

Decision No. 88801 MAY 2 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. 1008
 (Filed January 5, 1978)

OPINION AND ORDER

Minimum Rate Tariff 2 names minimum rates and rules for the statewide transportation of general commodities by highway carriers. By this petition, California Trucking Association seeks to amend the provisions by establishing a new item containing two truckload exception ratings for insulating materials. The proposed item will provide a truckload rating of Class 37½ at 30,000 pounds minimum weight, and a truckload rating of Class 35.1 at 36,000 pounds minimum weight.

Petitioner declares that the new exception item minimizes the performance of costly services now provided under the applicable class ratings. The exception ratings would preclude mixed shipments and limit split deliveries to a maximum of two component parts. The item would also limit carrier liability and provide for consignor loading and consignee unloading of the shipment together with specific time limits to accomplish these tasks.

Copies of the petition were mailed to various chambers of commerce, shipper organizations and carrier representatives on or about January 3, 1978. The petition was listed on the Commission's Daily Calendar of January 6, 1978. A letter of protest was received from one traffic consultant stating that the proposed exception ratings would unnecessarily complicate Minimum Rate Tariff 2 and preclude the use of lower minimum weights provided in the National Motor Freight Classification. Petitioner's proposal does not preclude the use of the lower minimum weights.

In the circumstances, the Commission finds that petitioner's proposal is 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 petition should be granted as set forth in the ensuing order.

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 thirty-nine days after the date hereof, Original Page 37-CCCC-1 and Original Page 37-CCCC-2 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 amendment necessary to conform with the further adjustment ordered by this decision.
3. Tariff publications authorized to be made by common carriers as a result of this order may be made effective not earlier than thirty-nine days after the date hereof and may be made effective on not less than five days' 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 amendment 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 amendment 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 shall be thirty days after the date hereof.

Dated at San Francisco, California, this 2nd day
of 1 MAY, 1978.

Robert Bateman
President
William Symon Jr.
Reginald L. Sturgeon
Richard P. Howell
Clair L. Smith
Commissioners

SECTION 1--RULES OF GENERAL APPLICATION (Continued)		ITEM
<p align="center">EXCEPTIONS TO GOVERNING CLASSIFICATION AND EXCEPTION RATINGS TARIFF (Continued)</p> <p>(Number 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>	Class Rating	
<p>INSULATING MATERIAL: Rockwool, Slagwool, or Ground Waste Paper Chemically treated (103300) loose fibres or fill, in bags (Subject to Notes 1 through 7).</p> <p>TRUCKLOAD MINIMUM WEIGHT per unit of carrier's equipment.</p> <p>30,000 pounds</p> <p>36,000 pounds</p>	37 1/2 35-1	
<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 one-half of actual value or 50 cents per pound, per article, whichever is less. Shipper must enter the following statement on the bill of lading.</p> <p align="center">"The agreed or declared value of the property is hereby stated by the shipper to be one-half of actual value or 50 cents per pound, per article, whichever is less."</p> <p>If the 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 two (2) splits per truckload.</p> <p>NOTE 4.--LOADING AND UNLOADING:</p> <p>(a) FREE TIME shall be restricted to one and a half hours for loading and one and a half hours for unloading of a single unit of carrier's equipment except as provided in paragraph 4 (e).</p> <p>(b) 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.</p> <p>(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.</p> <p>(d) EXCESS LOADING OR UNLOADING TIME shall be charged for at the rates provided in Item 145 of this tariff.</p> <p>(e) CARRIER'S TRAILER(S) may be spotted for loading or unloading at the consignor's or consignee's place of loading or unloading, provided however, the carrier's trailer(s) is (are) picked up by the carrier within a 24 hour period computed from the time of arrival of carrier's equipment at the place of loading or unloading. Such loading or unloading shall be without the assistance or presence of the carrier or his employee. Spotting service shall apply only when the bill of lading is annotated with the words: "SPOTTING SERVICE REQUESTED."</p> <p>(f) 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.</p> <p align="center">(Continued on following page)</p>		
<p align="center">EFFECTIVE</p>		
Correction	<p align="center">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>	

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<p style="text-align: center;">EXCEPTIONS TO GOVERNING CLASSIFICATION AND EXCEPTION RATINGS TARIFF (Continued)</p> <p>(Number 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>NOTE 5.--APPLICABLE ONLY when restricted to the services of a single carrier employee (driver) for each shipment. Physical assistance of the carrier's employee is restricted to work within or on carriers' equipment, and such assistance in no event include stacking, unstacking, removal or placement of merchandise on pallets. The carrier or his employee may not engage or pay for the services of helpers under any circumstances.</p> <p>NOTE 6.--NOT APPLICABLE in connection with the following items:</p> <table border="0"> <tr><td>Items 160-163</td><td>Split Pickup</td></tr> <tr><td>Item 181-1.</td><td>Special C.O.D. Service</td></tr> <tr><td>Item 182.</td><td>Collect on Delivery (COD) Shipments</td></tr> <tr><td>Item 188.</td><td>Multiple Service Shipments</td></tr> <tr><td>Item 292.</td><td>Volume Incentive Service</td></tr> <tr><td>Items 293 and 293.1</td><td>Special Volume Incentive Service</td></tr> <tr><td>Item 293.2.</td><td>Premium Volume Incentive Service</td></tr> <tr><td>Item 293.4.</td><td>Truckload Efficiency Service</td></tr> </table> <p>NOTE 7.--RATES provided by this Item may not be used in combination with any other rates.</p>	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 style="text-align: center;">*6363</p>
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