

Decision No. 88015 OCT 18 1977

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investiga-)	
tion for the purpose of consid-)	Case No. 5436
ering and determining minimum)	Petition for Modification
rates for transportation of)	No. 255
petroleum and petroleum products)	(Filed July 28, 1977)
in bulk, in tank truck equipment)	Petition for Modification
statewide as provided in Minimum)	No. 257
Rate Tariff 6-B and the revi-)	(Filed September 15, 1977)
sions or reissues thereof.)	

OPINION AND ORDER

Minimum Rate Tariff 6-B (MRT 6-B) names rates and rules for statewide transportation of bulk petroleum products in tank truck equipment. By Petitions 255 and 257, California Trucking Association respectively seeks to amend MRT 6-B by: (1) amending special monthly vehicle unit volume tender rates "Plan A" in Item 527 by providing that the rates apply from points of origin in California located within 250 miles of Ventura for delivery to points of destination in Ventura and/or Santa Barbara Counties; and (2) establishing rates for a single shift volume tender plan.

Petitioner advises that experience has indicated that from time to time the volume of petroleum products produced at Ventura is inadequate to meet the requirements of the Santa Barbara-Ventura County area. At such times, it is necessary to supplement such production by transporting loads inbound to the Santa Barbara-Ventura area from origin points other than Ventura.

Petitioner states that volume incentive provisions generally are based upon the assumption that the loaded and unloaded miles will offset each other. Where this condition is not always possible and the empty miles exceed the total loaded miles a provision is included to assess a charge for the excess empty miles. Such condition is possible in connection with shipments to and from the Ventura area. Petitioner therefore proposes to add a new Note 14 as set forth in Exhibit A. The proposed note is similar to provisions presently set forth in Item 525.

In Petition 257, petitioner proposes to establish a new single shift volume tender plan with a 15-hour minimum. The proposed item is designed to be used only with specific commodities within 50 miles of Group 6 (Torrance) and contemplates the use only of a single driver. Maximum revenue is assured through the imposition of a flat charge per mile, subject to a minimum mileage charge of 250 miles per shift. Petitioner declares that the proposal will allow retention of this traffic in for-hire carriage.

Copies of the petitions were mailed to various chambers of commerce, shipper organizations and carrier representatives on or about July 28 and September 14, 1977. The petitions were listed on the Commission's Daily Calendars of August 1 and September 19, 1977. No objection to the granting of the petitions has been received.

In the circumstances, the Commission finds that petitioner's proposals are reasonable and the resulting minimum rates and charges will be just, reasonable and nondiscriminatory minimum rates and charges for the transportation involved. A public hearing is not necessary. The Commission concludes that the petitions 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 for this rate relief.

IT IS ORDERED that:

1. Minimum Rate Tariff 6-B (Appendix A to Decision 82350, as amended) is further amended by incorporating therein, to become effective twenty-five days after the date hereof Original Page 35-A, Original Page 35-B, Third Revised Page 44-D and Second Revised Page 44-F, 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 also to Decision 82350, as amended, are authorized to establish in their tariffs the amendments necessary to conform with the further adjustments ordered by this decision.

3. Common carrier tariff publications made as a result of this order which involve increases shall be filed not earlier than the effective date of this order and shall be effective twenty-five days after the date hereof. Tariff publications involving reductions may be made effective not earlier than the tenth day after the effective date of this order. The authority for reductions shall expire unless exercised within sixty days after the effective date of this order. All tariff publications must give ten days' notice to the Commission and the public.

4. Common carriers, in establishing and maintaining the amendments authorized by this order, are 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 82350, 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 18th
day of OCTOBER, 1977.

Robert Batimand

President

William J. Quinn

Vernon L. Sturgeon

Richard B. Howell

Lawrence D. Schick

Commissioners

SECTION 4--VEHICLE UNIT RATES (Continued)	ITEM
<p style="text-align: center;">SINGLE SHIFT UNIT VOLUME TENDER PLAN</p> <p>1. The rates in this item will apply for the transportation of all commodities as described in Item 30, Rate Groups A, B and C except those commodities requiring pressurized equipment from any points of origin within Group 6 (Torrance) to any points of destination located within 50 miles of the first point of origin when performed subject to and in accordance with the provisions of this item.</p> <p>2. The provisions of this item apply only when, prior to the transportation of the property, the shipper has requested verbally or in writing that the transportation be performed under the provisions of this item and charges are prepaid; provided, that if requested verbally, the shipper shall place a confirming written request in the United States mail the same day as verbally requested. (For form of agreement, see Item 530.)</p> <p>3. The rates to apply for service under this item shall be as follows, subject to Notes 1 through 14:</p> <p style="text-align: center;">RATES (Vehicle Unit Rates)</p> <p>(a) The basic charge per unit of carrier's equipment shall be \$50.00 per day.</p> <p style="text-align: center;">PLUS</p> <p>(b) An additional charge of \$12.65 per man, per hour, for all time that driver or drivers are assigned to, but not actually driving the carrier's equipment. For all time that drivers are actually driving carrier's equipment, the additional charge shall be assessed at \$12.65 per man, per hour, or 29½ cents per mile, whichever produces the higher total charge. (See minimum charge in Note 13.)</p> <p style="text-align: center;">PLUS</p> <p>(c) An additional charge per mile of 34 cents subject to a minimum charge for 250 miles.</p> <p>NOTE 1.--Each engagement shall commence at time of arrival of carrier's equipment at point of origin and shall terminate at the expiration of the fifteenth consecutive hour thereafter or earlier if released by the shipper within such time period, provided that the engagement shall not be deemed to be terminated until carrier's equipment is returned or charges are paid for return of carrier's equipment to the first point of origin of the engagement.</p> <p>NOTE 2.--Single shift means 15 consecutive hours.</p> <p>NOTE 3.--As used in this item, the term carrier's equipment also includes replacement units when the original carrier's equipment furnished becomes inoperable while engaged in service under provisions hereof.</p> <p>NOTE 4.--Mileages applicable in connection with this item shall be actual mileages and shall include all miles operated for any purpose during the period of engagement.</p> <p>NOTE 5.--Charges for time used in excess of 15 hours shall be computed as follows:</p> <p>(a) At the rate of \$13.85 per hour or fraction thereof plus 40 cents per mile until delivery of the product is completed, plus</p> <p>(b) At the rate of 55 cents per mile for return of equipment from the point of final delivery to the first point of origin of the engagement, said charge to be based on actual mileage and applied regardless of whether carrier's equipment is physically returned to the first point of origin of the engagement.</p> <p style="text-align: center;">(Continued on next page)</p>	<p style="text-align: center;">*00 (E) 505</p>
<p>(L) Expires with June 30, 1978.</p> <p style="text-align: center;">* Addition) o Increase) Decision No. 88015 o Reduction)</p>	
EFFECTIVE	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	

Correction

SECTION 4--VEHICLE UNIT RATES (Continued)	ITEM
<p style="text-align: center;">SINGLE SHIFT UNIT VOLUME TENDER PLAN (Concluded)</p> <p>NOTE 6.--Carrier will provide internal cargo tank cleaning if requested by the shipper during any volume tender period, subject to additional charges provided in item 280 for the cleaning of the unit of carrier's equipment. In addition to such charges, carrier will also assess the applicable mileage and hourly charges set forth herein.</p> <p>NOTE 7.--When transportation is performed under provisions of this item the following rules will not apply:</p> <ul style="list-style-type: none"> Item 160 - Demurrage or Detention Charges Item 190 - Minimum Charge Item 210 - Issuance of Shipping Documents Item 220 - Shipments Stopped In Transit for Weighing, Application of Seals or Partial Loading or Unloading Item 230 - Shipments Diverted . . . Item 240 - Shipments Returned Item 280 - Internal Cargo Tank Cleaning (except as provided in Note 6 herein) Item 290 - Vapor Recovery and/or Bottom Loading Equipment <p>NOTE 8.--The charge for required bridge or ferry tolls, special permits and weighmaster certificates shall be assessed in addition to all other applicable rates and charges.</p> <p>NOTE 9.--A freight bill as set forth in Item 610 shall be issued by the carrier to the shipper for each engagement for transportation. The freight bill shall be retained and preserved by the issuing carrier for a period of not less than three years from the date of issuance.</p> <p>NOTE 10.--When the total loaded miles exceed the total empty miles of the tender, an additional charge of 5¢ cents per mile will be made for each excess loaded mile traveled by the carrier's equipment.</p> <p>NOTE 11.--No allowance shall be made to the shipper for any non-productive or lost time except that if the carrier's equipment is inoperable for a period exceeding four hours in any day awaiting replacement or repair, the shift period shall be extended for any such time exceeding four hours.</p> <p>NOTE 12.--In the event that a driver is unable to complete a shipment because of an excess of hours of service and must layover enroute as required by law, a charge of \$12.65 per hour, minimum 8 hours, will be assessed in addition to all other time that a driver is assigned to operate the carrier's equipment.</p> <p>NOTE 13.--Subject to a minimum charge based upon 14 hours for each engagement that a driver is assigned to operate carrier's equipment.</p> <p>NOTE 14.--If at shipper's request, equipment includes bottom loading capability the following additional charges shall be assessed per day:</p> <ul style="list-style-type: none"> Tanks with bottom loader, per compartment.....\$1.10 (1) Tanks with vapor recovery system, per compartment.....\$1.10 (1) <p>(1) Minimum Charge \$4.30</p>	
<p>(E) Expires with June 30, 1978.</p> <p>* Addition) ◊ Increase) Decision No. 88015 ◊ Reduction)</p>	
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Correction

MINIMUM RATE TARIFF G-B

SECTION 4--VEHICLE UNIT RATES (Continued)										ITEM
SPECIAL MONTHLY VEHICLE UNIT VOLUME TENDER RATES "Plan A"										
<p>(1) The rates provided in this item apply only when transportation is performed subject to and in accordance with the provisions of this item, and apply when carrier's unit(s) of equipment is (are) used to transport commodities as described in Rate Groups A, C or I of Item 30 from points of origin located within 5 miles of Ventura to points of destination in California located within 250 miles of said point of origin *0 and from points of origin in California located within 250 miles of Ventura for delivery to points of destination in Ventura and/or Santa Barbara Counties.</p> <p>(2) The provisions of this item apply only when prior to the transportation of the property the consignor has requested verbally or in writing that transportation be performed under the provisions of this item and has elected a Special Monthly Vehicle Unit Volume Tender Plan A and charges are prepaid; provided that if requested verbally, the consignor shall place a confirming written request in the United States mail the same day as verbally requested. (For form of agreement see Item 530.)</p> <p>(3) The provisions of this item will apply for the use of a unit or units of carrier's equipment during a calendar month beginning with the first day of the month following notification and thereafter during each subsequent calendar month period until cancelled.</p> <p>(4) Rates for transportation will be based upon the minimum loaded miles for each week of the monthly volume tender period and will be determined as follows:</p>										
RATES IN CENTS PER GALLON PER SHIPMENT # FOR RATE GROUPS SHOWN (Subject to Notes 1 through 13)										
MINIMUM LOADED MILES PER EACH WEEK OF VOLUME TENDER PERIOD										
LOADED MILES PER SHIPMENT		1200 to 1499		1500 to 1799		1800 to 2199		2200 and Over		(E) 527
Over	But Not Over	Rate Group A C		Rate Group A C		Rate Group A C		Rate Group A C		
0	5	.45	.51	.43	.49	.42	.47	.39	.45	
5	10	.48	.54	.46	.51	.44	.49	.42	.47	
10	15	.53	.59	.50	.57	.48	.53	.46	.51	
15	20	.58	.65	.55	.62	.52	.60	.50	.57	
20	25	.64	.71	.61	.68	.59	.65	.55	.62	
25	30	.70	.79	.67	.76	.70	.71	.61	.68	
30	40	.82	.92	.78	.87	.75	.83	.70	.79	
40	50	.96	1.08	.91	1.03	.86	.98	.82	.93	
50	60	1.12	1.31	1.07	1.25	1.01	1.18	.96	1.13	
60	70	1.30	1.49	1.24	1.43	1.17	1.36	1.12	1.29	
70	80	1.45	1.68	1.38	1.59	1.31	1.52	1.25	1.44	
80	90	1.60	1.87	1.53	1.77	1.45	1.69	1.38	1.61	
90	100	1.76	2.04	1.68	1.94	1.60	1.85	1.52	1.76	
100	110	1.91	2.23	1.82	2.12	1.74	2.02	1.65	1.92	
110	120	2.08	2.40	1.97	2.29	1.89	2.18	1.79	2.07	
(Continued on next page)										
# Includes transportation of commodities described in Rate Group I.										
(E) Expires with December 31, 1977.										
♂ Change) * Addition) Decision No. 88015 ♂ Reduction)										
EFFECTIVE										
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Correction										

SECTION 4--VEHICLE UNIT RATES (Continued)	ITEM				
<p style="text-align: center;">SPECIAL MONTHLY VEHICLE UNIT VOLUME TENDER RATES "Plan A"</p> <p>NOTE 5.--Rates provided in Rate Group A shall apply on gasoline as described in Rate Group A of Item 30, and rates provided in Rate Group C shall apply on diesel fuel as described in Rate Group C of Item 30.</p> <p>NOTE 6.--The following minimum gallons per load shall apply on all transportation provided under this item except as provided in Note 7:</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="padding-right: 40px;">Gasoline</td> <td>8,950 Gallons</td> </tr> <tr> <td>Diesel Fuel</td> <td>7,800 Gallons</td> </tr> </table> <p>NOTE 7.--Mixed shipments consisting of commodities listed in Rate Groups A and C shall be subject to a minimum of 8,350 gallons per unit. Charges will be computed at the separate rate applicable for each commodity in the shipment. When a mixed shipment is less than 8,350 gallons, the rate to apply on the deficit gallonage, necessary to satisfy the required minimum, will be assessed on the rate applicable to the lowest rated commodity in the shipment.</p> <p>NOTE 8.--Carrier will allow a total of one and one-quarter (1 1/4) hours as free time for the completion of loading and unloading. A charge of \$4.25 for each fifteen (15) minutes (or fraction thereof) shall be assessed for the time carrier's equipment is detained through no fault of the carrier to complete loading or unloading in excess of the free time specified above.</p> <p>NOTE 9.--Collect on delivery (C.O.D.) shipments will be transported under the provisions of this item, subject to an additional charge of \$3.80 per collection with a maximum charge of \$9.85 per week.</p> <p>NOTE 10.--Carrier will not be obligated to furnish more than one unit of equipment for the transportation service provided for herein. Such equipment furnished by carrier shall meet prevailing environmental regulations in the geographical scope of this item. A unit of equipment shall consist of a truck; a truck and trailer combination; a tractor-semitrailer combination, or, a tractor-double trailer combination.</p> <p>NOTE 11.--Upon notice of cancellation of service under this item, the provisions of this item shall continue through the last day of the calendar month. Any service period less than a week will be rated by averaging the weekly loaded miles for the preceding four weeks and applying the appropriate rate group. Such fractional service period shall not be subject to Note 12.</p> <p>NOTE 12.--After transportation service has begun under the provisions of this item, any service performed in a week which results in less than 1,200 loaded miles will be subject to the provisions of Item 400, subject to a minimum charge of \$535.00 per week whether transportation has been performed or not.</p> <p>NOTE 13.--When transportation is performed under this item, the following rules will not apply:</p> <ul style="list-style-type: none"> Item 130 - Collect on Delivery Shipments Item 160 - Demurrage or Detention Charges Item 190 - Minimum Charge Item 200 - Mixed Shipments Item 210 - Issuance of Shipping Documents Item 290 - Vapor Recovery and/or Bottom Loading Equipment. <p>*NOTE 14.--When the total empty miles (determined in accordance with Note 1) exceed the total loaded miles of the tender, an additional charge of 75 cents per mile will be made for each excess empty mile traveled by the carrier's equipment.</p>	Gasoline	8,950 Gallons	Diesel Fuel	7,800 Gallons	<p>(F) 527 (Con- clud- ed)</p>
Gasoline	8,950 Gallons				
Diesel Fuel	7,800 Gallons				
<p>(E) Expires with December 31, 1977.</p> <p> ◊ Change) * Addition) Decision No. 88015 ◊ Increase) </p>					
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