

Decision No. 85069

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation into the rates, rules, regulations, charges, allowances and practices of all common carriers and highway carriers relating to the transportation of any and all commodities between and within all points and places in the State of California (including, but not limited to, transportation for which rates are provided in Minimum Rate Tariff No. 2).

Case No. 5432, OSH 846
(Filed March 25, 1975)

AND RELATED MATTERS.

Case No. 5330, OSH 94
Case No. 5433, OSH 59
Case No. 5436, OSH 190
Case No. 5438, OSH 107
Case No. 5439, OSH 247
Case No. 5440, OSH 98
Case No. 5441, OSH 336
Case No. 5603, OSH 172
Case No. 5604, OSH 53
Case No. 6008, OSH 30
Case No. 7783, OSH 119
Case No. 7857, OSH 123
Case No. 8808, OSH 36
(Filed March 25, 1975)

John Odoxta, for Shippers Imperial, Inc., respondent.
Philip K. Davies, for State of California, Department of General Services; Jess J. Butcher, for California Manufacturers Association; Ronald C. Broberg and H. W. Hughes, for California Trucking Association; Tad Muraoka, for IBM Corporation; Calhoun E. Jacobson, for Traffic Managers Conference of California; and William A. Main, for United States Steel Corporation; interested parties.
Leonard Diamond, for the Commission staff.

O P I N I O N

The Order Setting Hearing entered March 25, 1975 in the captioned minimum rate proceedings reads as follows:

"The Commission's Transportation Division has distributed a White Paper proposing that carrier's shipping documents show the carrier's address and telephone number. Substantial objections have been received concerning the use of the carrier's name, address and telephone number on the bill of lading which is usually prepared by the shipper. Substantial favorable response has been received concerning the addition of the carrier's address and telephone number on the freight bill or other documents used for the delivery of a shipment or the collection of charges. Additional suggestions have been presented by other parties.

"A public hearing should be held in this proceeding for the receipt of evidence relative to the addition of each carrier's address and telephone number on all freight bills or other documents used for the delivery of a shipment or the collection of charges."

Public hearing was held before Examiner Mallory at San Francisco on July 29, 1975, and the matters were submitted.

Staff Testimony

A transportation rate expert from the Commission's Transportation Division, Freight Economics Branch presented evidence in support of the staff proposal in Exhibit 846-1 that the minimum rate tariffs in the captioned proceedings be revised to include requirements that all freight bills should contain the carrier's name, current address (including zip code), and telephone number (including area code).

The testimony of the staff is summarized as follows:

A report prepared by the Freight Economics Branch staff, proposing that the carrier's shipping documents in each of the minimum rate tariffs show the carrier's address and telephone number, was mailed to shippers and carriers. Comments or suggestions were received from 3 carriers, 5 carrier organizations, 16 shippers, 5 shipper organizations, and 2 traffic consultants. The replies varied, with many of the responses containing recommendations, some of which were incorporated into the staff report in Exhibit 846-1.

Most of the comments concurred that the consignee receiving a shipment or the debtor should have sufficient information available to it on the freight bill to contact the delivering carrier when necessary. Some minimum rate tariffs do not now require the name and/or address of the carrier on freight bills and none of the minimum rate tariffs require the carrier's telephone number. Most carriers already have this information on their freight bills. With few exceptions, the parties who replied to the staff proposal on documentation changes expressed the view that the documentation reaching the customer with the shipment should contain the carrier's name, current address, and current telephone number.

Parts of the original proposal were eliminated because of significant objections. The major objection was directed to the staff proposal to require that the carrier's address and telephone number appear on the bill of lading. Very few carriers provide or complete the bill of lading. Most bills of lading are preprinted by the shipper and contain the shipper's name. The bill of lading is usually only seen by the shipper and carrier. The staff concurs that a provision requiring the carrier's name, address, and telephone number on the bill of lading would be of no value to the person eventually receiving the shipment; therefore, the staff proposal does not propose that the carrier's name, address, and phone number appear on the bill of lading.

The responses received from dump truck carrier associations and shippers of processed rock, sand, and gravel and of asphaltic concrete, objected to the requirement that the freight bill contain the proposed information. It is the practice in that industry to provide the carrier with a scale weight certificate which also becomes the carrier's freight bill. The contract between the carrier and the shipper and/or debtor is on a daily basis and a close relationship exists. The staff concluded that there did not appear to be sufficient reason to require the carrier's address and telephone number to appear on the freight bill; therefore, the transportation subject to Minimum Rate Tariffs 7-A, 17-A, and 20 was not included in the staff proposal.

The staff witness testified that the staff proposal should be implemented in the following manner. Carriers who do not have their freight bills preprinted should be required to write, type, or stamp the information on each freight bill. Carriers using preprinted freight bills should be allowed ample time to deplete existing stocks of freight bills before being required to show the proposed information. After a period of six months from the effective date of a decision in this matter all carriers performing transportation subject to the minimum rate tariffs within the scope of the order setting hearing should be required to include the carrier's name, current address (including zip code), and telephone number (including the area code) on all freight bills, or documents used for delivery or collection of charges.

On cross-examination the staff witness explained that the staff study was initiated as a result of the receipt of an informal complaint of a small shipper that it was unable to locate the carrier which delivered a damaged shipment because no address or telephone

number appeared on the freight bill, thus delaying the filing of a claim for damage. No similar incidents were within the knowledge of the witness. The witness agreed that the problem of locating carriers' addresses and telephone numbers occurs primarily in connection with small shipments and that only those minimum rate tariffs that contain less-truckload rates should be amended as proposed in Exhibit 846-1. Those tariffs are MRT 2 (statewide-general commodities), MRT 1-B (East Bay Drayage), MRT 9-B (San Diego Drayage), MRT 19 (San Francisco Drayage), MRT 8 (Fresh Fruits and Vegetables), and MRT 11-A (Uncrated New Furniture).

Evidence of General Services

A traffic analyst employed by the State of California, Department of General Services (General Services) presented Exhibit 846-2, which contains his recommendations with respect to additional information which should be shown on shipping documents. The witness stated General Services employs small carriers who issue freight bills which are unnumbered. The witness proposed that the tariffs in issue be amended to require that all freight bills bear an identifying number. Two reasons were advanced for the proposal. The first is that General Services has no way of determining whether two identical shipments are involved or whether duplicate billing has been made for a single shipment, unless each freight bill bears an identifying number. The second is that General Services plans to engage in a computer-type freight bill payment system and will need a numbering system to properly identify and pay each freight bill.

Cross-examination of the witness disclosed that General Services has had no difficulty in gaining compliance from carriers used by it with respect to freight bill requirements imposed by that agency.

Findings

1. The Commission staff proposes that the minimum rate tariffs in issue be revised to require that freight bills or shipping documents show the issuing carrier's current address and telephone number.
2. The proposed tariff provisions are necessary in order that receivers of small shipments can readily identify and locate the place of business of the carrier that delivered the shipment.
3. The staff's proposed tariff amendments will be reasonable and are necessary to govern the general commodity and specialty rate tariffs that contain less-truckload rates (MRT 2, 1-B, 8, 9-B, 11-A, and 19). The proposed amendments are not required or necessary with respect to other minimum rate tariffs in issue herein.
4. General Services proposes that the tariffs in issue herein be revised to require that freight bills be numbered.
5. The proposals of General Services are beyond the announced purposes for which the order setting hearing herein was issued and, therefore, outside the scope of this proceeding.

Conclusions

1. Adequate notice that the Commission would consider the General Services proposals presented at the hearing was not afforded to respondents and interested parties; therefore, such proposals may not be considered herein.
2. Minimum Rate Tariffs 2, 1-B, 9-B, 11-A, and 19 should be amended as proposed in staff Exhibit 846-1. Minimum Rate Tariff 8 should be amended as proposed in Exhibit 846-1 when that tariff is revised as a result of the pending proceeding in OSH 99 in Case No. 5438. The balance of the staff proposals in Exhibit 846-1 should not be adopted at this time.
3. In order to avoid duplication of tariff distribution Minimum Rate Tariff 2 should be amended by this order, and other minimum rate tariffs should be amended by separate order.

4. Common carriers, to the extent they are subject to MRT 2, 1-B, 9-B, 11-A, and 19, should be directed to comply with the revised freight bill requirements established herein.

5. The tariff pages should become effective 180 days after the effective date of this order so as to provide ample time for carriers to use up their existing supplies of freight bills before having to comply with added requirements established by this order.

6. The following proceedings should be closed:

Case No. 5330,	OSH 94	(MRT 4-B)
Case No. 5433,	OSH 59	(MRT 3-A)
Case No. 5436,	OSH 190	(MRT 6-B)
Case No. 5440,	OSH 98	(MRT 10)
Case No. 5604,	OSH 53	(MRT 12)
Case No. 6008,	OSH 30	(MRT 13)
Case No. 7783,	OSH 119	(MRT 15)
Case No. 7857,	OSH 123	(MRT 14)
Case No. 8808,	OSH 36	(MRT 18)

O R D E R

IT IS ORDERED that:

1. Minimum Rate Tariff 2 (Appendix D of Decision No. 31606, as amended) is hereby further amended by incorporating therein, to become effective May 25, 1976, Sixteenth Revised Page 27-A and Third Revised Page 68-D 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 to Decision No. 31606, as amended, are directed to comply with the freight bill requirements established by the order herein.

3. Tariff publications required 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 and such tariff publications shall be made effective not later than May 25, 1976; and tariff publications which are authorized but not required to be made by common carriers as a result of the order herein may be made effective not earlier than the tenth day after the effective date of this order, and may be made effective on not less than ten days' notice to the Commission and to the public if filed not later than sixty days after the effective date of the minimum rate tariff page incorporated in this order.

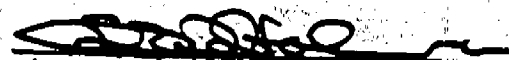
4. Common carriers, in establishing and maintaining the amendments authorized hereinabove, are hereby authorized to depart from the provisions of Section 461.5 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; 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.

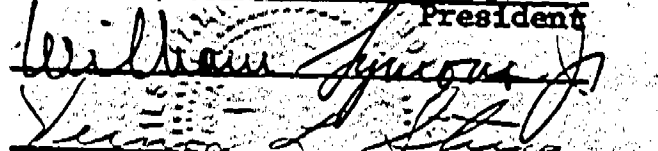
5. In all other respects, Decision No. 31606, as amended, shall remain in full force and effect.


6. The proceedings in Cases Nos. 5330 (OSH 94), 5433 (OSH 59), 5436 (OSH 190), 5440 (OSH 98), 5604 (OSH 53), 6008 (OSH 30), 7783 (OSH 119), 7857 (OSH 123), and 8808 (OSH 36) are discontinued.

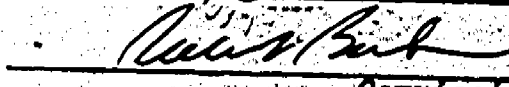
The effective date of this order shall be thirty days after the date hereof.

Dated at San Francisco, California, this 28th
day of OCTOBER, 1975.



President






Commissioners

SECTION 1--RULES OF GENERAL APPLICATION (Continued)

ITEM

ISSUANCE OF DOCUMENTS
(Items 255 and 256)

1. ISSUANCE OF BILLS OF LADING. The bill of lading required to be issued in accordance with provisions of the Governing Classification shall be issued at the time of or prior to the receipt of or pickup of the shipment. (See Item 85, multiple lot shipment; Items 160-163, split pickup shipment; and Items 170-173, split delivery shipment and Item 182, multiple service shipment, for special governing provisions.)

2. ISSUANCE OF FREIGHT BILL. A freight bill shall be issued by the carrier for each shipment transported. Except with respect to intercarrier transactions, the carrier shall not apportion, prorate, or otherwise divide the freight charges between or among the consignor(s), consignee(s), or any other parties. The freight bill shall show the following information:

- Δ(a) Name of carrier, "the carrier's current address (including zip code) and carrier's telephone number (including area code).
- (b) Date of freight bill.
- (c) Date of shipment.
- (d) Name of consignor and name of consignee.
- (e) Point of origin and point of destination.
- (f) Description of shipment (in terms of the Governing Classification, Exception Ratings Tariff, Dangerous Articles Tariff, or as provided in this tariff).
- (g) Weight of the shipment (or other factor or unit of measurement upon which the charges are based).
- (h) Rate and charge assessed.
- (i) Such other information as may be necessary to make an accurate determination of the applicable minimum rate and charge.

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3. ISSUANCE OF ACCESSORIAL SERVICE DOCUMENT. An accessorial service document shall be issued by the carrier to the consignor or consignee who requested or ordered the service for stacking, sorting, helpers for loading or unloading, vehicle detention or any other accessorial or incidental service when rendered by the carrier, but which is not authorized to be performed under the transportation rates named in Sections 2 and 3 of this tariff. The accessorial service document (see Item 912 for a suitable and proper form) shall show the following information:

- Δ(a) Name of carrier, "the carrier's current address (including zip code) and carrier's telephone number (including area code).
- (b) Date of issuance.
- (c) Name of consignor or consignee or their representative, ordering or requiring the services, or for whom they are rendered.
- (d) Bill of lading numbers or other identification of the shipments in connection with which the services are rendered.
- (e) Time for which equipment ordered, if any, and time of constructive and actual placement.
- (f) Address at which the accessorial service is performed.
- (g) Weight, in pounds, loaded or unloaded.
- (h) Time loading or unloading begun and completed.
- (i) Free time allowable.
- (j) Time or weight on which charges are based.
- (k) Rate and charges assessed.
- (l) Such other information as may be necessary to make an accurate determination of the applicable minimum rate and charge.

(Continued in Item 256)

Δ Change)
* Addition)
Δ Change, neither increase) Decision No.
nor reduction)

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EFFECTIVE

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,
SAN FRANCISCO, CALIFORNIA.

Correction

SECTION 5--FORMS OF DOCUMENTS (Continued)

ITEM 912

ACCESSORIAL SERVICE DOCUMENT

Date _____ Bill No. _____
 Name of Carrier _____ Permit No. _____
 (Name of carrier must be same as shown on permit)
 Carrier's Current Address _____ Zip Code _____
 Carrier's Telephone Number _____ Area Code _____
 Debtor _____
 (Name of shipper, consignor or receiver against whom bill is rendered)
 Address _____
 Kind of Service Rendered _____
 (State kind of delay or kind of work performed)
 Reference to Shipping Document:
 Date of Shipping Document _____ Shipping Document No. _____
 Shipper _____ Consignee _____
 Shipper's Address _____ Consignee's Address _____
 Description of Equipment _____
 (List each motor truck, trailer and semi-trailer)

EXPLANATION OF ACCESSORIAL CHARGES:

Equipment Time Data:	Day -- Hour -- Minute PM	Day -- Hour -- Minute PM
Equipment Ordered For		
Constructive Placement From		To
Actual Placement From		To
Equipment Not Inactivated From		To
Unloading Time From		To

BASIS OF CHARGES

Service	Number of Men	Type Equipment	Elapsed Time	Deductions	Time for Computations of Charges	Weight for Computation of Charges	Rate	Charges

If helper or helpers employed, state reasons therefor: _____

CERTIFICATION OF DATA:

Shipper or Receiver _____ Carrier _____
 By _____ By _____

Change, Decision No. 85069

EFFECTIVE

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,
SAN FRANCISCO, CALIFORNIA.

Correction