

ORIGINAL

Decision No. 90277 MAY 6 1979

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 trailer coaches)
and campers statewide as provided)
in Minimum Rate Tariff 18 and the)
revisions or reissues thereof.)

Case No. 8808
Petition for Modification
No. 46
(Filed November 30, 1978)

Don Shields and John K. Grisson, for Highway
Carriers Association, petitioner.
Charles E. Hearrell, for K. C. Trucking and R. V.
Transport; and William R. Sparlin, for
Jim Sparlin's R. V. Transporting; respondents.
Herbert Hughes, for California Trucking Association,
interested party.
William Tait, for the Commission staff.

O P I N I O N

Minimum Rate Tariff 18 (MRT 18) contains statewide minimum rates for the transportation of trailer coaches and campers by highway carriers. Highway Carriers Association (HCA), a nonprofit organization of highway carriers engaged in transportation under MRT 18, seeks amendment of MRT 18 to provide a new scale of rates for the towing of single recreational vehicles.

Public hearing was held before Administrative Law Judge Mallory in Los Angeles on March 6, 1979 and the matter was submitted. Evidence in support of HCA's request was presented by its general manager, by a cost accountant, and by a highway contract carrier engaged in the type of hauling under consideration herein. No one opposed the granting of the relief sought.

The testimony presented on behalf of HCA showed the following. The present rates applicable to the transportation of towed recreational trailers are those designed for the transportation of mobile homes, as set forth in Item 350 of MRT 18. Those rates are too high for the movement of towed recreational trailers, which require less accessorial services than mobile homes. The result of maintaining higher than reasonable minimum rates for the towing of recreational trailers has been to cause unlicensed carriers to enter that field. Such unlicensed carriers are assessing less than the rates in MRT 18, as are some highway permit carriers.

Petitioner seeks to establish a new scale of rates on recreational trailers towed as a single unit which are based on 80 percent of the single-unit rates in Item 350. Petitioner's members engaged in the transportation of recreational trailers in single units believe minimum rates on the level proposed by petitioner will be sufficiently low to permit them to regain the traffic lost to unlicensed carriers.

Petitioner's cost data submitted in support of the sought rates indicate that the rate levels proposed are substantially above estimated costs for hauls of less than 300 miles. Testimony indicates that the proposed rate levels were developed before the final cost data were compiled, and that the proposed reduction was developed from preliminary cost data. Rates below the level proposed by petitioner which are more closely related to the estimated costs will be adopted.

The format of the proposed rate item is the same as that set forth in Item 350. Item 350 contains two levels of rates. The higher level of rates was designed to cover the secondary movement of mobile homes that are transported from a permanent site in a mobile home park to a similar site in another park.

Recreational travel trailers are not placed by the carrier in a permanent location requiring installation of power and sewer connections and blocking as are mobile homes. Thus, the accessorial services for which the higher level of rates in Item 350 was designed are not performed in connection with recreational travel trailers. Moreover, the cost data furnished by petitioner covers only transportation services, and makes no provision for accessorial services. Two levels of rates, depending on the type of origin or destination of the shipment, appear unnecessary for the towing of recreational travel trailers, and such second level of rates will not be provided.

Petitioner proposes revisions in the definitions in MRT 18 to accommodate the new tariff item it proposes. Those revised definitions should be adopted. The adoption of those definitions requires similar revision of Item 40 of MRT 2. That revision should be accomplished by separate order.

Findings

1. The applicable minimum rates for the transportation of recreational travel trailers when towed as single units are set forth in Item 350 of MRT 18.
2. The rates in Item 350 were developed from cost data applicable to the transportation of mobile homes. The transportation of mobile homes requires that substantial accessorial services be performed by the highway carriers in connection with loading and unloading. Those same accessorial services are not performed by carriers engaged in the towing of recreational travel trailers.
3. In Exhibit 46-3 petitioner has presented cost analyses of the operations of carriers engaged in the transportation in issue. The cost data indicate that present minimum rates for recreational travel trailers transported as single units substantially exceed the estimated operating costs for such service.

4. Petitioner proposes in this proceeding that rates for the transportation of recreational travel trailers towed as single units be reduced in order that carrier members of HCA may retain such traffic in face of competition from unregulated carriers that assess rates below the level of the present minimum rates.

5. The establishment of specific rates in MRT 18 for the transportation of recreational travel trailers towed as single units which are less than existing minimum rates, and the revision of definitions in MRT 18 to accommodate such new rate item will be reasonable and is justified.

6. The rates, definitions, and rules set forth in the tariff pages to this order will result in just, reasonable, and nondiscriminatory minimum rates and provisions to govern the transportation of recreational travel trailers transported as single units by highway carriers subject to the provisions of MRT 18.

7. The revised definitions adopted in the attached order require a similar revision in Item 40 series of MRT 2 (Application of Rates-Commodities).

8. Common carriers should be authorized to depart from the long- and short-haul provisions of Section 461.5 of the Public Utilities Code and the Commission's tariff circular requirements only to the extent necessary to publish the rates ordered herein.

We conclude that MRT 18 should be amended as provided in the order which follows, and that MRT 2 should be amended by separate order. Petition 46 should be granted to the extent provided in the following order.

O R D E R

IT IS ORDERED that:

1. Minimum Rate Tariff 18 (Appendix B of Decision No. 72418, as amended) is further amended by incorporating therein, to become effective thirty-nine days after the date hereof, Fourth Revised Page 4, First Revised Page 5, Sixth Revised Page 32, and Original Page 32.5, attached hereto and by this reference made a part hereof.

2. Tariff publications authorized 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 may be made effective not earlier than the tenth day after the effective date of this order, and may be made effective on not less than ten 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.

3. Common carriers, in establishing and maintaining the rates 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 rates published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

4. In all other respects, Decision No. 72418, as amended, shall remain in full force and effect.

5. The Executive Director shall serve a copy of this decision on every common carrier, or such carriers' authorized tariff publishing agents, performing transportation services subject to Minimum Rate Tariff 18.

6. The Executive Director shall serve a copy of each of the tariff amendments on each subscriber to Minimum Rate Tariff 18.

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

Dated at San Francisco, California, this 8th day of MAY, 1979.

Commissioner Richard D. Gravelle, being necessarily absent, did not participate in the disposition of this proceeding.

John E. Boyron
President

Donald L. Sturgeon
Richard D. Gravelle
Edward W. ...
Commissioners

SECTION 1--RULES	ITEM
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Items 10, 11 and 12)</p> <p>SCAMPER means a structure designed to be carried upon a motor vehicle, capable of occasional (non-permanent) human habitation.</p> <p>CARRIER means a radial highway common carrier, or highway contract carrier, as defined in the Highway Carriers' Act.</p> <p>CARRIER'S EQUIPMENT means any motor truck, truck tractor, or other self-propelled highway vehicle, trailer, semitrailer, or any combination of such highway vehicles operated as a single unit for the transportation of property over public highways.</p> <p>COMMISSION means the Public Utilities Commission of the State of California.</p> <p>COMMON CARRIER RATE means any intrastate rate or rates of any common carrier or common carriers, as defined in the Public Utilities Act, lawfully on file with the Commission and in effect at time of shipment.</p> <p>CONSIGNEE means the person, firm or corporation shown on the shipping document as the party to whom the property is physically delivered by the carrier.</p> <p>CONSIGNOR means the person, firm or corporation shown on the shipping document as the party who physically delivers the property to the carrier for transportation.</p> <p>DEBTOR means the person obligated to pay the transportation charges to the carrier, whether consignor, consignee, or other party.</p> <p>DISTANCE TABLE means Distance Table 8 and reissues thereof.</p> <p>ESCORT SERVICE means the furnishing of pilot cars or vehicles by a carrier as may be required by any governmental agency to accompany a shipment for highway safety.</p> <p>HAUL AND TOW means any combination of Haulaway and Towaway at the same time with one unit of carrier's equipment.</p> <p>HAULAWAY means the movement of one or more trailer coaches or campers with the weight of the trailer coaches or campers resting wholly on carrier's equipment.</p> <p style="text-align: center;">(Continued in Item 11)</p>	<p>10</p>
<p>Change, Decision No. 90277</p>	
<p>EFFECTIVE 6/16/79</p>	
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Continued) (Items 10, 11 and 12)</p> <p>PERMIT SHIPMENT means a shipment which because of its width, length, height, weight or size requires special authority from a governmental agency regulating the use of highways, roads or streets for transportation of such shipment in whole or in part.</p> <p>POINT OF DESTINATION means the precise location at which property is tendered for physical delivery into the custody of the consignee or his agent. All points within a single industrial plant, trailer coach park, or receiving area shall be considered as one point of destination. An industrial plant or receiving area shall include only contiguous property which shall not be deemed separate if intersected only by public street or thoroughfare.</p> <p>POINT OF ORIGIN means the precise location at which property is physically delivered by the consignor or his agent into the custody of the carrier for transportation. All points within a single industrial plant, trailer coach park, or shipping area shall be considered as one point of origin. An industrial plant or shipping area shall include only contiguous property which shall not be deemed separate if intersected only by public street or thoroughfare.</p> <p>RAILHEAD means a point at which facilities are maintained for the loading of property into or upon, or the unloading of property from rail cars. It also includes truck loading facilities of plants or industries located at such rail loading or unloading point.</p> <p>RATE includes charge and, also, the rules governing, and the accessorial charges applying in connection therewith.</p> <p>*RECREATIONAL VEHICLE means a vehicle designed to be towed on its own wheels on the highway, capable of occasional (non-permanent) human habitation, not over 96 inches in width, nor over 40 feet in length including a trailer hitch.</p> <p>SAME TRANSPORTATION means transportation of the same kind and quantity of property between the same points, and subject to the same limitations, conditions and privileges, although not necessarily by an identical type of equipment.</p> <p>SHIPMENT means a quantity of trailer coaches and/or campers physically tendered by one consignor at one point of origin for transportation to one point of destination for which a single shipping document has been issued, transported by carrier's equipment. (See also exceptions in rules and definitions for split shipment.)</p> <p>SPECIAL PURPOSE TRAILER COACH means a structure with two or more outer walls, including a roof, built on a mobile chassis, designed for industrial, educational, professional, or commercial uses; and designed to be drawn on its own wheels by means of a ball-hitch coupling.</p> <p style="text-align: center;">(Continued in Item 12)</p>	<p>011</p>
<p> Change) * Addition) Decision No. 90277 </p>	
<p>EFFECTIVE 6/16/79</p>	
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	

SECTION 2--RATES					ITEM
DISTANCE HAULWAY OR HAUL AND TOW RATES IN DOLLARS PER SHIPMENT OF TRAILER COACHES, *RECREATIONAL VEHICLES AND/OR CAMPERS, AND IN CENTS PER SHIPMENT PER MILE OVER 200 MILES					8352
MILES		NUMBER PER SHIPMENT (See Note)			
Over	But Not Over	2	3	4 or more	
0	5	44	55	62	
5	10	54	60	70	
10	25	63	70	80	
25	50	80	87	99	
50	75	101	108	117	
75	100	119	129	133	
100	125	140	148	154	
125	150	163	169	180	
150	175	182	189	197	
175	200	202	212	218	
200	-	102 cents per mile or frac- tion thereof.	105 cents per mile or frac- tion thereof.	110 cents per mile or frac- tion thereof.	
NOTE.--Rates in this item do not apply to trailer coaches over 8 feet 4 inches in width.					
* Change) * Addition)		Decision No.		90277	
EFFECTIVE					6/16/79
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.					
Correction					

SECTION 2--RATES (Concluded)		ITEM
DISTANCE HAULWAY OR HAUL AND TOW RATES IN DOLLARS PER RECREATIONAL VEHICLE AND IN CENTS PER MILE OVER 100 MILES		
MILES But Not		RATE
Over	Over	
0	5	15
5	10	17
10	15	20
15	20	23
20	25	26
25	30	29
30	35	32
35	40	36
40	50	41
50	60	45
60	70	49
70	80	54
80	90	58
90	100	65
100	115	72
115	130	79
130	145	86
145	160	93
160	180	106
180	200	119
200	225	136
225	250	152
250	275	169
275	300	188
300	-	62 cents per mile or fraction thereof.
		*6353
<p>* Addition) Decision No. 90277</p> <p>o Reduction)</p>		
EFFECTIVE 6/16/79		
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Correction		