Decision No. 84154

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BEFORE THE PUBLIC UTILITIES COIMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation into the rates, rules, regulations, charges, allowances and practices of all household goods carriers, common carriers, highway carriers and city carriers relating to the transportation of used household goods and related property.

Case No. 5330

SUPPLEMENTAL OPINION AND ORDER

On May 16, 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 clarification of the provisions in Item 95 of Minimum Rate Tariff 4-B pertaining to the computation of time. These provisions govern the application of the hourly rates named in said tariff for the transportation of uncrated used household goods and related articles. 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 the tariff in accordance with the staff recommendations.

The aforementioned item presently reads in part as follows:

"(a) In computing hourly rates the time shall be the total of the loading, unloading, and double the driving time between the point of origin and the point of destination - - -".

According to the report, a question has been raised as to whether the carrier must double the driving time from origin to destination and from destination to origin for each trip when it requires more than one trip to complete the shipment of household goods under the aforementioned provisions. A collateral

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question is also raised as to whether the carrier should assess double the driving time on all trips in excess of the first trip when additional trips are required because the carrier does not have available equipment to move all the goods at one time.

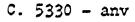
The report indicates that it could be inferred from the wording in the provisions in question that the driving time from origin to destination and from destination to origin should be doubled for each trip. Double the driving time from origin to destination was established to provide an allowance factor for portal-to-portal time involved in moving the van and the carrier's employees from the terminal to the point of loading. Once the carrier has been compensated for its portal-to-portal costs, double the driving time should not be applied to additional trips since the carrier does not return to the terminal before picking up a second or subsequent load. On this basis, the staff recommended that doubling the driving time from origin to destination be applied only once per shipment.

Written comments have been received from Bekins Moving & Storage Co., California Moving and Storage Association, California Trucking Association and Department of General Services of the State of California. Approval of the proposal was indicated in one of the comments. The other comments included suggestions which were intended to clarify the involved tariff provisons. 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. Z-18 and Z-19 in Case No. 5330.

Upon consideration of the evidence in this proceeding, the Commission finds that the proposed staff amendment to Hinimum Rate Tariff 4-B, 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 involved. A public

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hearing is not necessary. The Commission concludes that Minimum Rate Tariff 4-B should be amended accordingly by the order herein.

IT IS ORDERED that:

1. Minimum Rate Tariff 4-B (Appendix C to Decision No. 65521, as amended) is further amended by incorporating therein, to become effective April 5, 1975, Second Revised Page 11 attached hereto and by this reference made a part hereof.

2. Common carriers subject to the Public Utilities Act, to the extent they are subject also to Decision No. 65521, 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 or authorized 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; such tariff publications as are required shall be made effective not later than April 5, 1975; and as to tariff publications which are authorized but not required, the authority herein granted shall expire unless exercised within sixty days after the effective date hereof.

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. 65521, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 4th day of March, 1975.

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SECTI	ON 1RULES (Contin	(Dour	ITEM
COMPUTATION OF TIME UNDER HOUKLY RATES NAMED IN ITEMS 330 and 350			
(a) In computing hourly rates the time shall be the total of the loading, un- loading, and double the driving time between the point of origin and the point of destination (*See Exception). (See paragraphs (b), (c), (e), and (f) hereof, and Items 170 and 175 for exceptions to this rule.)			
between origin and des tal of the loading and the driving time for t	tination, the char- unloading time, t he first trip from r all additional t	b perform more than one trip goable time shall be the to- o which will be added double origin to destination and rips between the origin and shed by the carrier.	
(b) When two or more shipm to be used shall be the total of driving time, for each shipmont.	the loading and u	ed on a unit of equipment, time nloading time, plus 25 minutos	
(c) When shipper requests assist in loading or unloading, mined by applying the rate per m helpers, to the time such helper vices.	but not both, the man, por hour, prov	additional helper or helpers to charge therefore shall be deter- ided in Itom 330 for additional gaged in performing these ser-	
(2) In computing the accessorial rates the time shall be the total time actually spent packing or unpacking or both. (See paragraph (1) horoof.)			ø95
(e) When two or more units a single shipment and the driver in loading or unloading another be charged for at the rate provi any such interval, time shall no being loaded or unloaded.	and/or helper or unit, the time suc ided in Itom 330 fo	h persons are so engaged shall r additional helpers. During	
(f) After the total time) graphs (a), (b), (c), (d) or (e) fractions thereof. Fractions of the following table:	hereof, it shall	undor the provisions of para- be converted into hours and/or determined in accordance with	
Minute: Over	s But not over	Fractional hour	
0	7	omit	
7	22	1/4	
22 37	37 52	1/2 3/4	
52	52 60	Ĩ	1
INTES OF	MEASUREMENT TO BE	OBSERVED	
			1.00
Rates and charges shall not be quoted (including for the purpose of determining the probable cost of services) or assessed by carriers based upon a unit of measurement different from that in which the minimum rates and charges of this tariff are stated.			100
REFERENC	es to items and oth	ier taklfys	<u> </u>
Unless otherwise provided, references horein to item numbers in this or other tariffs include references to such numbers and references to other tariffs include references to amendments and successive issues of such other tariffs.			105
Ø Chance) Decision No. * Addition) Decision No.	84154		
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ISSUED	BY THE PUBLIC UTI	ITIES COMMISSION OF THE STATE OF CAL	IFORNIA
Correction		SAN FRANCISCO, CAL	IFORNIA.