

Decision No. 88379 JAN 17 1978

ORIGINAL

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)
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. 994
(Filed October 13, 1977)
Petition for Modification
No. 995
(Filed October 19, 1977)

OPINION AND ORDER

Minimum Rate Tariff 2 (MRT 2) names minimum rates and rules for the statewide transportation of general commodities by highway carriers. By Petitions 994 and 995, California Trucking Association respectively seeks to amend MRT 2 by amending Item 720 to include water lines and sewer lines in Paragraph B and to establish a truckload rating on Wine, NOI. Petition 994 generally results in lesser charges and Petition 995 results in lower charges when each of these proposals are utilized.

Petitioner in Petition 994 states that the transportation of property necessary or incidental to the establishment, maintenance or dismantling of water lines and sewer lines is virtually identical to the transportation described in Paragraph B of Item 720. Both types of transportation require the use of specialized equipment and involve a wide spectrum of commodities that can be readily moved and rated at hourly rates. Both movements are typified by the tender of a large volume of freight within a local market area. As such, the potential for diversion to proprietary carriage is high and, the Commission in the instance of Item 720, has responded to these various factors to create an hourly rate item uniquely responsive to the transportation conditions of the affected industries. Petitioner requests that the Commission adopt this same approach with respect to the transportation of property to sewer and water lines, and accordingly, amend Paragraph B of Item 720 to so provide.

Petitioner in Petition 995 declares that the proposed item contemplates and creates a transportation condition designed for the efficient truckload movement of wine. The performance of costly transportation services, applicable under the current class rate structure is minimized. For example, split pickup shipments are precluded, and split delivery shipments are limited to a maximum of three components. Billing expense is reduced because of the requirements that the commodity move in straight shipments. The shipments must be loaded by the consignor and unloaded by the consignee, and the free time is precisely defined in the item. The failure of the consignor or consignee to release the carrier's equipment within the prescribed time period is met with additives. Additionally, the minimum weight applies per unit of carrier's equipment. This provision encourages shippers to load carrier's equipment to the higher minimum weight specified and results in a more efficient utilization of carrier's equipment.

Copies of the petitions were mailed to various chambers of commerce, shipper organizations and carrier representatives on or about October 12 and 18, 1977. The petitions were listed on the Commission's Daily Calendars of October 17 and 20, 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 2 (Appendix D to Decision 31606, as amended) is further amended by incorporating therein, to become effective twenty-five days after the date hereof, 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 also to Decision 31606, 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 to 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 31606, 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 17th day of JANUARY, 1978.

President

William S. Grouse

James L. Stinger

Robert D. Gault

Clair L. Dickson

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

APPENDIX A

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(Continued)

Change, Decision No.

88379

EFFECTIVE

Correction

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

INDEX OF COMMODITIES (Continued)

Only those articles which are named in commodity rate items or in Exceptions to the Governing Classification and Exception Ratings Tariff are shown in the following list.

COMMODITY	ITEM	COMMODITY	ITEM
Tea	360.5	Vaults, Grave	334.8
Tea, extract of (condensed or instant), dry	360.5	Vaults, Utility	334.8
Tees	760,764,765	Vegetable Oil Shortening	335.5
Telephone Materials and Supplies	393	Vegetables, frozen	351
Tickets (M)	395-397	Vegetables, (not dehydrated, dried, evaporated nor fresh)	320-1
Ties, bale	760,764,765	Veneer	690,691,700,710
Ties, railroad	690,691,710	Vermicelli, except canned	360.5
Timbers	690,700,710	Vermicelli (prepared)	320
Tinplate	760,764,765	Vermicelli, dry, and other ingredients	345,360
Tire Tubes (M)	377.5,723-726	Vermouth	400
Tires, Pneumatic (M)	377.5,723-726	Vinegar	320-1
Toilet Preparations and other Articles (M)	395-397	Wallboard, other than plasterboard	762,767
Toluol (M)	325	Washers	760,764,765
Tools, Mechanics' (M)	365	Washing Powders	730-732
Towers, Water Cooling, Atmospheric (M)	365	Washing Soda	730-732
Toys	355	Wax, automobile, boat, floor or furniture (M)	377.5,723-726
Toys (M)	395-397	Wax, boat, floor, furniture or vehicle	730-732
Trays, plastic (M)	395-397	Wax, Laundry Compound	360.5
Triglycerides of Fat-forming Fatty Acids	335.5	Weights	760,764,765
Trisodium Phosphate	730-732	Welsh Rarebit	320-1
Trucks, Steam Boiler (M)	365	Wheat Germ	652-654
Trusses	760,764,765	Whey	345
Tubes, Boiler	365	Wine	360,400,*405
Tubing, iron or steel, cast or wrought, plate or sheet	365	Wine, cooking	320-1
Tubing, iron or steel, well casing or drilling	365	Wire	760,764,765
Tubing, pier	760,764,765	Wood Fibreboard Hardboard	690,691,710
Tubs, Woodenware	758	Wood Preservatives (M)	377.5,723-726
Turnbuckles	760,764,765	Yarn	379.4
Urea	652-654	Yeast or Yeast Powder	360.5
Valves, iron or brass (M)	365	Zees	760,764,765
Valves, Pump Working Barrel	365		

(M) Denotes articles on which application of rates is limited to mixed shipments.

* Addition, Decision No.

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Correction

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">EXCEPTIONS TO GOVERNING CLASSIFICATION AND EXCEPTION RATINGS TARIFF (Continued)</p> <p>(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.)</p>	<p style="text-align: center;">Class Rating</p>
<p>WINE, NOI, in containers in barrels or boxes (111510) (Subject to Notes 1 through 6).</p> <p>Truckload minimum weight, per unit of carrier's equipment: 50,000 pounds-----</p> <p>NOTE 1.--Applicable only when all provisions of the following notes are met.</p> <p>NOTE 2.--Applicable only on straight shipments of prepaid freight released to a value of \$2.00 per gallon or 1/2 of actual value, whichever is less: Shipper must enter the following statement on the bill of lading:</p> <p style="padding-left: 40px;">"The agreed or declared value of the property is hereby stated by the shipper to be one-half of actual value or \$2.00 (two dollars) per gallon, whichever is less."</p> <p>If shipper fails or declines to declare such value in writing, the provisions of this item will not apply.</p> <p>NOTE 3.--Split delivery shipments (Items 170-173) shall be restricted to a maximum of three (3) component parts per shipment.</p> <p>NOTE 4.--Loading and unloading:</p> <ul style="list-style-type: none"> (a) Applicable only in connection with shipments loaded by the consignor and unloaded by the consignee, without expense or physical assistance of the carrier or his employee. (b) Free time shall be restricted to one hour for loading and one hour for unloading of a single unit of carrier's equipment. (c) Loading and unloading time shall be computed from the time of arrival of carrier's equipment at the place of loading or unloading until such loading or unloading is completed and carrier's equipment is released. The term place of loading or unloading means a particular street address or other designation of a factory, store, warehouse, place of business, or the like. (d) Excess loading or unloading time shall be charged for at the rates provided in Item 145 of this tariff. <p>NOTE 5.--Not applicable in connection with the following items: Items 160-163.....Split Pickup Item 181-1.....Special C.O.D. Service Item 182.....Collect on Delivery (COD) Shipments Item 188.....Multiple Service Shipments Item 292.....Volume Incentive Service Items 293 and 293.1....Special Volume Incentive Service Item 293.2.....Premium Volume Incentive Service Item 293.4.....Truckload Efficiency Service.</p> <p>NOTE 6.--Not applicable when used in combination with any other rates not authorized by this item.</p>	<p style="text-align: center;">90% of Class 35.4 in Items 508.3 and 508.4</p> <p style="text-align: center;">*6 405</p>
<p>* Addition) o Reduction) Decision No. 88379</p>	
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Correction

MINIMUM RATE TARIFF 2

SECTION 3--COMMODITY RATES (Continued)		ITEM
<p>HOURLY RATES FOR OIL, *SEWER, WATER OR GAS WELL OUTFITS AND SUPPLIES (Items 720, 720-1 and 720-2)</p> <p>Rates in this item apply for transportation of:</p> <p>A. Freight regardless of classification when transported from, to or between: an oil, gas or water well site; a site for drilling an exploratory oil, gas or water well; a pier, quay or wharf for transshipment from or to an offshore drilling facility.</p> <p>AB. Property necessary or incidental to the establishment, maintenance or dismantling of *sewer lines, sewer lines or other pipelines, refineries and cracking or casing head plants.</p> <p>Rates in this item apply only for distances not exceeding 35 air miles from point of origin.</p>		
Type of Equipment	Rates in Cents Per Hour	720
Truck Without Trailer		
2 Axle -----	2015	
3 Axle -----	2300	
Trucks, Tractors, Trailers, Semitrailers, Dollies or any combination thereof moving as a single unit Carrier Owned -----	2550	
Excess of Trailers or Semitrailers Carrier Owned -----	340	
Tractor and Driver Only ----- (Shipper Owned Trailing Equipment)	2380	
(Continued in Item 720-1)		
<p>o Change) o Addition) Decision No. 88379 o Increase) o Reduction)</p>		
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Correction		

SECTION 3--COMMODITY RATES (Continued)	ITEM										
<p style="text-align: center;">HOURLY RATES FOR OIL, *00SEWER, WATER OR GAS WELL OUTFITS AND SUPPLIES (Continued) (Items 720, 720-1 and 720-2)</p> <p>1. Charges shall be computed on the following basis: (See Exception)</p> <p>The number of hours of service will be computed from the time the carrier's driver commences either operating the motor vehicle or performing other related service, whichever is earlier, and ending at the time that carrier's driver either ceases operating the motor vehicle or performing other related service, whichever is later.</p> <p>When the service performed extends over more than one day and the equipment is not returned to carrier's terminal, the period of time the driver is off duty shall not be included in the hours of service.</p> <p>EXCEPTION.--</p> <p>(a) Allowance shall be made for delays occasioned due to failure of carrier's equipment, or due to time taken out for meals.</p> <p>(b) After the total time has been determined it shall be converted into hours and fractions thereof. Minimum charge, one hour. Fractions of an hour shall be determined in accordance with the following table:</p> <table border="0" style="margin-left: auto; margin-right: auto;"> <tr> <td colspan="2" style="text-align: center;"><u>Minutes</u></td> </tr> <tr> <td style="text-align: center;"><u>Over</u></td> <td style="text-align: center;"><u>But not Over</u></td> </tr> <tr> <td style="text-align: center;">0</td> <td style="text-align: center;">8-----Omit</td> </tr> <tr> <td style="text-align: center;">8</td> <td style="text-align: center;">38-----Shall be 1/2 hour</td> </tr> <tr> <td style="text-align: center;">38</td> <td style="text-align: center;">60-----Shall be 1 hour</td> </tr> </table> <p>2. For transportation furnished under this item on Saturdays and Sundays, there shall be an additional charge of \$6.10 per hour in excess of those set forth in Item 720.</p> <p>3. For transportation furnished under this item on holidays, there shall be an additional charge, in excess of those set forth in Item 720, as follows:</p> <p>(a) On July 4th, Labor Day, Thanksgiving Day, Christmas Day and New Year's Day, \$23.20 per hour. Minimum charge, eight hours.</p> <p>(b) On Washington's Birthday, Memorial Day, the day after Thanksgiving and December 24th, \$11.55 per hour. Minimum charge, eight hours.</p> <p style="text-align: center;">(Continued in Item 720-2)</p>	<u>Minutes</u>		<u>Over</u>	<u>But not Over</u>	0	8-----Omit	8	38-----Shall be 1/2 hour	38	60-----Shall be 1 hour	<p>720-1</p>
<u>Minutes</u>											
<u>Over</u>	<u>But not Over</u>										
0	8-----Omit										
8	38-----Shall be 1/2 hour										
38	60-----Shall be 1 hour										
<p> * Change) * Addition) o Increase) Decision No. 88379 o Reduction) </p>											
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Correction

SECTION 3--COMMODITY RATES (Continued)	ITEM
<p style="text-align: center;">HOURLY RATES FOR OIL, *OOSEWER, WATER OR GAS WELL OUTFITS AND SUPPLIES (Concluded) (Items 720, 720-1 and 720-2)</p> <p>4. Rates include the exclusive services of vehicle and driver and do not include any equipment other than a winch affixed to the vehicle to load and unload. When carrier furnishes help other than the driver or supervising foreman, such service shall be charged for at a rate of not less than \$14.90 per hour per extra man furnished.</p> <p>(a) On Saturdays and Sundays, the applicable helper rate shall be \$13.50 per hour.</p> <p>(b) On July 4th, Labor Day, Thanksgiving Day, Christmas Day and New Year's Day, the applicable helper rate shall be \$29.95 per hour. Minimum charge, eight hours.</p> <p>(c) On Washington's Birthday, Memorial Day, the day after Thanksgiving and December 24th, the applicable helper rate shall be \$18.90 per hour. Minimum charge, eight hours.</p> <p>(d) The helper's hours of service for each day shall be computed from the time helper is engaged to perform loading, unloading, and other related service or is required to ride carrier's vehicle, whichever is earlier, and ending at the time the loading, unloading or other related service is completed, or the helper is returned to the point at which he was engaged at start of day, whichever is later.</p> <p>(e) Allowances shall be made for delays due to failure of carrier's equipment or time taken out for meals.</p> <p>(f) When the service performed extends over more than one day, the time the helper is off-duty shall not be included in the hours of service.</p> <p>(g) After the total time has been computed, it shall be converted into hours and fractions thereof as provided under the provisions of Item 720-1.</p> <p>(h) There shall be a minimum charge of one hour service at the applicable rate, except as provided under 4(b) and (c) above.</p> <p>5. When rates are provided in this item on the shipment transported, the rates in this item will apply regardless of class or commodity rates in other items in this tariff.</p> <p>6. Each bill of lading issued in connection with transportation under this item shall, in addition to other requirements set forth in this tariff, identify the equipment used by its equipment number and description as provided in Item 720.</p> <p>7. Each vehicle shall have stenciled or otherwise permanently displayed on it an equipment number.</p> <p>8. Excess trailers means trailers or semitrailers furnished by carrier in excess of the number of vehicles or combination of vehicles operated as a single unit.</p> <p>9. Rates include converter gears (auxiliary dollies).</p> <p>10. "Dollies" include pole or pipe dollies, stretch dollies, lowbed dollies, bolster type dollies, but not auxiliary dollies.</p>	<p>720-2</p>
<p> § Change) • Addition) ◊ Increase) Decision No. 88379 ◊ Reduction) </p>	
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Correction