this tariff may be used in combination with common carrier rates for the same transportation as follows: (a) When point of origin is located beyond railhead and point of destination is located at railhead, add to the common carrier rate applying from any (1) team track or (2) private railhead which is owned or leased by the party who contracts with the carrier for the performance of the transportation service, to point of destination, the rate provided in this tariff, applicable to the weight of the entire shipment, for the distance from point of origin to such team track or private railhead from which the common carrier rate used applies. (See Notes 1, 2 and 3) (b) When point of origin is located at railhead and point of destination is located beyond railhead, add to the common carrier rate applying from point of origin to any (1) team track or (2) private railhead which is owned or leased by the party who contracts with the carrier for the performance of the transportation service, the rate provided in this tariff, applicable to the weight of the entire shipment, for the distance from such team track or private railhead to which the common carrier rate used applies to point of destination. (See Notes 1, 2 and 3) (Continued in Item 221)	220
ø Change) Decision No. 83772	

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

THIRD RE D PAGE....17-A CANCELS SECOND REVISED PAGE...17-A

SECTION 2--DISTANCE COMMODITY RATES (Continued) (In Cents per 100 Pounds)

ITEM

CATTLE, viz.: Bulls, Calves, Cattle, Cows, Dairy Cattle, Heifers, Oxen and

Steers.

Barrows, Boars, Butcher Hogs, Feeder Pigs, Gilts, Hogs, Pigs, Sows, Stags and Swine. HOGS, viz.:

MIL	ES			RATI Minimum Weigh	ES		7
Over	But Not Over	Any Quantity	10,000	30,000 (See Note 1 Item 275)	(3) 40,000 (See Note 2 Item 275)	(1) (2) (3) 44,000 (See Note 3 Item 2.75)	
0 3 5 10 15	3 5 10 15 20	26 27 29 32 36	16 17 20 21 23	14 15 17 18 20	010 012 14 15	0 9 010 011 012 013	
20	25	40	24	21	17	15	
25	30	43	26	22	18	16	
30	35	46	28	23	20	17	
35	40	49	30	24	21	18	
40	45	53	32	25	22	21	
45	50	57	35	27	23	22	
50	60	61	40	29	25	23	
60	70	65	43	32	26	25	
70	80	69	47	35	28	26	
80	90	72	50	38	30	27	
90	100	76	54	40	32	29	♦270
100	110	79	60	42	35	31	
110	120	82	64	44	38	32	
120	130	85	68	46	40	34	
130	140	89	72	48	42	35	
140	150	93	77	52	44	36	
150	160	96	81	54	45	39	
160	170	100	85	57	47	40	
170	180	104	90	60	49	42	
180	190	108	95	63	52	44	
190	200	113	98	66	. 54	46	
200	220	119	105	70	59	49	
220	240	127	113	76	63	53	
240	260	135	119	81	66	58	
260	280	141	129	87	70	61	
280	300	149	137	93	75	64	
300	325	158	145	98	79	69	
325	350	167	156	105	85	74	
350	375	175	166	111	90	79	
375	400	183	175	117	96	83	

v	Anc.	rease,	except	as	notea
0	No	Change			

) Decision No.

83772

EFFECTIVE

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

CELS FOURTEENTH REVISED PAGE....18

SECTION 2--DISTANCE COMMODITY RATES (Continued) (In Cents per 100 Pounds)

ITEM

CATTLE, viz.: Bulls, Calves, Cattle, Cows, Dairy Cattle, Heifers, Oxen and

Steers.

Barrows, Boars, Butcher Hogs, Feeder Pigs, Gilts, Hogs, Pigs, HOGS, viz.:

Sows, Stags and Swine.

				RAT			
MI	<u>LES</u>			Minimum Weig			
Over	But Not Over	Any Quantity	10,000	30,000 (See Note 1 Item 275)	(3) 40,000 (See Note 2 Item 275)	(1)(2)(3) 44,000 (See Note 3 Item 275)	
400 425 450 475 500 525 550 575	425 450 475 500 525 550 575 600	191 199 208 216 226 234 243 250	185 194 204 212 221 229 236 244	124 132 138 144 152 159 164 171	101 107 113 118 124 131 137 142	89 94 100 105 111 116 121 125	◊272
600 mile each 25 fraction	tances over es add for miles or n thereof es of 600	08	08	0 7	06	06	

- Rates apply only:
 (a) To the transportation of cattle to packing houses or slaughter houses for slaughter, subject to the varying minimum weights per shipment as set forth in Note 3 of Item 275; and
- (b) When the actual weight of the shipment is confirmed by a public weighmaster's certificate.

(2) Rates are not subject to the provisions of:

- (a) Item 130 (2), Shipmonts of livestock for which the carrier may, but is not required to, obtain a public weighmastor's certificate;
 (b) Item 140 (2), Determination of weights and charges;
- (c)
- Item 150, Provided weights per animal; Item 190, Mixed shipments; and do not apply to the transportation of cattle in mixed shipments with (d) other livestock.
- (3) Rates subject to minimum weights of 40,000 or 44,000 pounds are also subject to the provisions of Item 290 (Livestock Volume Incentive Rates) and Item 295 (Livestock Volume Tender Rates).

(Continued in Item 275)

♦ Increase, except as noted) Decision No. o No Change

EFFECTIVE

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

SECTION 2--DISTANCE COMMODITY RATES (Continued) (In Cents per 100 Pounds)

ITEM

SHEEP, viz.: Ewes, Goats, Kids, Lambs, Rams (Bucks), Sheep, Sheep Camp Outfits and Wethers.

MIL	cs —			ATES that in Pounds		
Over	But Not Over	Any Quantity	10,000	30,000 (See Note % Item 285)	(1) 40,000 (See Note 2 Item 285)	
0 3 5 10 15	3 5 10 15 20	26 27 29 32 35	21 22 24 26 29	18 21 23 24 25	17 18 22 23 24	
20 25 30 35 40	25 30 35 40 45	39 42 45 48 52	31 33 35 38 40	26 27 29 30 31	25 26 27 28 29	
45 50 60 70 80	50 60 70 80	54 60 64 68 71	42 46 50 54 60	32 34 38 40 43	30 32 34 36 39	¢280
90 100 110 120 130	100 110 120 130	75 77 80 83 · 87	64 68 72 77 81	45 48 52 55 59	41 43 45 47 49	
140 150 160 170 180	150 160 170 180	90 94 99 102 106	85 91 97 101 105	62 64 67 69 72	53 57 60 62 64	
190 200 220 240 260	200 220 240 260 280	111 117 124 133 139	109 116 123 131 138	76 81 87 94 100	67 71 76 81 85	
280 300 325 350 375	300 325 350 375 400	145 155 162 172 179	143 152 160 168	104 112 118 125 134	91 98 103 108 115	

o Increase, Decision No.

83772

EFFECTIVE

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

TWELFTH REVISED PAGE.....19

SECTION 2--DISTANCE COMMODITY RATES (Continued) (In Cents per 100 Pounds)

ITEM

SHEEP, viz.: Ewes, Goats, Kids, Lambs, Rams (Bucks), Sheep, Sheep Camp Outfits and Wethers.

	50			ATES		
MIL	<u> </u>		WINIWAW MOT	ghts in Pounds		
Over	But Not Over	Any Quantity	10,000	30,000 (See Note 1 Item 285)	(1) 40,000 (See Note 2 Item 285)	
400	425	187	185	140	119	
425	450	196	194	147	125	_ ·
450	475	204	202	155	133	- 1
475	500	213	211	161	138	1
500	525	221	218	168	143)
525	550	230	227	176	150	028
550	575	238	235	183	156	1 7
575	600	246	243	191	161	1
600 mile	ances over s add for miles or thereof					
in exces	s of 600	_		_		1
miles	•	08	08	φ?	96	}

(1) Rates subject to minimum weight of 40,000 pounds are also subject to the provisions of Item 290 (Livestock Volume Incentive Rates) and Item 295 (Livestock Volume Tender Rates).

(Continued in Item 285)

o Increase, except as noted) Decision No.

83772

EFFECTIVE

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

FIFTH R. SED PAGE...21
CANCELS
FOURTH REVISED PAGE...21

SECTION 3--RATES (In Cents Per Head)

ITEM

Dairy Cattle, as described in Item 10.

BETWEEN					ZONES					
AND		(See Ite	ms 310 a	nd 311 f	or terri	torial z	one desc	riptions	.)	
ZONES	A	В	Ç	D	E	F	G	Ĥ	I	1
A	130		ļ							
В	165	130							}	
c	300	230	130		}	1				
Þ	300	300	300	130	}					l
E	230	230	230	165	130	}				
F	165	165	300	230	165	130	1			0
G	230	300	455	300	300	230	130		1	
н	165	230	375	300	300	165	165	130		
I	165	230	375	375	300	230	230	165	130	l

Rates are subject to a minimum charge of \$1.65 per shipment. Not subject to the provisions of Items 130, 140 and 150.

♦ Increase, Decision No.

83772

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