

ORIGINAL

Decision No. 41737

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Establishment of) rates, rules and regulations for the) transportation of property by common) carriers as defined in the Public) Utilities Act and highway carriers as) defined in the Highway Carriers' Act.)	Case No. 4246
--	---------------

In the Matter of the Establishment of) rates, rules and regulations for the) transportation of property by carriers) as defined in the City Carriers' Act.)	Case No. 4434
--	---------------

In the Matter of the Investigation) into the rates, rules, regulations,) charges, allowances and practices) of all common carriers, highway) carriers and city carriers relating) to the transportation of property.)	Case No. 4808
--	---------------

Appearances

- Russell Bevans, Aaron H. Glickman, E. H. Hart,
William Larimore, and Charles C. Miller,
for various carriers, carrier associations
and tariff publishing agents.
- J. J. Deuel and Alex Meyer, for California Farm
Bureau Federation.
- S. A. Moore, for Permanente Cement Company.

SUPPLEMENTAL OPINION AND ORDER

State-wide minimum rates for the transportation of property in dump truck equipment by city carriers, radial highway common and highway contract carriers have been promulgated in City Carriers' Tariff No. 6 - Highway Carriers' Tariff No. 7 (Appendix "A" to Decision No. 32566, as amended, in Cases Nos. 4246 and 4434). Rules and regulations governing the application of these rates have been made a part of the tariff. Other rules and regulations established by outstanding orders but which do not directly affect the application of the rates have not been incorporated in the tariff. Upon due notice to interested parties, an adjourned public hearing was scheduled for the receipt of evidence relative to the advisability of

doing so. This hearing was had at San Francisco on June 8, 1948, before Examiner Mulgrew.¹

A rate expert employed by the Commission introduced an exhibit consisting of proposed tariff amendments. These tariff provisions, he said, were no different in scope or effect than the present provisions of the orders; the changes in language, he explained, were made merely for the purpose of adapting the requirements of the orders to tariff publication. The proposals involve provisions relating to the definition of overlying and underlying carriers, the issuance of shipping documents, the prohibitions against the use of rates in units of measurement different from those in which minimum rates are stated, and the bases for payments to underlying carriers. By the tariff rule method, the witness asserted, interested parties could, by reference to the tariff, be fully informed with respect to the requirements which must be observed. He testified that the service of rate orders on the carriers and other interested parties would be simplified by using the tariff process.

Interested parties offered no objections; however, some of them alleged that it is impractical for carriers to furnish shipping documents with all the required entries filled in at the time of the tender of shipments. It was suggested that the carriers be permitted to furnish rates and weights subsequent to the receipt of shipments and bills of lading supplemented by subsequently issued freight bills.

Outstanding orders relating to the issuance of shipping documents do not require that these documents be completed at the time of the tender of shipments to the carriers. They contain a "suitable and proper" combined shipping order and freight bill. Other

¹ The hearing also involved the receipt of similar evidence in Cases Nos. 4084, 4108, 4109, 4121, 4246 and 4434 with regard to other minimum rate tariffs. This evidence is treated in decisions issued today which deal with each of these tariffs.

forms may be used, provided they supply all of the required information concerning the transportation involved. In these circumstances, the suggested changes in shipping document requirements do not appear to be necessary.

It appears that the amendments to City Carriers' Tariff No. 6 - Highway Carriers' Tariff No. 7 proposed by the rate expert will enable more ready determination of the requirements of outstanding orders and at the same time permit improvement in procedures in the service of rate orders. The tariff will be amended accordingly.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Decision No. 32566, as amended, in Cases Nos. 4246 and 4434, be and it is hereby further amended by incorporating in City Carriers' Tariff No. 6 - Highway Carriers' Tariff No. 7 (Appendix "A" of said Decision No. 32566, as amended), the original and revised pages attached hereto and by this reference made a part hereof, which pages are numbered as follows:

Fifth Revised Page 2 cancels Fourth Revised Page 2.
First Revised Page 3 cancels Original Page 3.
Second Revised Page 4 cancels First Revised Page 4.
Second Revised Page 4-A cancels First Revised Page 4-A.
Fifth Revised Page 5 cancels Fourth Revised Page 5.
Original Page 5-A.
Fifth Revised Page 42 cancels Fourth Revised Page 42.
Original Page 43.
Original Page 44.

In all other respects the aforesaid Decision No. 32566, as amended, shall remain in full force and effect.

This order shall become effective thirty (30) days from the date hereof.

Dated at San Francisco, California, this 22nd day of June, 1948.

R. F. [Signature]
Justice J. Gallivan
James H. [Signature]
Harold P. [Signature]
Samuel P. [Signature]
Commissioners

TABLE OF CONTENTS	Item No. (series) except as shown
Arrangement of Tariff	Page 3
Correction Number Checking Sheet.....	Page 1
Rates:	
Distance.....	130 to 145, in- clusive
From Production Areas to Delivery Zones.....	210 to 297, in- clusive
Hourly.....	320, 360
Rules and Regulations:	
Alternative Application of Common Carrier Rates	70
Alternative Application of Combinations with Common Carrier Rates.....	90
Application of Hourly Rates.....	300
Application of Tariff - Carriers.....	20
Application of Tariff - Territorial.....	30
Application of Zone Rates.....	205
Bridge and Ferry Tolls.....	80
Collection of Charges.....	45
Computation of Distances.....	40
Computation of Time.....	350
Construction of Rates.....	330
Drivers' and Helpers' Wage Rate.....	340
Interterritorial Movements.....	120, 310
*Issuance of Shipping Document.....	93
Method of Determining Weight of Shipment.....	60
Minimum Charge.....	50
*Payments to Underlying Carriers.....	94
Rules Governing Boundary Descriptions.....	200
Technical Terms - Definition of.....	10
Territorial Descriptions.....	100, 110
*Units of Measurement in Quotation of Rates and Charges.....	47

* Change, Decision No. 41737

EFFECTIVE July 22, 1948

Issued by The Public Utilities Commission of the State of California,
 San Francisco, California.
 Correction No. 191

First Revised Page....3
Cancels
Original Page.....3

CITY CARRIERS' TARIFF NO. 6
HIGHWAY CARRIERS' TARIFF NO. 7

ARRANGEMENT OF TARIFF

This is a loose-leaf tariff consisting of five sections

SECTION NO. 1 - contains Rules and Regulations.

SECTION NO. 2 - contains Distance Rates.

SECTION NO. 3 - contains Rates from Production Areas to
Delivery Zones.

SECTION NO. 4 - contains Hourly Rates.

*SECTION NO. 5 - contains Form of Shipping Document.

* Change, Decision No. 41737

EFFECTIVE July 22, 1948

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.

Correction No. 192

Item No.	SECTION NO. 1 - RULES AND REGULATIONS
10-B Cancels 10-A	<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS</p> <p>(a) CARRIER means a radial highway common carrier or a highway contract carrier, as defined in the Highway Carriers' Act (Chapter 223, Statutes of 1935, as amended), or a carrier, as defined in the City Carriers' Act (Chapter 312, Statutes of 1935, as amended).</p> <p>(b) DUMP TRUCK EQUIPMENT means any motor vehicle as defined in Section 1, paragraph (e) of the Highway Carriers' Act (Chapter 223, Statutes of 1935, as amended), which is equipped to discharge its load by gravity either by tilting the body of the vehicle or opening all or a portion of the bottom, but does not mean a motor vehicle engaged in the transportation of concrete mechanically mixed in transit.</p> <p>(c) 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>(d) 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 or vessels. It also includes truck loading facilities of plants or industries located at such rail or vessel loading or unloading point.</p> <p>(e) 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.</p> <p>(f) POINT OF DESTINATION means the precise location at which property is tendered for physical delivery into the custody of the consignee or his agent.</p> <p>(g) RATE includes charge, and also the ratings, minimum weight, rules and regulations governing, and the accessorial charges applying in connection therewith.</p> <p>(h) SAME TRANSPORTATION means transportation of the same kind and quantity of property and subject to the same limitations, conditions and privileges, although not necessarily transported in an identical type of equipment.</p> <p>(i) SHIPMENT means a quantity of freight tendered by one shipper on one shipping document at one point of origin at one time for one consignee at one point of destination.</p> <p>(j) COMMERCIAL PRODUCING PLANT means the point at which sand or gravel is washed and sorted as to size and grade and placed into stock piles or bunkers, and/or where stone is crushed and graded, and placed into stock piles or bunkers.</p> <p>(k) TEAM TRACK means a point at which property may be loaded into or upon, or unloaded from rail cars by the public generally; it also includes wharves, docks and landings at which the public generally may receive or tender shipments of property from and to common carriers by vessel.</p> <p>(l) TON means 2,000 pounds.</p> <p>(m) DRY MIXTURES OF SAND, CRUSHED STONE AND GRAVEL IN BATCHES means where such mixtures are loaded in dump truck equipment provided with one or more batch gates permitting of the loading or unloading of the contents of the individual portions of the load separately and distinctly from the other portions of the load.</p> <p>*(n) OVERLYING CARRIER means a carrier, as defined in paragraph (a) of this item, which contracts with a shipper to provide transportation service for the latter, but which carrier in turn employs another carrier, known as the underlying carrier, to perform that service.</p>

*(c) UNDERLYING CARRIER means a carrier, as defined in paragraph (a) of this item, employed by another carrier to perform transportation service which the latter carrier has contracted to provide for a shipper.

APPLICATION OF TARIFF - CARRIERS

20
1-3-40

Rates provided in this tariff are minimum rates, established pursuant to the Highway Carriers' Act (Chapter 223, Statutes of 1935, as amended), and the City Carriers' Act (Chapter 312, Statutes of 1935, as amended). They apply for transportation of property by regular highway common carriers and highway contract carriers, as defined in said Highway Carriers' Act, and by carriers as defined in said City Carriers' Act, in bulk in dump truck equipment.

APPLICATION OF TARIFF TERRITORIAL

30
1-3-40

Rates in this tariff apply for transportation of shipments between all points within the State of California.

COMPUTATION OF DISTANCES

40
1-3-40

Distances to be used in connection with distance rates named herein shall be the actual mileages traversed, including any detour to and from scales to obtain weight of shipment.

* Change, Decision No. 41737

EFFECTIVE July 22, 1948

Issued by The Public Utilities Commission of the State of California,
San Francisco, California.

Correction No. 193

Item No.	SECTION NO.1 - RULES AND REGULATIONS (Continued)
	<p style="text-align: center;">(1) COLLECTION OF CHARGES</p> <p>(a) Except as otherwise provided in this rule, transportation and accessorial charges shall be collected by the carriers prior to relinquishing physical possession of shipments entrusted to them for transportation.</p> <p>(b) Upon taking precautions deemed by them to be sufficient to assure payment of charges within the credit period herein specified, carriers may relinquish possession of freight in advance of the payment of the charges thereon and may extend credit in the amount of such charges to those who undertake to pay them, such persons herein being called shippers, for a period not to exceed 20 days, excluding Sundays and legal holidays other than Saturday half-holidays, following the last day of the calendar month in which the transportation was performed.</p> <p>(c) Where the carrier has relinquished possession of freight and collected the amount of charges represented in a freight bill presented by it as the total amount of such charges, and another freight bill for additional charges is thereafter presented to the shipper, the carrier may extend credit in the amount of such additional charges for a period of 30 calendar days to be computed from the first 12 o'clock midnight following the presentation of the subsequently presented freight bill.</p> <p>(d) Freight bills for all transportation and accessorial charges shall be presented to the shippers within 5 days after the last calendar day of the month in which the transportation was performed.</p> <p>(e) Shippers may elect to have their freight bills presented by means of the United States mail, and when the mail service is so used the time of mailing by the carrier, as evidenced by the postmark, shall be deemed to be the time of presentation of the freight bills.</p> <p>(f) The mailing by the shipper of valid checks, drafts, or money orders, which are satisfactory to the carrier, in payment of freight charges within the credit period allowed such shipper may be deemed to be the collection of the charge within the credit period for the purpose of these rules. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.</p>
<p>45 2-1-41</p>	<p style="text-align: center;">UNITS OF MEASUREMENT IN QUOTATION OF RATES AND CHARGES</p> <p>Rates or accessorial charges shall not be quoted or assessed by carriers based upon a unit of measurement different from that in which the minimum rates and charges in this tariff are stated.</p>

* 47
Added

Item No. 95-A formerly carried on First Revised Page 4-A
has been transferred to Original Page 5-A.

* Change, Decision No. **41737**

(a) Will not apply to the transportation of property for the
United States, state, county or municipal governments.

EFFECTIVE July 22, 1948

Issued by The Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 194

Item No.	SECTION NO. 1 - RULES AND REGULATIONS *(Continued)
50-C 6-29-42	<p style="text-align: center;">MINIMUM CHARGE</p> <p>Except as otherwise provided, the minimum charge per shipment shall be the charge for 7 tons at the applicable rate. (See Note.)</p> <p>NOTE: Between points in San Diego County the minimum charge per shipment shall be the charge for 6 tons at the applicable rate.</p>
60-A 11-1-47	<p style="text-align: center;">METHOD OF DETERMINING WEIGHT OF SHIPMENT (APPLICABLE IN SOUTHERN TERRITORY ONLY)</p> <p>Actual weight of the shipment shall be used when furnished by the shipper or when obtained by the carrier at the shipper's direction and expense.</p> <p>Otherwise, charges shall be computed upon the basis of an estimated weight of 2800 pounds per cubic yard.</p>
70-A 11-1-47	<p style="text-align: center;">ALTERNATIVE APPLICATION OF COMMON CARRIER RATES</p> <p>Common carrier 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, from the same point of origin to the same point of destination, than results from the application of the rates herein provided. For charges for loading and unloading see Note 1, Item No. 90 series. (See Note.)</p> <p>NOTE: When a rail carload rate is subject to varying minimum weights, 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.</p>
80 1-3-40	<p style="text-align: center;">BRIDGE AND FERRY TOLLS</p> <p>On all shipments the actual bridge or ferry tolls shall be added to the transportation charge when such facilities are used by the carrier.</p>
90-A 11-1-47	<p style="text-align: center;">ALTERNATIVE APPLICATION OF COMBINATIONS WITH COMMON CARRIER RATES APPLICABLE TO SOUTHERN TERRITORY OF THE STATE</p> <p>When lower aggregate charges result, rates provided in this tariff may be used in combination with common carrier rates for the same transportation as follows:</p> <p>(a) When point of origin is located beyond railhead and point of destination is located at railhead, add to the common carrier rate applying from any team track to point of destination the rate provided in this tariff for the distance from point of origin to the team track from which the common carrier rate used applies. (See Notes 1, 2 and 3.)</p>

(b) When point of origin is located at railhead and point of destination is located beyond railhead, add to the common carrier rate applying from point of origin to any team track, the rate provided in this tariff for the distance from the team track to which the common carrier rate used applies to point of destination. (See Notes 1 and 3.)

(c) When both point of origin and point of destination are located beyond railhead, add to the common carrier rate applying between any railheads the rate provided in this tariff for the distance from point of origin to the team track from which the common carrier rate used applies, plus the rate provided in this tariff for the distance from the team track to which the common carrier rate used applies to point of destination. (See Notes 1, 2 and 3.)

NOTE 1. In the event, under the provisions of Items Nos. 70 and 90 series, a rate of a common carrier is used in constructing a rate for highway transportation and such common carrier rate does not include accessorial services performed by the highway carrier, the following charge for such accessorial services shall be added:

NOTE 2. For loading and unloading 12 cents per ton. When the point of origin located beyond railhead is a commercial producing plant located within any of the production areas described in Section No. 3, in which a team track is located and the point of destination is outside such production area, the combination rate may be constructed by adding to the common carrier rate specified in this item series, the rate of 6 cents per ton in lieu of the rate provided in this tariff for the distance from the point of origin to the team track from which said common carrier rate applies.

NOTE 3. When the rail carload rate is subject to varying minimum weights, 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.

* Change, Decision No. 41737

EFFECTIVE JULY 22, 1948

Issued by The Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 195

Item No.	SECTION NO. 1 - RULES AND REGULATIONS (Concluded)
	<p style="text-align: center;">ISSUANCE OF SHIPPING DOCUMENT</p> <p>A shipping document (either in individual or manifest form) shall be issued by the carrier to the shipper for each shipment received for transportation. The shipping document shall show the following information:</p> <ul style="list-style-type: none"> (a) Name of shipper. (b) Name of consignee. (c) Point of origin. (d) Point of destination. (e) Description of the shipment. (f) Weight of the shipment (or other factor or measurement upon which charges are based). (g) Rate and charge assessed. (h) Such other information as may be necessary to an accurate determination of the applicable minimum rate and charge. <p>The form of shipping document in Item No. 370 series will be suitable and proper.</p> <p>A copy of each shipping document shall be retained and preserved by the issuing carrier, subject to the Commission's inspection, for a period of not less than three years from the date of its issuance.</p>
*93 Added	<p style="text-align: center;">PAYMENTS TO UNDERLYING CARRIERS</p> <p>(Applies only in connection with transportation for which rates are provided in this tariff from, to or between points in Southern Territory.)</p> <p>Charges paid by any overlying carrier to an underlying carrier and collected by the latter carrier from the former for the service of said underlying carrier shall be not less than 95 per cent of the charges applicable under the minimum rates prescribed in this tariff.</p>
(1) 95-A 2-1-41	Cancelled. After date of cancellation the provisions of Item No. 45 will apply.
<p style="text-align: center;">* Change, Decision No. 41737</p> <p>(1) Item No. 95-A transferred from First Revised Page 4-A to Original Page 5-A.</p>	
EFFECTIVE July 22, 1948	
<p>Issued by The Public Utilities Commission of the State of California, San Francisco, California.</p> <p>Correction No. 196</p>	

Item No.	SECTION NO. 4		HOURLY RATES (Concluded)					
	MATERIAL, as described in Item No. 320 series.							
	<p>COLUMN "A" rates apply where the loading is performed by power loading device, excepting processed sand, gravel or crushed stone in stock piles at a commercial producing plant, at point of consumption or at intermediate point of transfer. A hopper chute or bunker shall not be deemed to be a power loading device.</p> <p>COLUMN "B" rates apply where the loading is performed by hand and where the average mileage of the vehicle does not exceed eight (8) miles per hour for the period of time the vehicle is in use each day.</p> <p>COLUMN "C" rates apply where transportation or loading is under conditions other than described under application of Column "A" or Column "B" rates.</p>							
	Level Capacity of Dump Truck Body in Cubic Yards (See Note 1)	NORTHERN TERRITORY (See Item No. 110 series)			SOUTHERN TERRITORY (See Item No. 100 series)			
		Column A	Column B	Column C	Column A	Column B	Column C	
		(1) Rates in Cents Per Hour (See Item No. 330 series)						
	Over	But not over						
	0	2	127	96	114	115	90	105
	2	2½	152	108	133	140	100	120
		But less than						
	2½	3½	210	127	178	180	115	150
360-E	(2)3½	4½	254	152	216	210	135	180
	(2)4½	5½	293	185	254	235	160	210
		But not over						
7-1-48	(2)5½	7	343	235	305	290	205	250
	7	8	387	267	343	345	245	280
	8	9	431	299	381	375	275	310
	9	10	475	331	419	405	300	345
	10	11	519	363	457	435	325	375
	11	12	563	395	495	470	355	410
	12	13	607	427	533	500	380	440
	13	14	651	459	571	535	410	470
	14	15	695	491	609	565	435	500
	15	Add to rate for 15 cubic yards capacity for each cubic yard or fraction thereof	44	32	38	32	27	32
	<p>(1) Minimum charge shall be the rate for one hour.</p> <p>(2) Includes the capacity shown.</p> <p>NOTE 1.--Level capacity of Dump Truck body means the cubical content of the body in cubic yards calculated by multiplying the inside length by the average inside width and the average inside height of the sides of the body, including temporary side boards, if such boards are used, with no allowance for the crown of the load or for low head board or low tail gate.</p> <p>In the case of a Dump Truck body not constructed for use of a tail gate (such as the so-called "rock body"), the inside length shall be deemed to mean the average of the measurement along the top of the sides from the inside of the head board to the point of the angle where the sides are diverted downward to meet the floor, and the measurement along the floor from the inside of the head board to the end of the body.</p>							

*

* Change; words "End of Tariff" eliminated. Decision No. 41737

EFFECTIVE July 22, 1948

Issued by The Public Utilities Commission of the State of California,
San Francisco, California.

Correction No. 197

*SECTION NO. 5

FORM OF SHIPPING DOCUMENT
TO WHICH REFERENCE IS MADE IN
ITEM NO. 93 SERIES

*Change, Decision No. 41737

EFFECTIVE July 22, 1948

Issued by The Public Utilities Commission of the State of California,
San Francisco, California.

Correction No. 198

SECTION NO. 5 - FORM OF SHIPPING DOCUMENT

* Item No. 370 Added

SHIPPING ORDER AND FREIGHT BILL
(To be employed by all Highway and City Carriers)

Date..... Bill No.....
 Truck No..... Permit No.....
 Level Capacity of Body..... cubic yards. Shipper's No.....
 NAME OF CARRIER.....
 (Name of carrier must be the same as shown on permit)
 NAME OF SHIPPER.....
 ADDRESS OF SHIPPER.....
 NAME OF CONSIGNEE.....
 ADDRESS OF CONSIGNEE.....

FOR USE WITH DISTANCE OR ZONE RATES

Precise Point of Origin.....
 Production Area Letter..... (Zone rates only.)
 Precise Point of Destination.....
 Delivery Zone No..... (Zone rates only.)
 Distance in Miles..... (Distance rates only.)

KIND OF MATERIAL	WEIGHT OF SHIPMENT IN TONS OR AMOUNT OF LOAD IN CUBIC YARDS	RATE IN CENTS PER TON	CHARGES

FOR USE WITH HOURLY RATES

Service	Starting Time	Ending Time	Elapsed Time	Deductions ⊖	Time for Computation of Charges	Rate	Charges
First Trip		xxx	xxx	xxx	xxx		
Last Trip Running				xxx	⊖		
Last Trip Unloading				xxx			
Total					⊖		

Driver's Signature..... Accessorial Charges.....
 Helpers' Charges.....
 Other Charges.....
 Received by..... Consignee Receipt..... Prepaid.....
 Total to Collect.....

⊖ Show time not chargeable, such as time for meals, and failure of equipment. Any deduction must be fully explained.
 ⊖ Show double the running time of the last trip.
 ⊖ Show double the running time of the last trip plus the time from starting of first trip to starting of last trip plus unloading time of last load.
 This record to be retained for a period of not less than three (3) years.

END OF TARIFF

* Change, Decision No. 41737

EFFECTIVE July 22, 1948

Issued by The Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 199