

ORIGINAL

Decision No. 84563

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)
fresh or green fruits and vege-)
tables and related items (com-)
modities for which rates are)
provided in Minimum Rate Tariff)
No. 8).

Case No. 5438
Petition for Modification
No. 109
(Filed May 23, 1975)

OPINION AND ORDER

Minimum Rate Tariff 8 (MRT 8) names minimum rates for the statewide transportation of fresh fruits and vegetables, nuts and empty containers by highway carriers and includes the services of a single carrier employee. By the above petition, California Trucking Association seeks to extend from July 1, 1975 to December 31, 1976, the expiration date governing the provisions for employment of helpers in performing accessorial services.¹

Petitioner states that the aforementioned tariff provisions have importantly influenced the potential for objective future evaluation, coordination and clarification of the existing joint jurisdictional involvement of the Commission and the Director of Industrial Relations in the area of unloading charges at established produce markets. Petitioner avers that the timing of any future revision in this matter is uncertain and the current provisions should be maintained pending further evaluation.

¹ The specific tariff provisions in question are set forth in Paragraph 1(b) of Item 120 of MRT 8.

Copies of the petition were mailed to various interested parties 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 8 (Appendix C to Decision No. 33977, as amended) is further amended by incorporating therein, to become effective July 2, 1975, Eighteenth Revised Page 13 attached hereto and by this reference made a part hereof.
2. Common carriers subject to the Public Utilities Act, to the extent that they are subject to Decision No. 33977, 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 to be made by common carriers as a result of this order shall be made effective July 2, 1975, on not less than one day's notice to the Commission and to the public.
4. Common carriers, in establishing and maintaining the rule 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 rule 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. 33977, as amended, shall remain in full force and effect.

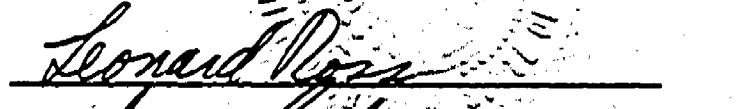
The effective date of this order is the date hereof.

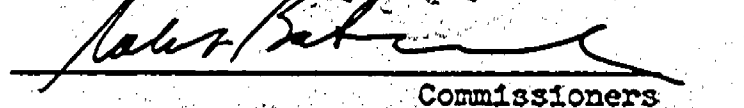
Dated at San Francisco, California, this 17th day of June, 1975.



President








Commissioners

SECTION 1--RULES OF GENERAL APPLICATION (CONTINUED)		ITEM		
APPLICATION OF RATES				
1. GENERAL				
(a) Rates provided in this tariff are for the transportation of shipments, as defined in Item 11 from point of origin to point of destination, subject to Items 130, 140 and 150.				
(E)(b) The rates and charges named in this tariff include the services of a single carrier employee (driver) only. If the services of helpers or other parties are employed to perform, or assist in the performance of accessorial services rendered under this tariff, the actual charges assessed or incurred therefor (not to exceed the scale of charges established pursuant to Sections 56801 through 56982, Chapter 8 of the California Food and Agricultural Code) shall be billed directly to and collected from the debtor. These charges shall be in addition to all other rates and charges accruing under this tariff and in no event shall such charges, if assessed or incurred on an hourly basis, be less than those provided in Item 150 (Subject to Notes 1, 2 and 3).				
NOTE 1.--The accessorial charges resulting under Paragraph 1(b) are not applicable in connection with shipments subject to Any-Quantity rates.				
NOTE 2.--The accessorial charges provided in Paragraph 1(b) are in addition to those named in Items 130 and 140 of the tariff.				
NOTE 3.--Paragraph 1(b) does not apply in connection with Item 309 and Section 4 of the tariff.				
2. DEDUCTIONS				
Except as provided in Notes 1, 2, 3 and 4 hereof, when point of origin or point of destination is carrier's established depot, the pickup and delivery rates specifically named in this tariff shall be subject to the following deductions:				
When shipment moves under rates subject to minimum weights of:	Deductions, in cents per 100 lbs. except as shown: Columns		6120	
	(1)	(2)		(3)
Less than 2,000 pounds-----	20	5		25
2,000 but less than 4,000 pounds-----	10	5		15
4,000 but less than 10,000 pounds-----	5	5		10
In cents per shipment when shipment weighs less than 100 pounds.				
Column (1)--Applies on shipments originating at carrier's established depot.				
Column (2)--Applies on shipments destined to carrier's established depot.				
Column (3)--Applies on shipments originating at and destined to carrier's established depots.				
NOTE 1.--No deduction shall be made under this rule from rates based upon a minimum weight of 10,000 pounds or more, or from minimum charges provided by Item 160.				
NOTE 2.--No deduction shall be made under this rule on shipments transported for persons, companies or corporations upon whose premises depots from or to which the transportation is performed are located.				
NOTE 3.--Deductions made under this rule on split pickup or split delivery shipments shall be made only on the weight of the component parts having point of origin or point of destination, or both (as the case may be), at the carrier's established depots, subject to Note 2.				
NOTE 4.--In no case shall the net transportation rate be less than 14 cents per 100 pounds, or less than the pickup and delivery rate, whichever is lower.				
3. DELIVERIES WITHIN A SINGLE MARKET AREA				
For the purpose of applying the rates in this tariff, multiple deliveries, not exceeding six in number, will be permitted within a single market area as defined in Item 290 and shall be deemed to be made to one consignee at one point of destination provided charges are paid by a single consignor or a single consignee.				
600(E) Expires with December 31, 1976.				
o Change) o Increase) Decision No. 84563 o Reduction)				
EFFECTIVE				
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.				
Correction				

Correction