

ORIGINAL

Decision No. 41893

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
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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
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SUPPLEMENTAL OPINION AND ORDER

By petition filed July 22, 1948, Dump Truck Operators Association of Northern California seeks interim relief from the provisions of Decision No. 32566, as amended, in the above entitled proceedings, in so far as they require that rates and charges for the transportation of property in dump truck equipment be quoted and assessed only in the same units of measurement as those in which the prescribed minimum rates and charges are stated.

The verified petition points out that the prescribed minimum rates in northern California territory are hourly rates; that evidence relative to the reasonableness and propriety of the use of rates in units of measurement other than those in which minimum rates are stated has been submitted in a general investigation of such practices; and that this matter has not yet been decided by the Commission.

Petitioner alleges that there is a widespread demand by shippers for dump truck transportation on the basis of tonnage or yardage rates and that the relief sought here is essential to avoid

disruption of transportation arrangements for numerous construction jobs. It further alleges that the use of other than hourly rates will result in more efficient transportation and will be beneficial to both carriers and shippers.

It appears that this is a matter in which a public hearing is not necessary and that the granting of the interim relief sought is justified. The order will provide for the issuance of shipping documents containing the information necessary to determine that the charges assessed are not lower than those produced by the applicable minimum rates.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Decision No. 32566, as amended, in these proceedings, 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), to become effective August 11, 1948, Third Revised Page 4-A cancels Second Revised Page 4-A, which page is attached hereto and by this reference made a part hereof.

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

The effective date of this order shall be August 11, 1948.

Dated at San Francisco, California, this 27th day of July, 1948.

R. F. Johnson
Justus F. Coe
W. F. [unclear]
Harold H. [unclear]

Commissioners

Item
No.

SECTION NO. 1--RULES AND REGULATIONS (Continued)

(1) COLLECTION OF CHARGES

(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.

(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.

(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.

(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.

(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.

(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.

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UNITS OF MEASUREMENT IN QUOTATION OF RATES AND CHARGES

(a) Except as provided in paragraph (b), 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.

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(b) (Applies only in connection with transportation within northern California territory as described in Item 110 series.) Rates or accessorial charges may 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, provided

(1) The freight charges assessed are not less than those which would have been assessed had the rates and accessorial charges stated in this tariff been applied; and

(2) That the carriers' shipping documents contain all the information necessary to compute the freight charges on the basis of the units of measurement provided in this tariff.

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

*Change, Decision No. 41893

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

EFFECTIVE AUGUST 11, 1948.

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 200