

Decision No. 84562

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 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 (in-)
cluding, but not limited to,)
transportation for which rates)
are provided in Minimum Rate)
Tariff No. 2).)

Case No. 5432
Petition for Modification
No. 859
(Filed May 23, 1975)

OPINION AND ORDER

Minimum Rate Tariff 2 (MRT 2) names minimum rates and rules for the statewide transportation of general commodities by highway carriers. By this petition, California Trucking Association seeks to have the expiration date of June 30, 1975, extended to December 31, 1976, in connection with the provisions of MRT 2 relating to multiple service shipments, special volume incentive service, premium volume incentive service and multiple utilization of equipment.¹

Petitioner alleges that the aforementioned services were designed to promote efficiencies and economies in motor carrier operations thereby enabling a sharing of the resultant savings with shippers through the availability of lower rates or through the extension of services not otherwise available to shippers. Petitioner asserts that, because of the experimental nature of such provisions and in order to ensure that no adverse effects are

¹ These provisions are set forth in detail in Items 188, 293, 293.1, 293.2 and 293.3 of MRT 2.

imposed upon shippers or carriers during the evolution of the new and modern concepts involved, such provisions have been carried forward in the tariff on a temporary basis subject to expiration. Petitioner declares that the periodic extension of the expiration dates has promoted regular review and evaluation of the items and has generated a broadening of the application thereof in other circumstances. Petitioner states that the continued application of such provisions is highly desirable and in the public interest.

Copies of the petition were mailed to various chambers of commerce, shipper organizations and carrier representatives on or about May 23, 1975. The petition was listed on the Commission's Daily Calendar of May 29, 1975. No objection to the granting of the petition has been received.

In the circumstances, the Commission finds that petitioner's proposal is reasonable and justified. A public hearing is not necessary. The Commission concludes that the petition should be granted.

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 July 1, 1975, the revised pages attached hereto and listed in Appendix A, also attached hereto, which pages and appendix by this reference are made a part hereof.

2. Common carriers subject to the Public Utilities Act, to the extent that they are also subject to Decision No. 31606, as amended, are authorized to establish in their tariffs the amendments necessary to conform with the further adjustments ordered herein.

3. Tariff publications authorized to be made by common carriers as a result of this order may be made effective not earlier than July 1, 1975, and may be made effective on not less than one

day's notice to the Commission and to the public if filed not later than sixty days after the effective date of the minimum rate tariff pages incorporated in this order.

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.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 17th day of June, 1975.

Vernon L. Sturgeon
President
William J. Quinn
Donald Ross
Leonard Ross
Paul F. ...
Commissioners

C. 5432 (Pet. 859)

APPENDIX A

LIST OF REVISED PAGES TO
MINIMUM RATE TARIFF 2

SECOND REVISED PAGE 22-I

SECOND REVISED PAGE 22-J

FIFTH REVISED PAGE 29-A-1

THIRD REVISED PAGE 29-A-2

SECOND REVISED PAGE 29-A-5

SECOND REVISED PAGE 29-A-6

(END OF APPENDIX A)

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">MULTIPLE SERVICE SHIPMENT</p> <p>1. Multiple service shipment privileges will be extended by the carrier, subject to the provisions of this item. In such circumstances, the shipment must be prepaid and must weigh (or transportation charges must be computed upon a weight of) 20,000 pounds or more.</p> <p>2. Except as provided in exception 3 of paragraph 5 and in paragraph 7, Items 160 through 173 will not apply in connection with shipments transported under provisions of this item.</p> <p>3. Application of the provisions of this item is subject to the following conditions:</p> <ul style="list-style-type: none"> (a) Not more than two component parts may be picked up by the carrier. Shipments may not include any component part delivered to carrier's established depot. (b) Each component part picked up must be received from the same consignor but not necessarily at the same place. (c) Points of origin of the pickup components shall not be more than 35 constructive miles apart. (d) Freight picked up at one point of origin shall not be unloaded or substituted at the other point of origin. (e) A maximum of ten delivery components will be allowed for each shipment. To the extent that individual rate or exception items make different provisions with respect to total numbers of allowed split delivery components, the more restrictive provisions shall apply. (f) At the time of or prior to the initial pickup of either component, a written document must be issued to the carrier by the consignor showing, for each component part to be picked up (pickup component) and for each component part to be delivered (delivery component), all of the information required to prepare a bill of lading in compliance with provisions of Item 360 of the governing classification. In addition, the consignor shall provide the carrier with a single document containing written information setting forth in summary, the total numbers and kind of packages, descriptions of articles, and total weight of all commodities described on the bills of lading for each delivery component. Said document shall also reflect total number of pieces and total weight of all commodities in the shipment and must make reference, by number or other individual identity, to each bill of lading issued for any component part of the shipment. (g) A bill of lading form may be utilized as the single document referred to in paragraph 3(f) above. However, such bill of lading will have no effect except to consolidate, for purposes of determining freight charges, information on the bills of lading covering each component part of the shipment. (h) In no case shall any single delivery component consist of commodities picked up at more than one origin. <p>4. The provisions of this item do not apply to:</p> <ul style="list-style-type: none"> (a) Shipments, including any component part thereof, moving under Collect on Delivery (C.O.D.) provisions; (b) Shipments, including any component part thereof, transported on Order Notify Bills of Lading; (c) Shipments, all or any portion of which is provided Temperature Control Service; (d) Shipments transported under combinations with any other rates, nor (e) Shipments transported distances less than 100 constructive miles. <p style="text-align: center;">(Concluded on the following page)</p>	<p>§(E) 188</p>
<p>§00(E) Expires with December 31, 1976.</p> <p> § Change) ◊ Increase) Decision No. 84562 ◊ Reduction) </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
<p style="text-align: center;">MULTIPLE SERVICE SHIPMENT (Concluded)</p> <p>5. The rates for transportation of shipments moving under provisions of this item shall be determined and applied as follows, subject to the provisions of Paragraphs 6, 7 and 8 hereof:</p> <p>(a) Distance rates shall be determined by the distance from that point of origin to that point of destination which produces the shortest distance via the other point or points of destination. Add to such distance the distance between the two points of origin. (See Exceptions 1, 2 and 3)</p> <p>EXCEPTION 1.--Add to the distance determined under the provisions of Paragraph 5(a) above, two constructive miles for each point in excess of one located within:</p> <ol style="list-style-type: none"> (1) a single metropolitan zone, or (2) a single incorporated city, including the extended area thereof, but not within a metropolitan zone, or (3) a single unincorporated community, including the extended area thereof, but not within a metropolitan zone, designated in the Distance Table as a red point, black point or numbered junction. <p>EXCEPTION 2.--In the event a shipment has (a) either point of origin within a mileage territory and any point of destination is located outside of the same mileage territory, or (b) has any point of destination located within a mileage territory and either point of origin or any other point of destination located outside of the same mileage territory, the shortest distance shall be determined as follows:</p> <ol style="list-style-type: none"> (1) 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 point for the applicable metropolitan zone group. (2) Between two or more metropolitan zones within the same metropolitan zone group, use for constructive mileage determination the mileage basing point for the individual metropolitan zone. <p>EXCEPTION 3.--If a carrier attempts pickup of a pickup component and if, through no fault of its own said component is not available for tender to the carrier, distance shall nonetheless be computed in accordance with the provisions of this item. Other provisions of Items 170 through 173 will then apply for purposes of determining total charges applying to the shipment.</p> <p>6. If written information does not conform with the requirements of this item, or if all of the shipment is not picked up by the carrier during one calendar day, or does not otherwise comply with the provisions of this item, each delivery component shall be rated as a separate shipment under other provisions of this tariff.</p> <p>7. In addition to the rate for transportation, additional charges for each delivery component shall be assessed in the amount set forth in paragraph 2 of Note 1 in Item 173.</p> <p>8. For all shipments transported under provisions of this item, regardless of distance, add \$27.00, such charge to apply in addition to all other rates and charges.</p>	<p>(E) 188 (Con- cluded)</p>
<p>§00(E). Expires with December 31, 1976.</p> <p> § Change) 0 Increase) Decision No. 0 Reduction) </p> <p style="text-align: center; font-size: 1.5em;">84562</p>	
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Correction	

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
EXCEPTIONS TO GOVERNING CLASSIFICATION AND SECTION 2 OF THE EXCEPTION RATINGS TARIFF	
<p style="text-align: center;">SPECIAL VOLUME INCENTIVE SERVICE APPLICATION OF RATES (Applies only in connection with the truckload class rates named in Items 507 through 520) (Items 293 and 293.1)</p> <p>1- The provisions of this item apply only when the bill of lading is annotated by the shipper with the words "Special Volume Incentive Service Requested". By such request the shipper agrees to the requirements of this item as a prerequisite to application of the provisions herein.</p> <p>2. The provisions of this item apply only in connection with:</p> <ul style="list-style-type: none"> (a) Prepaid shipments released to one-half of actual value or 50 cents per pound per article, whichever is less. (b) Shipments consisting of not more than five commodities differently described (by item number) in the Governing Classification and not otherwise excluded under provisions of Paragraph 3. (c) Shipments loaded by consignor and unloaded by consignee with power equipment, furnished and used without expense to the carrier. In such circumstances, physical assistance of the carrier employee is restricted to work within or on carrier equipment and does not include stacking, unstacking, removal or placement of merchandise on pallets. <p>3. The provisions of this item do not apply in connection with:</p> <ul style="list-style-type: none"> (a) Shipments, all or any portions of which are provided Temperature Control Service. (b) Split Pickup shipments or Split Delivery shipments. (c) Shipments subject to Collect on Delivery (C.O.D.) or Order Notify Service. (d) Shipments which are transported from, to or between oil, water or gas well job sites; sites for drilling exploratory oil, water or gas wells; job sites, other than oil, water or gas well job sites, located off paved roads; or wharves. A job site means a point at which the shipment was, or is to be, used in the construction of a facility. (e) Shipments transported under government bills of lading. (f) Shipments which are not loaded in their entirety during one calendar day. (g) Shipments subject to provisions of Item 85 (Shipments Transported in Multiple Lots). (h) Shipments containing commodities for which exception ratings have been named in this tariff or the Exception Ratings Tariff (except Sections 2-B, 2-C and 2-D thereof). (i) Permit shipments. (j) Multiple Service Shipments. <p style="text-align: center;">(Continued in Item 293.1)</p>	<p style="text-align: center;">(E) 293</p>
<p>000 (E) Expires with December 31, 1976.</p> <p> <input type="checkbox"/> Change) <input type="checkbox"/> Increase) Decision No. 84562 <input type="checkbox"/> Reduction) </p>	
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Correction	

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM				
EXCEPTIONS TO GOVERNING CLASSIFICATION AND SECTION 2 OF THE EXCEPTION RATINGS TARIFF					
<p style="text-align: center;">SPECIAL VOLUME INCENTIVE SERVICE (Concluded) APPLICATION OF RATES (Applies only when specific reference is made hereto) (Items 293 and 293.1)</p> <p>4. The charge for service under the provisions of Item 293 shall be determined and applied as follows:</p> <p>(a) Determine the applicable truckload rating as provided in the Governing Classification or Sections 2-B, 2-C or 2-D (only) of the Exception Ratings Tariff.</p> <p>(b) Multiply the actual weight of the shipment, but not less than 96,000 pounds (see Note), by the rate determined in accordance with the table below:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> When the applicable rating determined in accordance with paragraph 4 (a) is: </td><td style="width: 50%; vertical-align: top;"> The rate to apply is that which corresponds to the rating shown below: </td></tr> <tr> <td style="vertical-align: top;"> 50 45 40 37½ 35 35.1 35.2 35.3 35.4 </td><td style="vertical-align: top;"> 40 37½ 35 35.1 35.2 35.3 35.4 95% of 35.4 90% of 35.4 </td></tr> </table> <p>NOTE.--If more than 2 units of carrier's equipment are required to transport the shipment, the minimum weight shall be determined by multiplying the number of units of carrier's equipment utilized (whether or not fully loaded) by 45,000 pounds.</p> <p>5. Rates resulting from application of this item do not alternate with other rates and charges in this tariff and may not be used in combination with any other rates.</p>	When the applicable rating determined in accordance with paragraph 4 (a) is:	The rate to apply is that which corresponds to the rating shown below:	50 45 40 37½ 35 35.1 35.2 35.3 35.4	40 37½ 35 35.1 35.2 35.3 35.4 95% of 35.4 90% of 35.4	4(E) 293.1
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<p>400(E) This item expires with December 31, 1976.</p> <p> § Change) ◊ Increase) Decision No. ◊ Reduction) </p> <p style="text-align: center; font-size: 1.5em;">84562</p>					
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Correction

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM																				
EXCEPTIONS TO GOVERNING CLASSIFICATION AND SECTION 2 OF THE EXCEPTION RATINGS TARIFF																					
<p>PREMIUM VOLUME INCENTIVE SERVICE (Concluded) APPLICATION OF RATES</p> <p>(Applies only in connection with the truckload class rates named in Items 507 through 520)</p> <p>(b) Two or more shipments, at one time, at the same place, with each shipment loaded in or on separate units of carrier's equipment or the same unit of carrier's equipment when moving under the provisions of Item 293.3.</p> <p>NOTE 1.--Each of such shipments must meet all requirements of this item.</p> <p>NOTE 2.--In no event shall the weight on which freight charges are computed be less than 48,000 pounds for each time a unit of carrier's equipment is used to transport a shipment or portion thereof.</p> <p>NOTE 3.--The entire amount tendered under provisions of this item shall be available to the carrier for immediate transportation at the time of initial pickup.</p> <p>NOTE 4.--The entire amount tendered under provisions of this item must be picked up by the carrier within a 24 hour period computed from 12:01 A.M. of the date on which the initial pickup commences.</p> <p>NOTE 5.--Bills of Lading issued for the two or more shipments moving under provisions hereof, must make reference, by number or other individual identity, to each other bill of lading issued.</p> <p>NOTE 6.--Rates include the services of a single driver only, for each unit of carrier's equipment used. No additional employees may be furnished nor may the carrier pay for services of helpers or other parties to perform, or assist in performance of loading, unloading or accessorial services rendered under this tariff, whether or not reimbursed therefor.</p> <p>NOTE 7.--For purposes of applying the provisions of this item, the term "shipment" means a quantity of freight tendered to a carrier by one consignor at one place at one time for delivery to one consignee at one place on one bill of lading.</p> <p>7. The charge for service under the provisions of this item shall be determined and applied as follows:</p> <p>(a) Determine the applicable truckload rating as provided in the Governing Classification, the Exception Ratings Tariff or this tariff.</p> <p>(b) Multiply the actual weight or minimum weight of the shipment, whichever is greater, by the rate determined in accordance with the table below:</p> <table border="0"> <tr> <td>When the rating determined in accordance with Paragraph 7(a) is</td><td>The rate to apply is that which corresponds to the rating shown below (subject to Item 293.3)</td></tr> <tr> <td>50</td><td>37½</td></tr> <tr> <td>45</td><td>35</td></tr> <tr> <td>40</td><td>35.1</td></tr> <tr> <td>37½</td><td>35.2</td></tr> <tr> <td>35</td><td>35.3</td></tr> <tr> <td>35.1</td><td>35.4</td></tr> <tr> <td>35.2</td><td>95% of 35.4</td></tr> <tr> <td>35.3</td><td>90% of 35.4</td></tr> <tr> <td>35.4</td><td>85% of 35.4</td></tr> </table>	When the rating determined in accordance with Paragraph 7(a) is	The rate to apply is that which corresponds to the rating shown below (subject to Item 293.3)	50	37½	45	35	40	35.1	37½	35.2	35	35.3	35.1	35.4	35.2	95% of 35.4	35.3	90% of 35.4	35.4	85% of 35.4	<p>§(E) 293.2 (Con- cluded)</p>
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EXCEPTIONS TO GOVERNING CLASSIFICATION AND SECTION 2 OF THE EXCEPTION RATINGS TARIFF	
<p style="text-align: center;">MULTIPLE UTILIZATION OF EQUIPMENT (Applies only when specific reference is made hereto)</p> <p>When the carrier picks up and transports in or on the same unit of carrier's equipment, utilizing the same driver, a shipment or shipments tendered in accordance with provisions making reference hereto, the charges for such shipment or shipments moving in or on the same unit of carrier's equipment, exclusive of any accessorial charges, will be reduced by an additional 5 percent provided, however, that the pickup of the second and any subsequent shipments or portion of a shipment transported in accordance with this item must be preceded by delivery to the consignee of the shipment or portion of a shipment picked up immediately prior thereto (see Notes 1 and 2).</p> <p>NOTE 1--The provisions of this item shall in no way be interpreted as requiring the carrier or its employees to operate in violation of State or Federal hours of service regulations or other provisions of law precluding carrier from transporting two shipments in or on the same piece of equipment within the allotted time period.</p> <p>NOTE 2--Shipments moving under the provisions of this item, where the point of origin is located in the Central Coastal Territory, must be picked up between the hours of 8:00 A.M. and 5:00 P.M. (see Exception).</p> <p>EXCEPTION: If origin is in San Francisco or San Mateo County, shipments must be picked up between the hours of 8:15 A.M. and 5:15 P.M.</p>	<p>ø(E) 293.3</p>
<p>øø(E) This item expires with December 31, 1976.</p> <p>ø Change) ø Increase) Decision No. 84562 ø Reduction)</p>	
EFFECTIVE	
<p>Correction</p> <p style="text-align: right;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>	