

ORIGINAL

Decision No. 41745

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 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 the
California Farm Bureau Federation.
- S. A. Moore, for Permanente Cement Company.

SUPPLEMENTAL OPINION AND ORDER

State-wide minimum rates for the transportation of property generally by radial highway common and highway contract carriers have been promulgated in Highway Carriers' Tariff No. 2 (Appendix "D" to Decision No. 31606, as amended, in Case No. 4246). 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

¹

The hearing also involved the receipt of similar evidence with regard to other minimum rate tariffs. This evidence is treated in decisions issued today which deal with each of these tariffs.

A rate expert employed by the Commission introduced an exhibit consisting of proposed tariff amendments. These tariff provisions, he said, were no different in their 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 issuance of shipping documents and prohibiting the use of rates in units of measurement different from those in which minimum rates are stated. 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 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 pick-up 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 from inclusion in the minimum rate tariffs because of the asserted failure of certain common carriers to issue shipping papers from which the propriety of their 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. 2 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. 31606, as amended, in Case No. 4246, be and it is hereby further amended by incorporating

in Highway Carriers' Tariff No. 2 (Appendix "D" of said Decision No. 31606, as amended), the original and revised pages attached hereto and by this reference made a part hereof, which pages are numbered as follows:

Eighth Revised Page 3 cancels Seventh Revised Page 3.
First Revised Page 10 cancels Original Page 10.
Second Revised Page 27-A cancels First Revised Page 27-A.
Third Revised Page 68 cancels Second Revised Page 68.
Original Page 68-A.
Original Page 68-B.

In all other respects the aforesaid Decision No. 31606, 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. Dwyer
Justin J. Casner
Irving J. Powell
Harold P. Kula
Samuel J. Lott
Commissioners

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*Change, Decision No. **41745**

EFFECTIVE JULY 22, 1948.

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

Correction No. 337

First Revised Page.....10
Cancels
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HIGHWAY CARRIERS' TARIFF NO. 2

ARRANGEMENT OF TARIFF

This is a loose-leaf tariff consisting of five sections.

SECTION NO. 1 contains rules and regulations of general application.

Except as otherwise specifically provided, the rules and regulations contained in Section No. 1 govern the rates in Section No. 2 and Section No. 3 of the tariff.

SECTION NO. 2 contains class rates.

SECTION NO. 3 contains commodity rates.

SECTION NO. 4 contains routing applicable in connection with rates in Section No. 2 and Section No. 3 making specific reference thereto.

*SECTION NO. 5 contains form of shipping document.

*Change, Decision No.

41745

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Correction No. 338

Item No.	SECTION NO. 1-RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
*255 Added	<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 (in terms of the Western Classification or Exception Sheet or as provided in this tariff). (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. 910 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>
* 257 Added	<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>
<p>*Change, Decision No. 41745</p>	
<p>EFFECTIVE JULY 22, 1948.</p>	
<p>Issued by the Public Utilities Commission of the State of California, San Francisco, California.</p>	
<p>Correction No. 339</p>	

Item No.	SECTION NO. 4	ROUTING
<p>900-A</p> <p>8-7-39</p>	<p>When applied via the following highway routes, rates making specific reference to this item are intermediate in application. They apply at all points located within a distance of one mile on either side of the highway and at all points located within incorporated cities through which the highway route passes.</p> <p>(The following routes apply in either direction)</p> <p>Route No. 1: From San Francisco Territory, as described in Item No. 270 series, via U. S. Highway No. 40 to Crockett, State Highway No. 4 to its junction with County Road 1.4 miles north of Byron, said County Road through Byron to its junction with U. S. Highway No. 50 3.9 miles west of Tracy, U. S. Highway No. 50 to its junction with State Highway No. 120 5.0 miles west of Manteca, State Highway No. 120 to Manteca, thence via U. S. Highway No. 99 to Los Angeles Territory or to Los Angeles Basin Territory.</p> <p>Route No. 2: From San Francisco Territory, as described in Item No. 270 series, via U. S. Highway No. 50 to its junction with State Highway No. 120 5.0 miles west of Manteca, State Highway No. 120 to Manteca, thence via U. S. Highway No. 99 to Los Angeles Basin Territory, as described in Item No. 270 series.</p> <p>Route No. 3: From San Francisco Territory, as described in Item No. 270 series, via Niles Canyon Highway through Sunol, Pleasanton and Livermore to its junction with U. S. Highway No. 50 east of Livermore, U. S. Highway No. 50 to its junction with State Highway No. 120 5.0 miles west of Manteca, State Highway No. 120 to Manteca, thence via U. S. Highway No. 99 to Los Angeles Territory or to Los Angeles Basin Territory.</p> <p>Route No. 4: From San Francisco Territory, as described in Item No. 270 series, via U. S. Highway No. 101 to Gilroy, State Highway No. 152 through Los Banos to its junction with U. S. Highway No. 99 north of Madera, thence via U. S. Highway No. 99 to Los Angeles Territory or to Los Angeles Basin Territory.</p> <p>Route No. 5: From Sacramento (see Item No. 260 series) via U. S. Highway No. 99 to Los Angeles Basin Territory, as described in Item No. 270 series.</p> <p>Route No. 6: From San Francisco Territory, as described in Item No. 270 series, via U. S. Highway No. 101 to its junction with State Highway No. 118 4.0 miles southeast of Ventura, thence via (a) State Highway No. 118 through Chatsworth, or (b) U. S. Highway No. 101 through Girard, or (c) U. S. Highway No. 101 to its junction with U. S. Highway No. 101, Alternate, at El Rio, thence via U. S. Highway No. 101, Alternate, through Oxnard to Los Angeles Basin Territory as described in Item No. 270 series.</p>	

Route No. 7: From San Francisco Territory, as described in Item No. 270 series, via Routes 1, 2 or 3 to the junction of U. S. Highway No. 50 and State Highway No. 33, 3 miles east of Tracy; thence via State Highway No. 33 to Los Banos; thence via State Highway No. 152 to its junction with U. S. Highway No. 99 north of Madara; thence via Route 1, 2 or 3 beyond.

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*Change; words "End of Tariff" eliminated. Decision No. 41745

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San Francisco, California

Correction No. 340

* SECTION NO. 5

FORM OF SHIPPING DOCUMENT
TO WHICH REFERENCE IS MADE IN
ITEM 255 SERIES

*Change, Decision No. **41745**

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San Francisco, California.

Correction No. 341

SECTION NO. 5 - FORM OF SHIPPING DOCUMENT					
* Item No. 910			Added.		
SHIPPING ORDER AND FREIGHT BILL					
					Bill No. _____
					Permit No. _____
Name of Carrier _____ (Name of carrier must be same as shown on permit)					
Point of Origin _____		Date _____, 194__			
Shipper _____			Consignee _____		
Street Address _____			Street Address _____		
City _____			City _____		
Packages	Kind	Description of Commodities	Weight ***	Rate	Charges
Shipper _____		Check here			
By _____ (Show name in full) Received by Carrier in good condition except as noted		Origin		Destination	
		Terminal	Store Door	Terminal	Store Door
				C.O.D.	
				C.O.D. Fee	
By _____ (Driver (show name in full))				**Advanced	
				**Other Charges	
Received by Consignee in good condition except as noted				Prepaid	
By _____ (Show name in full) **Show each charge separately and what it represents *** If other unit of charges, show per box, crate, bundle, bag, head, etc.				Total to Collect	
END OF TARIFF					
*Change, Decision No.			41745		
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