

ORIGINAL

Decision No. 86796

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investiga- )  
tion for the purpose of consider- )  
ing and determining minimum rates )  
for transportation of uncrated new )  
furniture statewide as provided in )  
Minimum Rate Tariff 11-A and the )  
revisions or reissues thereof. )

Case No. 5603  
Petition for Modification  
No. 202  
(Filed December 10, 1976)

OPINION AND ORDER

Minimum Rate Tariff 11-A (MRT 11-A) names rates and rules for the statewide transportation of uncrated new furniture by highway carriers. By the above petition, California Trucking Association seeks to have the expiration date of December 31, 1976, extended to December 31, 1977, in connection with the split delivery provisions and distance incentive rates in MRT 11-A. Petitioner also requests that common carriers be directed to establish in their respective tariffs all such modifications as may be prescribed by the Commission's order in this proceeding, including relief from the long- and short-haul provisions of Section 461.5 of the Public Utilities Code.

Petitioner states that the aforementioned rates and provisions afford shippers significant reductions in freight rates and promote efficient motor carrier operations. Petitioner avers that these tariff rates and provisions are still experimental in nature and continuance of the benefits resulting from the application of such rates and provisions is generally desirable and in the public interest.

Copies of the petition were mailed to interested parties on or about December 10, 1976. The petition was listed on the Commission's Daily Calendar of December 13, 1976. No objection to the granting of the petition has been received.

In the circumstances, the Commission finds that petitioner's proposal is reasonable to the extent hereinafter indicated and the resulting rates and charges will be just, reasonable and nondiscriminatory minimum rates and charges for the involved transportation. The aforementioned provisions for split delivery services and distance incentive services have been in effect on a temporary or experimental basis and have already been extended several times. These tariff provisions will be made permanent as procedures are available to petitioner and other interested parties in the event that they may desire to modify or cancel said provisions in the future. A public hearing is not necessary. The Commission concludes that the petition should be granted as set forth in the ensuing order and the effective date of this order should be the date hereof because there is an immediate need to continue the tariff provisions in effect without a lapse in their effectiveness.

IT IS ORDERED that:

1. Minimum Rate Tariff 11-A (Appendix A to Decision 50114, as amended) is further amended by incorporating therein, to become effective January 1, 1977, Fourth Revised Page 11-A, Fourth Revised Page 11-B, Fourth Revised Page 16-B and Fourth Revised Page 16-C, 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 50114, as amended, are hereby authorized to establish in their tariffs the amendments necessary to conform with the further adjustments ordered herein.

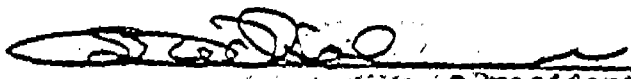
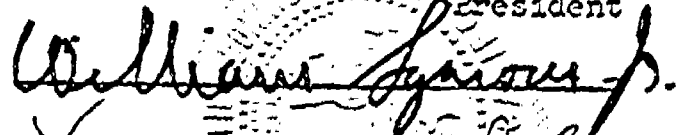


3. Tariff publications authorized to be made by common carriers as a result of this order may be made effective not earlier than January 1, 1977, and may be made effective on not less than one day's notice to the Commission and to the public if filed not later than sixty days after the effective date of the minimum rate tariff pages incorporated in this order.

4. Common carriers, in establishing and maintaining the rates 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 rates 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 50114, 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 21st day of December, 1976.

  
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President  
  
  
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Commissioners

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

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">SPLIT DELIVERY                      (Items 230 and 231)</p> <p style="text-align: center;">(Applies only where specific reference is made hereto)</p> <p>A. Except as otherwise specifically provided, the provisions of this item do not apply to:</p> <ol style="list-style-type: none"> <li>1. Shipments, including any component part thereof, moving under Collect on Delivery (C.O.D.) provisions; or</li> <li>2. Shipments delivered to private residences.</li> </ol> <p>B. Each shipment shall be limited to one split delivery component for each 1,000 pounds, or fraction thereof, in the shipment. For purposes of applying the provisions of this paragraph, the actual or billed weight of the shipment (whichever is greater) shall be used.</p> <p>C. The rate for the transportation of a split delivery shipment shall be determined and applied as follows, subject to Note 1:</p> <ol style="list-style-type: none"> <li>1. Distance rates shall be determined by the distance from point of origin to that point of destination which produces the shortest distance via the other point or points of destination. (See Exceptions 1 and 2)</li> </ol> <p style="margin-left: 40px;">EXCEPTION 1.--Add to the distance determined under the provisions of paragraph 1 above, 2 constructive miles for each point in excess of one located within:</p> <ol style="list-style-type: none"> <li>(a) A single metropolitan zone, or</li> <li>(b) A single incorporated city, including the extended area thereof, but not within a metropolitan zone, or</li> <li>(c) 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.</li> </ol> <p style="margin-left: 40px;">EXCEPTION 2.--In the event a shipment:</p> <ol style="list-style-type: none"> <li>(a) Has its origin within a mileage territory and any point of destination is located outside of the same mileage territory, or</li> <li>(b) Has any point of destination located within a mileage territory and point of origin or any other point of destination located outside of the same mileage territory, the shortest distance shall be determined as follows:                         <ol style="list-style-type: none"> <li>(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 points for the applicable metropolitan zone groups.</li> <li>(2) Between two or more metropolitan zones within the same metropolitan zone group, use for constructive mileage determination the mileage basing points for the individual metropolitan zones.</li> </ol> </li> </ol> <p style="text-align: center;">(Continued in Item 231)</p>	<p>Δ230</p>
<p>Δ Change, neither increase nor reduction, Decision No. <b>86796</b></p>	
<p>EFFECTIVE JANUARY 1, 1977</p>	
<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 (Concluded)	ITEM
<p style="text-align: center;">SPLIT DELIVERY (Concluded)            (Items 230 and 231)</p> <p>NOTE 1.--In addition to the rate for transportation a charge of \$10.00 shall be assessed for each component part.</p> <p>2. The carrier shall not transport a split delivery shipment unless at the time of or prior to the initial pickup of any portion of the shipment, an appropriate written document is issued by the consignor for each component part, said document containing 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, description of articles and total weight of all commodities described on the bills of lading for each component part. Said document shall also reflect total number of pieces and total weight of all commodities in the shipment and must take reference, by number or other individual identity, to each bill of lading issued for a component part.</p> <p>3. A bill of lading form may be utilized as the single document referred to in paragraph C2 hereof; however, such bill of lading will have no effect except to consolidate, for the purpose of determining freight charges, information on the bills of lading covering such component part of the shipment.</p> <p>4. If written information does not conform with the requirements of paragraph C2 or C3 hereof, or if the shipment does not comply with the provisions of paragraph A or B hereof, each component part of the split delivery shipment shall be rated as a separate shipment under other provisions of this tariff.</p>	6231
<p>Δ Change, neither increase nor reduction, Decision No. <b>86796</b></p>	
<p>EFFECTIVE JANUARY 1, 1977</p>	
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MINIMUM RATE TARIFF 11-A

SECTION 3-A--DISTANCE INCENTIVE RATES				ITEM				
UNCRATED NEW FURNITURE, regardless of classification (Items 420 and 421)								
FROM	TO	RATE	MINIMUM WEIGHT (IN POUNDS)					
All points in California	All points California	Apply 65% of the applicable 2,000 pound Column A rate set forth in Items 400 and 405, subject to Notes 1 through 8 of this item. The provisions of Items 230 and 231 may be applied in connection with shipments moving at rates provided by this item.	(1) 6,750 (2) 10,000 (3) 11,250 (4) 13,500					
<p>(1) When the entire shipment is loaded in a single trailer not exceeding 27 feet in length.</p> <p>(2) When the entire shipment is loaded in a single trailer exceeding 27 feet but not exceeding 40 feet in length.</p> <p>(3) When the entire shipment is loaded in a single trailer exceeding 40 feet but not exceeding 45 feet in length.</p> <p>(4) When the entire shipment is loaded in a unit of equipment having more than 45 lineal feet of loading space.</p> <p>NOTE 1.--In determining the applicable rate in Items 400 and 405, the following provisions therein are not applicable:</p> <table border="0"> <tr> <td style="text-align: center;"><u>Item 400</u></td> <td style="text-align: center;"><u>Item 405</u></td> </tr> <tr> <td style="text-align: center;">Notes 1 through 6</td> <td style="text-align: center;">Notes 1 through 5 Note 7</td> </tr> </table> <p>In addition, the provisions of Item 60 shall not be applied in determining the applicable rates in Items 400 and 405.</p> <p>NOTE 2.--The rates provided by this item apply only when, prior to time of initial pickup, the shipper notifies the carrier of the trailer length or unit of equipment required to transport the shipment. The bill of lading must be annotated to reflect the size equipment ordered.</p> <p>NOTE 3.--Except as provided in Note 6, shipments must be loaded by the shipper and the shipper must annotate the bill of lading with the statement "Shipper Load, Count and Seal." When fully loaded, each unit of equipment must comply with all governmental regulations relating to size and weight of loads upon vehicles operated over the public highways.</p> <p>NOTE 4.--When loading is performed by the shipper in accordance with Note 3, an allowance of nine hours will be provided. Time shall be computed from time of arrival of carrier's equipment at place of loading until loading is completed and carrier's equipment is released. Excess loading time will be charged for at the rates named in Item 90, subject to a maximum additional charge of \$25.00 for any 24-hour period.</p> <p style="text-align: center;">(Continued in Item 421)</p>				<u>Item 400</u>	<u>Item 405</u>	Notes 1 through 6	Notes 1 through 5 Note 7	4420
<u>Item 400</u>	<u>Item 405</u>							
Notes 1 through 6	Notes 1 through 5 Note 7							
<p>Δ Change, neither increase nor reduction, Decision No. <b>86796</b></p>								
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Correction								

SECTION 3-A--DISTANCE INCENTIVE RATES (Concluded)	ITEM
<p>UNCRATED NEW FURNITURE, regardless of classification (Concluded)</p> <p>(Items 420 and 421)</p> <p>NOTE 5.--Carrier will furnish pads, blankets and other load-securing devices, subject to accounting and refund.</p> <p>NOTE 6.--When specifically requested by the shipper, carrier will load shipments moving under provisions of this item. In such circumstances, additional charges will be assessed as provided in Item 90, paragraph (a). Such charges will be assessed from the time of arrival of carrier's equipment at place of loading until loading is completed and equipment is released. Such charges shall be assessed in addition to those provided in Note 8 hereof.</p> <p>NOTE 7.--The carrier will perform unloading, subject to the following conditions:</p> <ul style="list-style-type: none"> <li>(a) Except as provided in paragraph (d), unloading shall include service of a single driver only.</li> <li>(b) A free time allowance of 12 minutes per 500 pounds or fraction thereof will be made in connection with each shipment or component part. Time shall be computed from the time of arrival of carrier's equipment at place of unloading until unloading is completed and carrier's equipment is released.</li> <li>(c) Except as provided in paragraph (d), unloading services must be performed between the hours of 7:00 A.M. and 5:00 P.M.</li> <li>(d) When additional carrier personnel are furnished; or when the time for unloading exceeds that allowed in paragraph (b); or when unloading services are performed prior to 7:00 A.M. or after 5:00 P.M., additional charges will be assessed as provided in Item 90, paragraphs (a) and (b). Such charges shall be assessed in addition to those provided in Note 8 hereof.</li> </ul> <p>NOTE 8.--Carrier loading and unloading services performed in accordance with provisions of Notes 6 and 7 are limited to 8 hours service out of 9 consecutive hours per day, Monday through Friday. For service in excess of these limitations and for service on Saturdays, Sundays and holidays, the following additional charges shall be assessed:</p> <ul style="list-style-type: none"> <li>(a) \$4.00 per man, per hour, for service performed in excess of 8 hours out of 9 consecutive hours, Monday through Friday, and for all hours performed on Saturday.</li> <li>(b) \$12.00 per man, per hour, for service performed on Sundays, and holidays and not exceeding 8 hours out of 9 consecutive hours.</li> <li>(c) \$20.00 per man, per hour, for service performed in excess of 8 hours out of 9 consecutive hours on Sundays and holidays.</li> </ul> <p>When a holiday falls on a Sunday, the following Monday shall be considered a holiday.</p> <p>Charges provided by this note shall be assessed in addition to those provided in Notes 6 and 7 hereof.</p>	<p>4421</p>
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