

Decision No. 41740**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)
 into the rates, rules, regulations,)
 charges, allowances and practices)
 of all common carriers, highway car-)
 riers 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 livestock by radial highway common and highway contract carriers have been promulgated in Highway Carriers' Tariff No. 3 (Appendix "C" to Decision No. 31924 of April 11, 1939, as amended, in Case No. 4293). 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 3, 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

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.

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 issuance of shipping documents, prohibiting the use of rates in units of measurement different from those in which minimum rates are stated, requiring the filing of equipment lists and the marking of the capacities thereof. 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 also 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 to use bills of lading supplemented by subsequently issued freight bills. It was also suggested that a rule be published setting forth the requirement that common and highway carriers file copies of pickup and delivery contracts with the Commission. One of the parties recommended that common carriers subject to the Public Utilities Act be required to publish rules similar to those proposed here for inclusion in the minimum rate tariff because of the asserted failure of certain common carriers to issue proper shipping papers from which the propriety of the charges may be determined.

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

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.

The filing of copies of pickup and delivery contracts by common and highway carriers has been required by Decision No. 32377 in Case No. 4403, Commission Investigation into Pickup and Delivery Practices of Common and Highway Carriers. The contracts so filed are not subject to public inspection except on order of the Commission. They do not contain rates to be paid by shippers. A tariff rule covering their filing has not been shown to be desirable or necessary.

Likewise it seems unnecessary to require common carriers to publish rules in their tariffs corresponding to those under consideration here. It is not claimed that the billing procedures of these carriers is generally unsatisfactory, the contention being that in a few instances the failure to issue proper bills has prevented determination of freight charges under filed tariffs. Specific complaints may be directed against the practices of these carriers.

It appears that the amendments to Highway Carriers' Tariff No. 3 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. 31924, as amended, in Case No. 4293, be and it is hereby further amended by incorporating in Highway Carriers' Tariff No. 3 (Appendix "C" of said Decision No. 31924, as amended), the original and revised pages

attached hereto and by this reference made a part hereof, which are numbered as follows:

Fourth Revised Page 2 cancels Third Revised Page 2.
Fifth Revised Page 4 cancels Fourth Revised Page 4.
Second Revised Page 4-A cancels First Revised Page 4-A.
First Revised Page 5-A cancels Original Page 5-A.
Original Page 15.
Original Page 16.

In all other respects the aforesaid Decision No. 31924, 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. B. Johnson
Justice J. Casper
W. H. Luce
Harold P. Hill
Samuel J. Little
Commissioners

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* Change, Decision No. 41740

EFFECTIVE JULY 22, 1948.

Issued by The Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 29

Item No.	SECTION NO. 1 - RULES AND REGULATIONS (Continued)
20 11-7-39	<p style="text-align: center;">APPLICATION OF TARIFF - CARRIERS</p> <p>Rates provided in this tariff are minimum rates, established pursuant to the Highway Carriers' Act (Chapter 223, Statutes of 1935, as amended) and apply for transportation of livestock by radial highway common carriers and highway contract carriers, as defined in said Act.</p> <p>When livestock in continuous through movement is transported by two or more carriers, the rates provided herein shall be the minimum rates for the combined transportation.</p>
30-3 1-1-43	<p style="text-align: center;">APPLICATION OF TARIFF - TERRITORIAL</p> <p>Rates in this tariff apply for transportation of shipments of livestock between all points within the State of California, except:</p> <p>(a) Shipments having both point of origin and point of destination within the same incorporated city.</p> <p>(b) Shipments having both point of origin and point of destination within the Los Angeles Drayage Area, as described in Items Nos. 30 to 33 series, inclusive, of City Carriers' Tariff No. 4 and Highway Carriers' Tariff No. 5 (Appendix "A" of Decision No. 32504, as amended, in Case No. 4121).</p> <p>(c) Shipments having point of origin or destination at Harris & Fish, Inc. feed lot, 5440 Southern Avenue, Southgate, on the one hand and point of destination or origin within the Los Angeles Drayage Area referred to in exception (b) of this item on the other.</p>
40-3 4-16-45	<p style="text-align: center;">APPLICATION OF TARIFF - COMMODITIES</p> <p>Rates in this tariff apply for the transportation of livestock, viz.:</p> <p>Bucks, Bulls, Calves, Cattle, Cows, (1) Dairy Cattle, Ewes, Goats, (2) Horses, Kids, Lambs, Oxen, Pigs, Sheep, Sheep Camp Outfits, Sows, Steers, Stags, or Swine.</p> <p>Note 1.-Cattle rates apply on: Bulls, Cattle, Cows, Dairy Cattle, Oxen, Steers.</p> <p>Note 2.-Sheep Rates apply on: Bucks, Calves, Ewes, Goats, Kids, Lambs, Sheep, Sheep Camp Outfits (Subject to Item No. 110 series).</p> <p>Note 3.-Hog Rates apply on: Hogs, Pigs, Sows, Stags, Swine.</p> <p>(1) For specific rates on Dairy Cattle, see Section 3 of this tariff.</p> <p>(2) For application of rates on Horses, see Item No. 70 series.</p>

ORDERING EQUIPMENT

(a) Carriers shall require that shippers place orders for equipment in advance of shipment and that those orders designate whether truckload service (exclusive use of equipment) or less-truckload service is desired. When truckload service is desired, carriers shall also require that shippers specify the carrying capacity and type of equipment wanted. In the event carriers fail to secure equipment orders in advance of shipment, shipments of cattle and hogs weighing 14,000 pounds or more and shipments of sheep weighing 12,000 pounds or more shall be considered as having been transported in truckload service and shipments of lesser weight shall be considered as having been transported in less-truckload service.

(b) The carrying capacities and types of carriers' equipment are those designated in their equipment lists filed with the Commission. (See Item 67 series).

*45-2
Cancels
45-1

(c) Carriers shall not accept orders specifying carrying capacities which cannot be filled from equipment shown in their equipment lists. In the event such orders are inadvertently accepted, the capacity of the equipment ordered shall be considered as the capacity of equipment included in the carrier's equipment list, either of greater or lesser capacity, which is nearest to the capacity actually specified in the shipper's order. When the same difference exists between the capacity specified by the shipper and the greater and lesser carrying capacities determined from the carrier's equipment list, the lesser carrying capacity shall be considered as that ordered.

(d) For charges on equipment ordered for truckload service but not used see paragraph (b) of Item No. 60 series of this tariff.

SHIPMENTS TO BE RATED SEPARATELY

50-A
7-15-40

Each shipment shall be rated separately. Shipments shall not be consolidated or combined by the carrier, except that component parts of split pickup or split delivery shipments, as defined in Item No. 10 series, may be combined under the provisions of Items Nos. 130 and 140 series.

*Change, neither increase nor reduction, Decision No. 41740

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Correction No. 30

Item No.	SECTION NO. 1 - RULES AND REGULATIONS (Continued)
55-A Cancels 55	<p style="text-align: center;">APPLICATION OF LESS-TRUCKLOAD RATES</p> <p>(a) Except as otherwise provided in paragraphs (b) and (c) hereof, less-truckload rates apply for transportation of shipments weighing less than 90 per cent of the carrying capacity of the equipment used or less than 14,000 pounds for cattle and hogs and 12,000 pounds for sheep.</p> <p>(b) Truckload rates and minimum weights may be observed on shipments transported in less-truckload service when they produce lower charges than those determined under paragraph (a) hereof.</p> <p>(c) Less-truckload rates do not apply on shipments transported in truckload service.</p>
60-A Cancels 60	<p style="text-align: center;">APPLICATION OF TRUCKLOAD RATES</p> <p>(a) Truckload rates and minimum weights apply on all shipments transported in truckload service and on shipments transported in less-truckload service to the extent indicated in paragraph (b) of Item No. 55 series of this tariff.</p> <p>(b) When equipment ordered for truckload service is not used, a charge shall be made for the unused equipment based either (1) on the truckload rate and minimum weight applicable from the loading point specified by the shipper to the carrier's terminal, or (2) in the event the equipment is forwarded to another loading point instead of being returned to the carrier's terminal, and the truckload rate and the minimum weight applicable between the loading points produces a lower charge, on the rate and minimum weight applicable between loading points.</p>
65-A Cancels 65	<p style="text-align: center;">TRUCKLOAD MINIMUM WEIGHTS</p> <p>(a) Except as otherwise provided in paragraph (b) hereof, truckload minimum weights shall be based on the carrying capacity of the equipment used as shown in the carrier's equipment list. For single equipment units the minimum weight shall be 90 per cent of carrying capacity but not less than 14,000 pounds for cattle and hogs and 12,000 pounds for sheep; for two or more units the minimum weight shall be 90 per cent of aggregate carrying capacity but not less than a minimum weight based on 14,000 pounds for cattle and hogs and 12,000 pounds for sheep for each equipment unit furnished.</p> <p>(b) If carriers furnish equipment of greater carrying capacity than that ordered the minimum weight shall be the same as that applicable for the equipment wanted, provided the shipment could have been loaded in equipment of the carrying capacity ordered.</p>

LISTING AND MARKING OF EQUIPMENT

(a) A list of its equipment used in the transportation of livestock shall be compiled by each carrier. Each piece of equipment so listed shall be designated by number or other appropriate means and the list shall show the carrying capacity of each unit of equipment for cattle, hogs and sheep and other commodities grouped therewith for rate making purposes.

*67

(b) The equipment list specified in paragraph (a) hereof shall be filed with the Commission and shall be kept open for public inspection by the carrier. When, subsequent to the filing of the list, equipment is placed in or withdrawn from service or its carrying capacities are changed the carrier involved shall amend its equipment list, on not less than five days notice to the Commission, to reflect such changes.

Added

(c) The equipment of each carrier shall have stenciled or otherwise prominently displayed on it the carrying capacity thereof.

UNITS OF MEASUREMENT IN QUOTATION OF RATES AND CHARGES

*68
Added

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.

* Change, Decision No. 41740

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San Francisco, California.

Correction No. 31

ISSUANCE OF SHIPPING DOCUMENT

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:

- (a) Name of shipper.
- (b) Name of consignee.
- (c) Point of origin.
- (d) Point of destination.
- (e) Description of the kind and number of head of livestock shipped.
- *117 (f) Weight of the shipment (or other factor or measurement upon which charges are based).
- Added (g) Rate and charge assessed.
- (h) Such other information as may be necessary to an accurate determination of the applicable minimum rate and charge.

The form of shipping document in Item No. 230 series will be suitable and proper.

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.

(1) Will not apply to the transportation of property for the United States, state, county or municipal governments.
* Change, Decision No. 41740

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San Francisco, California.

Correction No. 32

Item No.	SECTION NO. 1 - RULES AND REGULATIONS (Continued)
115 4-20-42	<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 of 7 days, excluding Sundays and legal holidays other than Saturday half-holidays. When the freight bill covering a shipment is presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following delivery of the freight. When the freight bill is not presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following the presentation of the freight bill.</p> <p>(c) Where a 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.</p> <p>(d) Freight bills for all transportation and accessorial charges shall be presented to the shippers within 7 calendar days from the first 12 o'clock midnight following delivery of the freight.</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 charges 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>

*SECTION NO. 4

FORM OF SHIPPING DOCUMENT
TO WHICH REFERENCE IS MADE IN
ITEM NO. 117 SERIES

*Change, Decision No. 41740

EFFECTIVE JULY 22, 1948.

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San Francisco, California.

Correction No. 33

SECTION NO. 4 - FORM OF SHIPPING DOCUMENT

* ITEM NO. 230 Added

LIVESTOCK SHIPPING ORDER AND FREIGHT BILL

Bill No. _____

Permit No. _____

NAME OF CARRIER _____

(Name of Carrier must be the same as shown on Permit)

Name of Shipper _____ Name of Consignee _____

Address of Shipper _____ Address of Consignee _____

Precise Point of Origin _____ Precise Point of Destination _____

Number of Head	Kind of Stock (Note 1)	Show whether Fat or Feeder Livestock	Gross Weight of Shipment, Pounds (Note 2)	Rate (in cents per 100 pounds)	Charges

Accessorial Charges _____

Other Charges _____

Prepaid _____

TOTAL TO COLLECT _____

Note 1 - State whether cattle, calves, sheep or hogs, etc.

Note 2 - State whether hoof weights, vehicle scale weights or estimated weights.

End of Tariff

* Change Decision No. **41740**

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