ORIGINAL

Decision No. 89356

SEP 61978

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 general commodities within San Diego County as provided in Minimum Rate Tariff 9-B and the revisions or reissues thereof.

Case No. 5439
Petition for Modification
No. 317
(Filed December 1, 1977)

# SECOND SUPPLEMENTAL OPINION AND ORDER

Decisions Nos. 88693 and 88694, entered April 11, 1978 in Case No. 5432 (Petition 1001) et al. and Case No. 5439 (Petition 317), provided that the adjusted surcharges established thereby in Minimum Rate Tariff 9-B should be subsequently incorporated directly into the applicable minimum rates and charges by separate order.

Minor changes not related to the subject matter of these petitions will be made in several of the tariff pages herein being revised.

## IT IS ORDERED that:

- 1. Minimum Rate Tariff 9-B (Appendix A of Decision No. 67766, as amended) is further amended by incorporating therein, to become effective thirty days after the effective date hereof, the supplement and 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 No. 67766, as

amended, are hereby directed to establish in their tariffs the amendments necessary to conform with the further adjustments ordered by this decision.

- 3. Common carriers maintaining rates on a level other than the minimum rates for transportation for which rates are prescribed in Minimum Rate Tariff 9-B are authorized to increase such rates by the same amounts authorized by this decision for Minimum Rate Tariff 9-B rates.
- 4. Common carriers maintaining rates on the same level as Minimum Rate Tariff 9-B rates for the transportation of commodities and/or for transportation not subject to Minimum Rate Tariff 9-B are authorized to increase such rates by the same amounts authorized by this decision for Minimum Rate Tariff 9-B rates.
- 5. Common carriers maintaining rates at levels other than the minimum rates for the transportation of commodities and/or for transportation not subject to Minimum Rate Tariff 9-B are authorized to increase such rates by the same amounts authorized by this decision for Minimum Rate Tariff 9-B rates.
- 6. Any provisions currently maintained in common carrier tariffs which are more restrictive than, or which produce charges greater than, those contained in Minimum Rate Tariff 9-B, are authorized to be maintained in connection with the increased rates and charges directed to be established by Ordering Paragraph 2 hereof.
- 7. Tariff publications required to be made by common carriers as a result of this order shall be filed not earlier than the effective date of this order and made effective thirty days after the effective date hereof on not less than ten days' notice to the Commission and to the public; as to tariff publications which are authorized, but not

required, the authority shall expire unless exercised within sixty days after the effective date of this order.

- 8. Common carriers, in establishing and maintaining the rates authorized by this order, are authorized to depart form 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.
- 9. In all other respects Decision No. 67766, 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 Sen Francisco, California, this 10th day of SEPTEMBER, 1978.

President

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Commissioners

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

C. 5439, (Pet. 317)

APPENDIX A

## LIST OF REVISED PAGES TO MINIMUM RATE TARIFF 9-B

SUPPLEMENT			26
THIRTEENTH	REVISED	PAGE	20
SIXTEENTH	REVISED	PAGE	21
FIFTEENTH	REVISED	PAGE	22
FIFTEENTH	REVISED	PAGE	29
SIXTEENTH	REVISED	PAGE	31
FIFTEENTH	REVISED	PAGE	34
SEVENTEENTH	REVISED	PAGE	44
TWELFTH	REVISED	PAGE	44-A
SEVENTEENTH	REVISED	PAGE	49

(END OF APPENDIX A)

SUPPLEMENT 26

(Cancels Supplements 24 and 25)

(Supplements 15, 22 and 26 Contain All Changes)

TO

MINIMUM RATE TARIFF 9-B

NAMING

MINIMUM RATES AND RULES

FOR THE

TRANSPORTATION OF PROPERTY

OVER THE PUBLIC HIGHWAYS

WITHIN A

DEFINED SAN DIEGO DRAYAGE AREA

BY

RADIAL HIGHWAY COMMON CARRIERS

HIGHWAY CONTRACT CARRIERS

AGRICULTURAL CARRIERS

CEMENT CONTRACT CARRIERS

AND

DUMP TRUCK CARRIERS

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TWELFTH PEVISED PAGE.....20

#### SECTION 1 -- RULES (Continued)

ITEM

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#### ALTERNATIVE APPLICATION OF COMMON CARRIER RATES

pRates of common carriers \*O by land (including common carrier railroad switching rates) may be applied in lieu of the rates provided in this tariff when such common carrier rates produce a lower aggregate charge for the same transportation between the same points of origin and destination and for the same accessorial services than results from the application of the rates herein provided. (See Notes 1, 2, 3 and 4)

When the common carrier rate used does not include accessorial services performed by the carrier, the following charges for such accessorial services shall be added: (See Notes 1, 2, 3 and 4)

- (a) For loading onto carrier's equipment, the charges provided in paragraph (d).
- (b) For unloading from carrier's equipment, the charges provided in paragraph (d).
- (c) For other accessorial services for which charges are provided in this tariff, the additional charge or charges so provided.
- (d) 11 cents per 100 pounds.

NOTE 1.--When a rail carload rate is subject to varying minimum weight, dependent upon the size of the car ordered or used, the lowest minimum weight obtainable under such minimum weight provisions may be used in applying the basis provided in this item. When the rail carload rate is subject to a specified minimum weight, subject to the condition that if the car is loaded to full visible or weight carrying capacity, actual weight will apply, or to actual weight but not less than a losser carload minimum weight, the actual weight will apply subject to the lesser carload minimum weight, if any.

NOTE 2.--When rail switching charges are applicable in connection with linehaul movements by rail and the gross weight of the shipment exceeds the applicable carload minimum weight, only one rail switching charge shall be assessed.

NOTE 3.--In applying the provisions of this item, a rate no lower than the common carrier rate and a weight no lower than the actual weight or published minimum weight (whichever is the higher) applicable in connection with the common carrier rate shall be used.

NOTE 4.--For the purpose of applying the provisions of this item, the definitions of Point of Destination and Point of Origin set forth in Item 11 will be applicable.

ø Change ) \* Addition ) Decision No.

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SECTION 1RULES (Continued)	IT
ACCESSORIAL SERVICE	
When carrier performs any accessorial or incidental service which is not auth- orized to be performed under rates named in this tariff, and for which a charge is not otherwise provided, additional charges shall be assessed as provided in Item 140. The charge therein provided for unit of equipment shall apply whenever the ac- cessorial or incidental service requires its use, or whenever the unit of equipment is inactivated by reason of its driver or helper being engaged in such service.	12
HANDLING OF LOSS OR DAMAGE CLAIMS	
Claims for loss or damage shall be governed by the provisions of General Order No. 139.	12
DELAYS TO EQUIPMENT	
When consignor or consigned is responsible for delay to carrier's equipment at or in vicinity of either point of loading or point of unloading in excess of 30 minutes (exclusive of time actually involved in loading or unloading), additional charges for delay time in excess of 30 minutes shall be assessed as provided in Item 140.	1
CHARGES FOR ACCESSORIAL SERVICES OR DELAYS	
for accessorial services or delays under the conditions specified in Items 120 and 130, charges shall be assessed for each period or fraction thereof, as follows:	
Charges in Cents	014
For Each For First Additional 30 Minutes 15 Minutes	
(a) For driver, helper or other employee, per man 884 442	Ì
(b) For unit of equipment40 20	
Charges for obtaining a weighmastur's certificate	
Whenever a carrier is requested by the shipper, consignee or debtor to obtain a certified weight from a public scale, or when a carrier must obtain a certified weigh for billing purposes or for other logal requirements, and a charge is assessed by the public weighmaster for this service, the carrier shall assess a charge of not loss the actual amount paid by the carrier to the public weighmaster for the weighing service each weight certificate obtained and furnished to the debtor or other person requing a certified weight.	nan /ice
♦ Increase, Decision No. 89356	
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ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CA	

Correction

SECTION 1RULES (Continued)	ITEM
CHARGES FOR ESCORT SERVICE	
A charge of \$14.75 per hour, plus 105 cents per actual mile, shall be made for each escort vehicle and driver furnished, for the time and distance said vehicle and driver are engaged in such service. (See Notes 1 and 2)	
A charge shall be made equal to the actual cost of any bridge or ferry tolls incurred for each escort car.	
t of dispatch and terminate with the return of each escort car to its	150
MINUTES But	
•	
3 60 shall be 1 hour	
CHARGES FOR PERMIT SHIDMENTS	
owing charges shall be assessed on shipments requiring transportation	
A charge of \$21.80 shall be made for the service of securing each parmit, and	0 160
A charge shall be made equal to the fee, if any, assessed by the	
	CHARGES POR ESCORT SERVICE  addition to all other applicable rates and charges named in this tariff, owing charges shall be assessed on shipments requiring escort service;  A charge of \$14.75 per hour, plus 10% cents per actual mile, shall be made for each escort vehicle and driver furnished, for the time and distance said vehicle and driver are engaged in such service. (See Notes 1 and 2)  A charge shall be made equal to the actual cost of any bridge or ferry tolls incurred for each escort car.  El.—Service shall commonce with departure of each escort vehicle from tof dispatch and torminate with the return of each escort car to its dispatch, excluding off-duty hours.  El.—Charges for fractions of an hour shall be determined in accordance following table:  MINUTES  But  Not Over  8

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	SECTION 1RULES (Con	tinued)	ITICM
	MINIMUM CHARGE		
Except as other	rwise provided, the minimum o	harge per shipment shall be as	
Weight of Ship	ment (In Pounds)		
Over	But Not Over	Charge (In Cents)	
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75	100	735	
100	150	780 840	<b>6210</b>
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300	400	1100	
400	500	1190	
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700	800		II
	200	1695	

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			SECTION 1		(CONCING						17
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Class:		100	925	85	775	7.0	65	60	55	50	
Rates in cents per 100 pounds		80	75	71	67	64	62	58	55	54	
		Governing or this to		cation,	Sections	2-A or	2-C of	the Exc	eption	Ratings	
(c)	porcent, cation, tariff, Class 1 Exception	s taking a age of the Sections except th 50 in the on Ratings ble for Cl	Class 10 2-A or 2- at shipmo Governing Tariff,	00 rating -C of the ents con y Classi. or this	y, as set e Excepti sisting of fication,	forth on Ration Section	in the c nys Tar les rate ns 2-A	Governi iff. or ed high or 2-C	ny Clas this er than of the	mifi-	يرد
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(d) (e)	porcent cation, tariff, Class 1 Exceptia applica No addi transpo the carr charge of See Ituu When a establi metropo under t	ago of the Sections except th 50 in the on Ratings ble for Cl tional chartation christ perfoon such sh	Class 10 2-A or 2- act shipme Governing Tariff, ass 150. Type shall arges are orming the inpment fi mixed shi cent is se i, said de 101 for	OO rating Control of the control of the control or this or this or this or this of the pased of the pure ansporta	y, as sote Exception of the sisting of the sister of the sister on a minibution so distributed at and at and the conspose of the sister of the	: forth on Ration on Ration on Ration of artice Section shall be this item work on point on point deliver deliver deliver descend desc	in the conga Tarters 2-A consider aubject mon ship ecoives nt.  y is made being trans	Coverni iff, or iff, or d high or 2=C t to th ipments 20,000 a tran de from g locat portati	ny Clas this er than er than of the orates for wh pounds sportat carrie ed with on char	sifi- ich when ion r's iin ges	34

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

Correction

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# TTEM SECTION 1--RULES (Continued) SPLIT DELIVERY The rate for transportation of a split delivery shipment shall be the rate applicable for the rate base determined as follows: (a) When point of origin and all points of destination are within a single zone, apply rate for Rate Basis B, subject to Notes 1, 2, and 3; When point of origin and all points of destination are within the area encompassed by two adjoining Metropolitan Zones, apply rate for Rate Basis C, subject to Notes 1, 2, and 3 (Metropolitan Zone 305 does not adjoin any other zone, except Metropolitan Zone 311, for the purposes of this rule); For all other shipments, apply rates for Rate Basis F, subject to Notes 1, 2, and 3. NOTE 1 .-- For each split delivery shipment a single bill of lading or shipping order shall be issued. It shall describe the kind and quantity of property for the entire shipmont, and bear the date such property is physically accepted by the currior. At the time of or prior to the tender of the shipmont the carrier shall be furnished with written instructions showing the name of each consignee, the point or points of destination, and a description of the kind and quantity of property in each component part of the split delivery shipment. NOTE 2.--If shipping instructions do not conform with the requirements of Note 1 hereof, each component part of the split delivery shipment shall be rated as a separate shipment under other provisions of this tariff. When shipping instructions do conform with the requirements of Note 1 hereof, component parts of split delivery shipments shall not be treated as separate shipments. 0300 NOTE 3.--In addition to the rate for transportation, the following additional charges shall be assessed for split delivery service: Weight of Component Parts (Pounds) Split Delivery Charge for Each Component Part in Cents But Not Over Over 500 2000-----1000 695 4000----2000 955 4000 10000------ 1080 1285 10000----NOTE 4.--Rates provided in this tariff do not apply to transportation of split delivery shipments unless point of origin and all points of destination are within the San Diego Drayage Area. When point of origin or one or more points of destination are located outside of the San Diego Drayage Area, rates in Minimum Rate Tariff 2 shall apply. o Increase, Decision No.

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Rate Basis	100	925	85	775	70	65	60	55	50	
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o Incr	case )	Decisio	n No.	893	256				- <u></u>	

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### SECTION 3--EQUIPMENT PATES AND RULES (Concluded)

ITEM

FREIGHT, regardless of classification, subject to Note 1:

	(1)(2) Rates in Cents Per Hour					
Weight in Pounds (See Note 2)	Column 1	Column 2	Column 3			
Less than 12,000	1790	2485	3195			
12,000 but not over 20,000	1845	2495	3200			
Over 20,000	1970	2600	3210			

- (1) Minimum Charge--The charge for one hour.
- (2) Rates do not include bridge or ferry tolls. Such tolls, when incurred by the carrier, shall be added to the transportation charges.
- Column 1--Rates per unit of equipment with driver, except for time equipment is operated in excess of 8 hours out of 9 consecutive hours, and except when operated on Saturdays, Sundays or holidays.
- Column 2--Rates per unit of equipment with driver for time equipment is Saturdays, Sundays or the following holidays: Washington's Birthday, Memorial Day, the day after Thanksgiving or the day before Christmas.
- Column 3--Rates per unit of equipment with driver for time equipment is operated on the following holidays: Independence Day, Labor Day, Thanksgiving Day, Christmas or New Year's Day.

NOTE 1. --

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- Subject to paragraph (b) below, rates in this item apply from the time the (a) Subject to paragraph (b) bolow, rates in this item apply from the time the truck and driver report for service pursuant to the shipper's order to the time of completion of the last trip under such order. EXCEPTION: If the single transaction covers a period in excess of one day, time consumed in driving from last point of destination to the carrier's terminal at the close of one day's business, and from the carrier's terminal to the point of origin at the beginning of the next day's business will not be included in computing the chargeable time.
- (b) In computing time for trailer shuttle service no time shall be charged for the movement of truck tractors without load or for trailers or semitrailers without power unit except when such trailers are being loaded or unloaded.
- (c) In computing time under the basis outlined in paragraphs (a) and (b) hereof the various time factors shall not be less than the actual time involved in minutes. After the total time has been determined under the provisions of paragraph (a) hereof, it shall be converted into hours and fractions thereof. Fractions of an hour shall be determined in accordance with the following table:

Less than 8 minutes--omit.

- 8 minutes or more but less than 23 minutes shall be & hour.
  21 minutes or more but less than 38 minutes shall be & hour.
  38 minutes or more but less than 53 minutes shall be & hour.
  53 minutes or more shall be 1 hour.

NOTE 2. -- The normal carrying capacity of each vehicle unit shall be determined by the carrier based upon that amount of property in pounds, which physically can be loaded therein and safely transported under normal conditions.

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

Correction