

ORIGINAL

Decision No. 86211

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investiga-)	
tion for the purpose of consid-)	
ering and determining minimum)	Case No. 7783
vehicle unit rates for transpor-)	Petition for Modification
tation of general commodities)	No. 131
statewide as provided in Minimum)	(Filed January 28, 1976)
Rate Tariff 15 and the revisions)	
or reissues thereof.)	

OPINION AND ORDER

By this application, California Trucking Association seeks amendment to Minimum Rate Tariff 15 to allow mixtures of interstate and intrastate traffic on units of equipment operated subject to the provisions of the yearly and monthly vehicle unit rates.

Petitioner states that one of the advantages to the shipper of conducting operations under vehicle unit rate provisions relates to the different documentation which such operations permit. Except to the extent that an individual shipper wishes, weight and extensive commodity descriptions need not be indicated on separate documents and internal paperwork can often be minimized in contrast to that usually required by the nature of typical for-hire carrier operations. Similarly, shipments destined to common geographical areas need not be sorted, segregated and otherwise accounted for in the same manner as in such operations. And yet, much of this efficiency can be obviated in certain situations involving the movement of interstate and intrastate traffic if the interstate must be sorted, segregated and documented differently than the California intrastate portions.

The Commission has established certain provisions in Minimum Rate Tariffs 2 and 6-B which authorized the combining of interstate and intrastate traffic.

Copy of the petition was served on various carrier and shipper organizations on or about January 27, 1976. The petition was listed on the Commission's Daily Calendar of January 30, 1976. California Manufacturers Association and Loughran & Hegarty, on behalf of several carriers, have informed the Commission by letters that they support the petition.

In the circumstances, the Commission finds the establishment of a rule allowing the mixture of interstate and intrastate traffic will result in just, reasonable and nondiscriminatory minimum rates for the transportation involved. A public hearing is not necessary. The Commission concludes that the petition should be granted.

Other minor changes not related to the subject matter of the petition will be made in some of the tariff pages herein being revised.¹

IT IS ORDERED that:

1. Minimum Rate Tariff 15 (Appendix D to Decision 65072, as amended) is further amended by incorporating therein, to become effective September 4, 1976, the revised pages contained in Appendix A, 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 65072, as amended, are hereby 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 September 4, 1976, and may be made effective on not less than ten days' notice to the Commission and to the public if filed not

¹References in the tariff to "The Dangerous Articles Tariff" will be changed to "The Hazardous Materials Tariff".

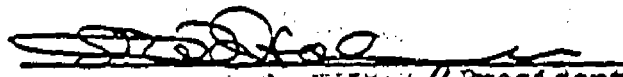
later than sixty days after the effective date of the minimum rate tariff pages incorporated in this order.

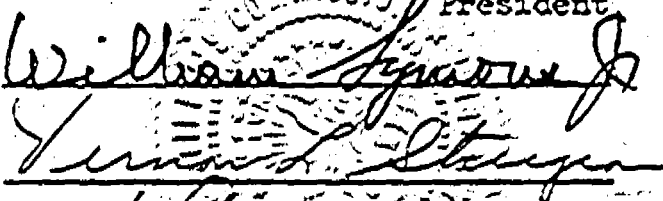
4. Common carriers, in establishing and maintaining the amendments authorized hereinabove, are hereby authorized to depart from the provisions of Section 461.5 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; 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 65072, 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 3rd day of August, 1976.



President




Commissioners

Commissioner Robert Batinevich, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A

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FIRST	REVISED	PAGE	11-D
FIFTH	REVISED	PAGE	12-A
FIRST	REVISED	PAGE	12-B
NINTH	REVISED	PAGE	12-C

(END OF APPENDIX A)

ARRANGEMENT OF TARIFF

This is a loose-leaf tariff arranged as follows:

SECTION 1--Rules
SECTION 2--Yearly Vehicle Unit Rates
SECTION 3--Monthly Vehicle Unit Rates
SECTION 4--Weekly Vehicle Unit Rates
SECTION 4-A--Hourly Vehicle Unit Rates (Metropolitan Los Angeles Area)
SECTION 4-B--Hourly Vehicle Unit Rates (San Francisco Bay Area)
SECTION 5--Mileage Rates and Other Accessorial Charges
SECTION 6--Form of Document

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§ Change)
* Addition) Decision No.

86211

EFFECTIVE

Correction

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

SECTION 1--RULES	ITEM
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS</p> <p>AIR MILE means a statute mile measured in a straight line without regard to terrain features or differences in elevation.</p> <p>BASE OF OPERATIONS means the single point described in the written agreement which shall be a point at which the shipper will regularly tender freight to the carrier or will regularly receive freight from the carrier.</p> <p>CARRIER means a radial highway common carrier, a highway contract carrier or a cement contract carrier as defined in the Highway Carriers' Act.</p> <p>CARRIER'S EQUIPMENT means any motor truck or other self-propelled highway vehicle, trailer, semitrailer, or any combination of such highway vehicles, operated by the carrier.</p> <p>CHILLED TEMPERATURE CONTROL SERVICE means the service of providing protection against heat and maintaining the commodity at a temperature higher than 32 degrees Fahrenheit.</p> <p>ESCORT SERVICE means the furnishing of pilot cars or vehicles by a carrier as may be required by any government agency to accompany a shipment for highway safety.</p> <p>FROZEN TEMPERATURE CONTROL SERVICE means the service of providing protection against heat and maintaining the commodity at a temperature of 32 degrees Fahrenheit or lower.</p> <p>GOVERNING CLASSIFICATION means National Motor Freight Classification NMF 100-C.</p> <p>HAZARDOUS MATERIALS TARIFF means Hazardous Materials Tariff 111-B, Cal.P.U.C. 12, of American Trucking Associations, Inc., Agent, including supplements thereto and reissues thereof.</p> <p>HOLIDAYS means New Year's Day (January 1), Washington's Birthday (the third Monday in February), Memorial Day (the last Monday in May), Fourth of July, Labor Day (the first Monday in September), Thanksgiving Day, the day after Thanksgiving, December 24 and Christmas Day (December 25). When a holiday falls on a Sunday, the following Monday will be considered as a holiday.</p> <p>PERMIT SHIPMENT means a shipment which because of its width, length, height, weight or size requires special authority from a governmental agency regulating the use of highways, roads or streets for the transportation of such shipment in whole or in part.</p> <p>RATE includes charge and also rules governing and the accessorial charges applying in connection therewith.</p> <p>TEMPERATURE CONTROL SERVICE means the protection from heat by use of ice (either water or solidified carbon dioxide), by mechanical refrigeration or by release of liquefied gases.</p>	§10
<p>§ Change, Decision No.</p> <p style="text-align: center; font-size: 1.5em;">86211</p>	
EFFECTIVE	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	

Correction

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">HAZARDOUS MATERIALS</p> <p>Hazardous materials include those materials described in and subject to the provisions of the Hazardous Materials Tariff. Transportation of hazardous materials under the rates and rules provided in this tariff is governed to the extent shown herein by the Hazardous Materials Tariff (California Regulations). Except as otherwise specifically provided in this tariff, where the provisions of the Hazardous Materials Tariff are in conflict with the provisions set forth in this tariff, the provisions of the Hazardous Materials Tariff will apply.</p> <p>Hazardous materials must not be accepted for transportation unless at the time of or prior to the initial pickup the consignor has furnished to the carrier written information as required under the regulations of the Hazardous Materials Tariff.</p> <p>Hazardous materials may not be shipped in mixed shipments containing one or more commodities which the Hazardous Materials Tariff prohibits being transported at the same time on a single unit of carrier's equipment.</p> <p>The provisions of Items 110 and 111 (C.O.D. Shipments) will not apply to shipments, including any component parts thereof, containing explosives (Class A, B, or C) and/or any other hazardous materials which may not be left unattended in the carrier's equipment under the regulations of the Hazardous Materials Tariff.</p>	§115
<p>§ Change, Decision No. 86211</p>	
EFFECTIVE	
<p>Correction ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>	

SECTION 1--RULES (Continued)				ITEM
CHARGES FOR HANDLING PENALTY CARGO (Items 140 and 141) (Numbers within parentheses immediately following commodities shown below refer to such commodities as they are described in the corresponding item numbers of the Governing Classification--GC.)				
In addition to all other rates and charges named in this tariff, the following charges shall be assessed for each employee, per calendar day or part thereof, for each agreement, whenever the commodities specified in this item are transported:				
COMMODITY	CHARGE (IN CENTS)			
	Territorial Application (See Item 180)			
	Territory 1 (See Note A, Item 141)	Territory 2 (See Note B, Item 141)	Territory 3	
Acids, liquid, as described under the heading ACIDS in the GC and requiring a white label under provisions of the § Hazardous Materials Tariff.	150	150	-	§140
Cement, hydraulic, masonry, mortar, natural or Portland, in bags.	-	150	-	
Copra, (53350).	-	150	-	
Fertilizers, (68140 and 68150, Sub 2), in bulk in cloth or paper bags other than Packages 702 or 707 of the GC.	-	150	-	
Freight, when creosoted, except that additional charges will not apply if articles are completely wrapped.	150	150	150	
Frozen foods, when transported under Frozen Temperature Control Service and subject to provisions of Item 560 herein; also iced foods (food products shipped or required to be transported with top ice).	-	150	-	
Grain Flour, (89430), in bulk in cloth bags.	-	150	-	
Hides, green, green salted or pickled, as described under the generic heading HIDES GROUP in the GC, in bales, bundles or loose.	150	150	150	
Hog Casings, suspended on racks.	150	150	-	
(Continued in Item 141)				
§ Change, Decision No. 86211				
EFFECTIVE				
Correction	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.			

SECTION 1--RULES (Continued)				ITEM
CHARGES FOR HANDLING PENALTY CARGO (Concluded)				
(Items 140 and 141)				
(Numbers within parentheses immediately following commodities shown below refer to such commodities as they are described in the corresponding item numbers of the Governing Classification--CC.)				
In addition to all other rates and charges named in this tariff, the following charges shall be assessed for each employee, per calendar day or part thereof, for each agreement, whenever the commodities specified in this item are transported:				
COMMODITY	CHARGE (IN CENTS)			
	Territorial Application (See Item 180)			
	Territory 1 (See Note A)	Territory 2 (See Note B)	Territory 3	
Insecticides, in bulk in bags other than Packages 34, 46 or 385 of the CC required to be labeled as a Class B poison under the provisions of the § Hazardous Materials Tariff.	150	-	-	ø141
Lamp Black, (23900 and 23940).	150	150	150	
Machinery or heavy freight requiring jacks or rollers. (See Note C)	250	250	-	
Meat, whenever driver or helper is engaged in handling, swinging or laying thereof.	150	480	-	
Pigment, (149650, 150190, and 150320) when transported in bulk in bags.	-	150	-	
Sacks or bags, used and unwashed, in which powdered resin has been transported.	150	150	-	
Spun glass, (86980, Sub 1) when shipped in packages which do not completely enclose the commodity.	150	150	-	
Sulphur, other than crude, (179900, Sub 1) in bulk in bags other than Packages 34, 46 or 385 of the CC.	150	150	-	
Wire, barbed, (107480).	-	150	-	
NOTE A - Charges apply only when carrier transports 10,500 pounds or more.				
NOTE B - Charges apply only when carrier transports not less than 2,500 pounds or not less than 25 pieces.				
NOTE C - Charges not subject to Notes A or B.				
ø Change, Decision No. 86211				
EFFECTIVE				
Correction	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.			

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">CHARGES FOR LAYOVER AND SUBSISTENCE</p> <p>In addition to all other applicable rates and charges named in this tariff, the following charges will be assessed:</p> <p>(a) A charge of \$12.00 per hour, minimum 8 hours, per man, in the event that a driver or other carrier employee must layover en route as required by law because of an excess of hours of service, and</p> <p>(b) A charge of \$11.70 per 24-hour period shall be assessed for subsistence for each driver or other carrier employee if service requires overnight delay.</p>	150
<p style="text-align: center;">ADDITIONAL CHARGES FOR TRANSPORTING WINE OR LIQUOR</p> <p>When the base of operations as set forth in the written agreement is located in San Francisco or San Mateo County, an additional charge of \$3.50 per man, per calendar day or part thereof, shall be assessed whenever the carrier is exclusively engaged in transporting wine or liquor.</p>	160
<p style="text-align: center;">ADDITIONAL CHARGES FOR TRANSPORTING HAZARDOUS & MATERIALS</p> <p>(a) The provisions of this item apply only when the base of operations as set forth in the written agreement is located within Territory 1 or Territory 2 as described in Item 180.</p> <p>(b) An additional charge of \$1.70 per man, per calendar day or part thereof, shall be assessed whenever the carrier transports articles described under the heading "Ammunition, Explosive, Group" in the Governing Classification.</p>	170
<p style="text-align: center;">MIXED SHIPMENTS</p> <p>(Applies only in connection with transportation performed pursuant to rates set forth in Sections 2 and 3)</p> <p>Commodities on which interstate rates are applicable may be transported under vehicle unit rates named in this tariff in mixed shipments with commodities on which intrastate rates are applicable, subject to the following provisions:</p> <ol style="list-style-type: none"> 1. All interstate and intrastate origins and destinations must be located wholly within the geographical limits of the State of California and within the scope of the area covered by the written agreement provisions in Items 90 and 91. 2. Charges shall be determined as though all of the commodities were intrastate in nature and were ratable under the provisions of this tariff. 3. Intrastate portions of such shipments may not be combined with interstate portions moving on through interstate rates to the points outside of the State of California. 4. The term interstate as used in this item means interstate or foreign. 	90 175
<p>o Change) * Addition) Decision No. 86211 o 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>	