

**ORIGINAL**

Decision No. 84154

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 household )  
goods carriers, common carriers, )  
highway carriers and city car- )  
riers relating to the transpor- )  
tation 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

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 provisions. 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. 2-18 and 2-19 in Case No. 5330.

Upon consideration of the evidence in this proceeding, the Commission finds that the proposed staff amendment to Minimum 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

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.

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

Dated at San Francisco, California, this 4<sup>th</sup> day of March, 1975.

Vernon L. Sturgen  
President  
William J. ...  
[Signature]  
Leonard Ros  
Commissioners

SECTION 1--RULES (Continued)		ITEM																								
COMPUTATION OF TIME UNDER HOURLY RATES NAMED IN ITEMS 330 and 350																										
<p>(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 (*See Exception). (See paragraphs (b), (c), (e), and (f) hereof, and Items 170 and 175 for exceptions to this rule.)</p> <p>*EXCEPTION: When a carrier is required to perform more than one trip between origin and destination, the chargeable time shall be the total of the loading and unloading time, to which will be added double the driving time for the first trip from origin to destination and actual driving time for all additional trips between the origin and destination for each motor vehicle furnished by the carrier.</p> <p>(b) When two or more shipments are transported on a unit of equipment, time to be used shall be the total of the loading and unloading time, plus 25 minutes driving time, for each shipment.</p> <p>(c) When shipper requests the service of an additional helper or helpers to assist in loading or unloading, but not both, the charge therefore shall be determined by applying the rate per man, per hour, provided in Item 330 for additional helpers, to the time such helper or helpers are engaged in performing these services.</p> <p>(d) In computing the accessorial rates the time shall be the total time actually spent packing or unpacking or both. (See paragraph (f) hereof.)</p> <p>(e) When two or more units of equipment are furnished for transportation of a single shipment and the driver and/or helper or helpers of any one unit assist in loading or unloading another unit, the time such persons are so engaged shall be charged for at the rate provided in Item 330 for additional helpers. During any such interval, time shall not accrue for the unit or units of equipment not being loaded or unloaded.</p> <p>(f) After the total time has been determined under the provisions of paragraphs (a), (b), (c), (d) or (e) hereof, it shall be converted into hours and/or fractions thereof. Fractions of an hour shall be determined in accordance with the following table:</p> <table><tr><th>Over</th><th>Minutes</th><th>But not over</th><th>Fractional hour</th></tr><tr><td>0</td><td></td><td>7</td><td>omit</td></tr><tr><td>7</td><td></td><td>22</td><td>1/4</td></tr><tr><td>22</td><td></td><td>37</td><td>1/2</td></tr><tr><td>37</td><td></td><td>52</td><td>3/4</td></tr><tr><td>52</td><td></td><td>60</td><td>1</td></tr></table>			Over	Minutes	But not over	Fractional hour	0		7	omit	7		22	1/4	22		37	1/2	37		52	3/4	52		60	1
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UNITS OF MEASUREMENT TO BE OBSERVED																										
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.																										
REFERENCES TO ITEMS AND OTHER TARIFFS																										
Unless otherwise provided, references herein 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.																										
o Change ) Decision No. 84154 * Addition )																										
EFFECTIVE																										
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.																										
Correction																										