

ORIGINAL

Decision No. 92006 JUL 2 1980

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)
property by vacuum-type tank)
vehicles and pump-type tank)
vehicles statewide as provided)
in Minimum Rate Tariff 13 and)
the revisions or reissues)
thereof.)

Case No. 6008
Petition for Modification
No. 43
(Filed May 14, 1980)

OPINION AND ORDER

Minimum Rate Tariff 13 (MRT 13) contains minimum hourly rates and rules for transportation of certain property in vacuum and pump tank truck equipment by several classes of highway carriers. By this petition, California Trucking Association (CTA) seeks to include Veteran's Day as a holiday in MRT 13.

Petitioner states that rates and charges contained in Minimum Rate Tariff 13 (MRT 13) were last adjusted and revised pursuant to the Commission's Decision 91300, Petition 42. Included in this measurement of vacuum truck cost was the provision for 11 paid holidays. This provision flows from the collective bargaining agreements and prevailing wages which underlie the development of MRT 13. Inadvertently, however, the rate item naming the days under which the holiday premium applies does not comport with the cost development. The rate item omits the naming of Veteran's Day, which holiday became a paid holiday pursuant to the collective bargaining agreement in 1975.

The petition was listed on the Commission's Daily Calendar of May 19, 1980. No objection to the granting of the petition has been received.

The Commission concludes that the petition should be granted to the extent set forth in the ensuing order.

IT IS ORDERED that:

1. Minimum Rate Tariff 13 (Appendix B to Decision 55584, as amended) is further amended by incorporating therein, to become effective July 30, 1980 Fourth Revised Page Four and Twenty-first Revised Page Seven, 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 55584, as amended, are directed to establish in their tariffs the increases 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 13 are authorized to increase such rates by the same amount authorized by this decision for the respective tariff rates.

4. 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 may be made effective not earlier than July 30, 1980 on not less than five days' notice to the Commission and to the public; as to tariff publications as are authorized, but not required, the authority shall expire unless exercised within sixty days after the effective date of this order.

5. 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 the rates published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

6. In all other respects, Decision 55584, as amended, shall remain in full force and effect.

7. 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 13.

8. The Executive Director shall serve a copy of the tariff amendments on each subscriber to Minimum Rate Tariff 13.

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

Dated JUL 2 1980, at San Francisco, California.

John E. Boyson
President

Veronica L. Strueman

Richard D. Gandy

Clare T. DeLuca

Samuel J. Gering
Commissioners

| SECTION 1--RULES OF GENERAL APPLICATION | ITEM |
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| <p style="text-align: center;">DEFINITION OF TECHNICAL TERMS</p> <p>AIR MILE means a statute mile measured in a straight line without regard to terrain features or differences in elevation.</p> <p>BASE OF OPERATION means the single point described in the written agreement which shall be a point at which the shipper will regularly tender freight to the carrier or will regularly receive freight from the carrier.</p> <p>CARRIER means a radial highway common carrier or highway contract carrier or a petroleum contract carrier, as defined in the Highway Carriers' Act.</p> <p>CARRIER'S EQUIPMENT means any motor truck or other self-propelled highway vehicle, semitrailer, or any combination of such highway vehicles operated by the carrier when such vehicles are (1) vacuum-type tank vehicles which are loaded ordinarily by the force of atmospheric pressure acting upon a vacuum within the vehicles; or (2) pump-type vehicles which are loaded ordinarily by a pumping process in which the material being loaded passes through the pumps.</p> <p>COMMISSION means the Public Utilities Commission of the State of California.</p> <p>ENGAGEMENT means the employment of one or more unit(s) of equipment with driver and/or helper by one shipper on one shipping document.</p> <p>HOLIDAYS mean New Year's (January 1), Washington's Birthday (the third Monday in February), Good Friday, Memorial Day (the last Monday in May), Fourth of July, Labor Day (the first Monday in September), Veteran's Day, Thanksgiving Day, the day after Thanksgiving, December 24 and Christmas Day (December 25). When a holiday falls on Sunday, the following Monday shall be considered as a holiday.</p> <p>INDEPENDENT-CONTRACTOR SUBHAULER means any carrier who renders service for a principal carrier, for a specified recompense, for a specified result, under the control of the principal as to the result of the work only and not as to the means by which such result is accomplished.</p> <p>RATE includes charge, also rules and regulations governing, and the accessorial charges applying in connection therewith.</p> <p>SHIPMENT means the engagement of one or more unit(s) of equipment with driver and/or helper by one shipper on one shipping document.</p> <p>UNIT OF EQUIPMENT means a tractor, vacuum or pump-type tank truck, trailer or semitrailer, or any combination of the foregoing operated in a train.</p> | §10 |
| <p> ◊ Change) Decision No. 92005 * Addition) </p> | |
| EFFECTIVE 7/30/50 | |
| <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 OF GENERAL APPLICATION (Continued) | ITEM |
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| <p style="text-align: center;">ACCESSORIAL CHARGES</p> <p>When carrier furnishes help in addition to the driver, an additional charge of (1) \$21.75 or (2) \$18.95 per man per hour shall apply. The time for computing the additional charge shall be not less than the actual time in minutes the helper or helpers are engaged in performing the services. The total time so computed shall be converted into hours and fractions thereof. Fractions of an hour shall be determined in accordance with the table provided in Item 80.</p> <p>(1) Applies when the accessorial service is performed in Territory "A" consisting of the Counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego and Imperial.</p> <p>(2) Applies when the accessorial service is performed in Territory "B" consisting of all counties in California other than those included in Territory "A".</p> | 60 |
| <p style="text-align: center;">MINIMUM CHARGE</p> <p>1. The minimum charge per shipment shall be that for two hours of service at the applicable rate.</p> <p>2. When service is provided under the provisions of Items 60 or 200 on holidays, an additional charge shall be assessed for each driver or helper so furnished, as follows:</p> <p>(a) On New Years Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day and Christmas Day, twice the hourly charge in Item 60 for each hour worked with a minimum charge of four hours.</p> <p>(b) On Washington's Birthday, Good Friday, *Veteran's Day, the day after Thanksgiving and December 24th, the hourly charge in Item 60 for each hour worked with a minimum charge of four hours.</p> | 670 |
| <p style="text-align: center;">HANDLING OF CLAIMS FOR LOSS OR DAMAGE</p> <p>Claims for loss or damage shall be governed by the provisions of General Order 139.</p> | 75 |
| <p>Change) * Addition) Decision No. 92006</p> | |
| <p>EFFECTIVE 7/30/80</p> | |
| <p>Correction</p> | <p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> |