

ltc

ORIGINAL

Decision No. 84420

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of G. L. TAMPLIN & SON)
TRUCKING, for authority to transport)
flattened car bodies within an)
approximate 125 mile radius from the)
Los Angeles basin, Orange County and)
Riverside Counties to National City,)
California for Scrap Disposal Inc.)
of National City, California.)

Application No. 55307
(Filed November 13, 1974;
amended January 10, 1975)

Gordon Wayne Tamplin, for himself and Gordon
Lee Tamplin, applicants.
Charles D. Gilbert and H. Hughes, for California
Trucking Association, interested party.
Frank M. Nyulassy, for the Commission staff.

O P I N I O N

Gordon Lee Tamplin and Gordon Wayne Tamplin, a partnership, doing business as G. L. Tamplin & Son Trucking, request authority to deviate from the provisions of Minimum Rate Tariff 2 (MRT 2) for the transportation of flattened or crushed car bodies from various wrecking yards in Southern California to Scrap Disposal Inc. at National City, California.

Public hearing was held before Examiner O'Leary at San Diego on February 25, 1975. The matter was submitted upon receipt of late-filed Exhibits 2 and 3 on March 4, 1975.

Applicants hold permits authorizing operations as a radial highway common carrier and a dump truck carrier.

A Class 35 minimum truckload rate is currently provided in MRT 2 for the transportation involved. Applicants seek authority to assess a rate of 30 cents per 100 pounds, minimum 47,000 pounds per truckload. The sought relief is predicated upon the following special transportation circumstances.

1. Loading Facilities

Loading is performed by power equipment (forklift) at shipper's expense. Actual loading and weighing time is approximately 30 minutes.

2. Uniformity of Loads

Each load consists of three tiers of stacked, flattened car bodies, loaded on flatbed trailers.

3. Securing Load on Trailers

The total driver time needed to tie down or secure a load after weighing does not exceed 30 minutes.

4. Weighing of Loads

Platform scales are located at the loading site.

5. Driving Time en route to Destination

All driving is freeway driving and maximum posted legal truck speeds can normally be attained from start to finish.

6. Unloading Facilities

Unloading is performed by power equipment (forklift) at shipper's expense. Actual unloading time and weighing consists of approximately 30 minutes.

Revenue and expense data submitted by applicants disclose that transportation at the proposed rates will be compensatory.

One of the applicants testified that after the car bodies are delivered to Scrap Disposal Inc., they are shredded into small pieces of steel and shipped overseas. The representative of the California Trucking Association raised the question as to whether the transportation is foreign commerce rather than intrastate commerce. The transportation involved herein is similar to a situation considered by the United States Supreme Court as follows:

"The movement of rough lumber from forest to milling points in the state, followed by the forwarding of the finished product to points outside the state, did not constitute interstate commerce so as to render inapplicable the rough-material intrastate freight rates prescribed by state authority, although experience indicated that 95 percent of the product must be marketed outside the state, where it was not intended, when the rough material left the woods, that it should be transported out of the state or elsewhere beyond the mill until it had been subjected to a manufacturing process that materially changed its character, utility, and value, and where, after the product was manufactured, it was stored at the mill to await a market, the manufacture and storage occupying five months on the average." (Arkadelphia Milling Co. v St. Louis S.W.R. Co. (1918) 249 US 134 63 L ed 517, 519.)

The representative of the California Trucking Association also raised the question as to whether the transportation could be performed under applicants' radial highway common carrier permit since approximately 82 percent of the transportation originates at two origins. We have previously stated in Decision No. 73834 dated March 12, 1968 in Application No. 49931, unreported:

"The operations of a radial highway common carrier, by definition, do not include services between fixed termini or over a regular route. The application in this matter indicates that the services in issue herein are such services. Thus, it appears that the nature of applicant's present operations would preclude applicant from utilizing the deviation authority.

"A further matter to be considered is the fact that the rates which applicant would assess under the authority herein sought would constitute a special basis of charges for a designated shipper. The assessing of special rates and charges by a common carrier for the transportation of shipments of a designated

shipper is a form of discrimination which is prohibited by Article XII, Section 21, of the State Constitution."

If applicants are to avail themselves of the deviation authority granted herein, they should perform the services as a highway contract carrier. The exercise of the deviation authority will be conditioned upon applicants obtaining a permit to operate as a highway contract carrier and performing said services pursuant to that permit.

Findings

1. The favorable circumstances attendant to the transportation to be performed by applicants for Scrap Disposal Inc. are not generally present in the usual or ordinary transportation services performed by highway carriers under the governing provisions of MRT 2.

2. Applicants' rate proposal has been shown to be reasonable and justified by transportation conditions.

The Commission concludes that the authority requested in Application No. 55307 should be granted. Since transportation conditions may change, the authority should be made subject to an expiration date of approximately one year.

O R D E R

IT IS ORDERED that:

1. Gordon Lee Tamplin and Gordon Wayne Tamplin, doing business as G. L. Tamplin & Son Trucking, are authorized to transport car bodies, flattened or crushed, for Scrap Disposal Inc. pursuant to a permit as a highway contract carrier, from and to the points and at the rate specified in Appendix A attached hereto and by reference made a part hereof.

2. The authority granted herein shall expire one year after the effective date hereof unless sooner canceled, modified, or extended by order of the Commission.

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

Dated at San Francisco, California, this 13th
day of MAY, 1975.

Vernon L. L. L. L.
President
William J. L. L.
Robert L. L. L.
Robert L. L. L.
Commissioners

APPENDIX A

Carrier: Gordon Lee Tamplin and Gordon Wayne Tamplin, doing business as G. L. Tamplin & Son Trucking.

Shipper: Scrap Disposal Inc.

Commodity: Car bodies, flattened or crushed.

Origins: A to Z Auto Wrecking, Huntington Beach.
Bowman Auto Wrecking, Perris.
Valley Auto Wrecking, Hemet.
Steel Products, South Gate.
Jim's Auto Wrecking, Fontana.
Dons Freeway, Escondido.
Golden West, Gardena.
Wilmington Auto Salvage, Wilmington.
Temecula Auto Wrecking, Temecula.
Star Auto Wrecking, South Gate.
A-Car Auto Wrecking, El Monte.
Pioneer Auto Wrecking, Norwalk.
Brookhurst Auto Wrecking, Westminster.
West Grave Auto Wrecking, Westminster.
Jin's Auto Wrecking, Compton.

Destination: Scrap Disposal Inc., National City, California.

Rate: 30 cents per 100 pounds.

Minimum Weight: 47,000 pounds per unit of equipment.

Qualifications:

- A. Shipments to be transported on open flatbed trailers.
- B. Loading and unloading to be performed with power equipment (forklift) at shipper's expense.
- C. Unloading delay time not to exceed 30 minutes.
- D. Split delivery and/or split pickup services shall not apply.
- E. All other provisions of Minimum Rate Tariff 2 shall apply.