

ORIGINAL

Decision No. 87791 AUG 30 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation for the purpose of considering and determining minimum rates for transportation of any and all commodities statewide, including, but not limited to, those rates which are provided in Minimum Rate Tariff 2 and the revisions or reissues thereof.

Case No. 5432
Petition for Modification
No. 934
(Filed December 20, 1976)

Richard W. Smith, Attorney at Law, and
H. W. Hughes, for California Trucking
Association, petitioner.
Karl L. Mallard, for California & Hawaiian
Sugar Company; protestant.
Herbert Wolff, for Fibreboard Corporation;
Robert F. Schafer, for Duracell
Products Co.; Jess J. Butcher and Karl L.
Mallard, for California Manufacturers
Association; interested parties.
Charles F. Gerughty, for the Commission staff.

O P I N I O N

Minimum Rate Tariff 2 (MRT 2) names minimum rates and rules for the statewide transportation of general commodities by highway carriers. Point-to-point class and commodity rates set forth in various items of MRT 2 apply via various routes set forth in Items 900 and 900-1 of MRT 2. Said point-to-point rates are intermediate in application from and to points located on the various routes.

By this petition California Trucking Association (CTA) seeks the elimination of Route No. 1 set forth in Item 900 of MRT 2.

Public hearing was held before Administrative Law Judge O'Leary at San Francisco on May 23, 1977, at which time the matter was submitted.

Item 900 of MRT 2 sets forth Route No. 1 as follows:
From San Francisco Territory via U.S. Highway 40 to its junction with unnumbered highway near Crockett; easterly via unnumbered highway generally paralleling Southern Pacific Company right-of-way located along the shore line of Carquinez Strait and Suisun Bay to Martinez; via County Road generally paralleling Southern Pacific Company right-of-way through Port Chicago to its junction with State Route 4, 4.0 miles west of Pittsburg; State Route 4 to its junction with County Road 1.6 miles north of Byron; said County Road through Byron to its junction with U.S. Highway 50, 3.9 miles west of Tracy; U.S. Highway 50 to its junction with State Highway 120, 5.0 miles west of Manteca; State Highway 120 to Manteca; via U.S. Highway 99 to Los Angeles Territory or to Los Angeles Basin Territory.

An assistant to Petitioner's Director of Economics testified that he made a field study of that portion of Route No. 1 which traverses the unnumbered highway generally paralleling the Southern Pacific Company right-of-way located along the Carquinez Strait and Suisun Bay to Martinez. This portion of the route is designated as Carquinez Scenic Drive, High Street, Marina Vista, and Waterfront Road. The route crosses the Southern Pacific Company right-of-way on Waterfront Road over a bridge designated as Bridge No. 3481-1.12. Movements across the bridge are restricted to vehicles with a gross weight not exceeding 13 tons and truck and trailer or semitrailer combinations with a gross weight not exceeding 22 tons pursuant to Section 35717 of the Vehicle Code. The witness also testified that Carquinez Scenic Drive winds along the hills overlooking Carquinez Strait and is very narrow with many curves. Because of the topography of Carquinez Scenic Drive, truck equipment cannot traverse its length without crossing the double center line, thus violating Sections 21460 and 21752 of the California Vehicle Code.

The representative of California & Hawaiian Sugar Company (C & H) testified his firm protests the petition because the commodity rate for sugar in packages set forth in Item 740 of MRT 2 would

no longer be available to C & H but would still be available to competitors located at Spreckels and points within the San Francisco Metropolitan Zone Group.

An associate transportation rate expert from the Commission staff testified that he also conducted an investigation of Carquinez Scenic Drive and the bridge across the railroad tracks on May 3, 1977. During a 30-minute period he observed 10 trucks moving across the bridge in question. He also testified that it appeared to him that truck equipment could traverse Carquinez Scenic Drive without violating the provisions of the vehicle code cited by petitioner's witness. He further testified that he also contacted the Contra Costa County Assistant Public Works Director of Road Design who informed him that reconstruction of the bridge in question is scheduled to commence with completion expected by the end of 1977.

Petitioner argues that because of the weight restriction across the bridge and the possibility that truck equipment may not be able to traverse Carquinez Scenic Drive without crossing the center double line, MRT 2 is at variance with the Vehicle Code and should be amended by the elimination of Route No. 1.

Petitioner apparently interprets Items 900 and 900-1 to require highway carriers to actually travel the routes described therein when transporting shipments pursuant to point-to-point rates which are limited to the routings set forth in Items 900 and 900-1.

There is no provision set forth in MRT 2 requiring physical movement over the routes set forth in Items 900 and 900-1. The routes are set forth for rating purposes only. To hold otherwise would greatly curtail highway carrier flexibility and drastically increase their costs. For example, a highway carrier would be required to travel Route 1 with one piece of equipment to accommodate shippers on that route wishing to avail themselves of the point-to-point rates in MRT 2 and utilize another piece of equipment for

shippers located on another route even though the total freight tendered along both routes could be transported in one piece of equipment.

Findings

1. Point-to-point class and commodity rates set forth in various items of MRT 2 apply via various routes set forth in Items 900 and 900-1 of MRT 2.
2. The point-to-point commodity and class rates are intermediate in application from and to points located on the various routes.
3. Petitioner seeks elimination of Route No. 1 set forth in Item 900 of MRT 2.
4. There is no provision in MRT 2 requiring physical movement over the routes set forth in Items 900 and 900-1 when assessing the point-to-point rates subject to such routing.
5. The routes set forth in Items 900 and 900-1 are for rating purposes.

The Commission concludes that the petition should be denied.

O R D E R

IT IS ORDERED that Petition for Modification No. 934 in Case No. 5432 is denied.

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

Dated at San Francisco, California, this 30th day of AUGUST, 1977.

President
William Sproule-Jr.

Vernon L. Sturgeon

Robert D. Chivalle

Commissioners

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

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.