

Decision No. 43935

**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 )  
carriers and city carriers relating )  
to the transportation of property. )

Case No. 4808

SUPPLEMENTAL OPINION AND ORDER

Minimum rates for the transportation of petroleum and petroleum products in tank vehicles by radial highway common and highway contract carriers are set forth in City Carriers' Tariff No. 5 - Highway Carriers' Tariff No. 6 (Appendix "C" to Decision No. 32608, as amended, in Cases Nos. 4246 and 4434). Highway common carriers are required to observe rates no lower in volume or effect than those named in that tariff.

Amendments to the Public Utilities Act and the Highway Carriers' Act contained in California Statutes 1949, Chapters 1398 and 1399, created two new classes of carriers, termed "petroleum irregular route carriers" and "petroleum contract carriers." Under these amendments, radial highway common carriers of petroleum and petroleum products in tank trucks are in effect reclassified as petroleum irregular route carriers, and are made subject to provisions of the Public Utilities Act governing common carriers. Highway contract carriers engaged in the aforesaid transportation are reclassified as petroleum contract carriers under the Highway Carriers' Act.

It is evident that the changes in carrier classification will have no effect upon the cost of performing the transportation services, nor upon the reasonableness, sufficiency or propriety of the minimum rate requirements. Petroleum contract carriers and petroleum irregular route carriers should be required to observe the established minimum rates, rules and regulations to the extent required of highway

common, radial highway common, and highway contract carriers. A public hearing is not necessary.

The Commission finds, therefore, that the minimum rates, charges, rules and regulations applying to the transportation of petroleum and petroleum products in bulk in tank equipment set forth or referred to in the tariff designated as City Carriers' Tariff No. 5 - Highway Carriers' Tariff No. 6 (Appendix "C" to Decision No. 32608, as amended, in Cases Nos. 4246 and 4434) are and will be for the future just, reasonable and nondiscriminatory minimum rates and charges and rules and regulations for application by all petroleum contract carriers as defined in the Highway Carriers' Act, and are and will be for the future reasonable and sufficient rates for all petroleum irregular route carriers as defined in the Public Utilities Act.

Therefore, good cause appearing,

IT IS HEREBY ORDERED:

1. That the rates, charges, rules and regulations set forth or referred to in City Carriers' Tariff No. 5 - Highway Carriers' Tariff No. 6 (Appendix "C" of Decision No. 32608, as amended, in Cases Nos. 4246 and 4434) be and they are hereby established as the just, reasonable and nondiscriminatory minimum rates and charges to be assessed, charged and collected and the rules and regulations to be observed by all petroleum contract carriers as defined in the Highway Carriers' Act for the transportation of the commodities and between the points for which rates are provided in said tariff.

2. That said rates, charges, rules and regulations be and they are hereby established as the minimum reasonable and sufficient rates and charges to be published, assessed, charged, collected, and observed by all petroleum irregular route carriers as defined in the Public Utilities Act for the transportation of the commodities and between the points for which rates are provided in said tariff.

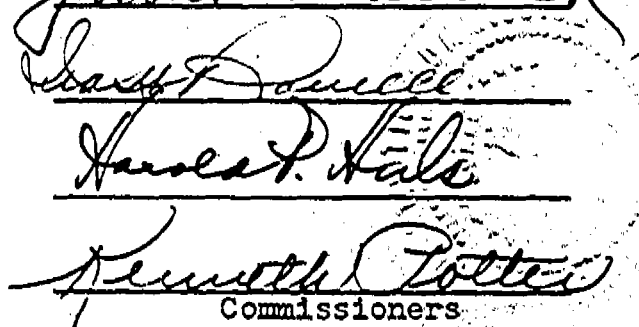
3. That City Carriers' Tariff No. 5 - Highway Carriers' Tariff No. 6 (Appendix "C" of Decision No. 32608, as amended, in Cases Nos. 4246 and 4434) be and it is hereby further amended by incorporating therein, to become effective March 30, 1950, the revised tariff supplement and pages attached hereto and by this reference made a part hereof, which pages are numbered as follows:

Supplement No. 3 cancels Supplement No. 2  
First Revised Title Page cancels Original Title Page  
Second Revised Page 6 cancels First Revised Page 6  
First Revised Page 9-B cancels Original Page 9-B

In all other respects said Decision No. 32608, as amended, shall remain in full force and effect.

This order shall become effective twenty (20) days after the date hereof.

Dated at San Francisco, California, this 14th day of March, 1950.

  
Justice F. Garner  
Charles F. Russell  
Harold P. Hale  
Kenneth C. Lott  
Commissioners

SPECIAL INCREASE SUPPLEMENT

SUPPLEMENT NO. 3  
(Cancels Supplement No. 2)  
to  
CITY CARRIERS' TARIFF NO. 5  
HIGHWAY CARRIERS' TARIFF NO. 6

Naming

MINIMUM RATES, RULES AND REGULATIONS  
For the  
Transportation of  
PETROLEUM AND PETROLEUM PRODUCTS  
(As described herein)

When Transported in Bulk in Tank Trucks,  
Tank Trailers or Tank Semi-Trailers  
Over the Public Highways Within the  
State of California

By

\*PETROLEUM CONTRACT CARRIERS  
and  
CITY CARRIERS

APPLICATION OF SURCHARGE

(a) Except as provided in paragraph (b) below, compute the amount of charges in accordance with the rates, rules and regulations of the tariff, other than the provisions of Item No. 110 series. Increase the amount so computed by ten (10) per cent, disposing of fractions as provided in paragraph (c) below.

(b) When determining rates under the provisions of Item No. 120 series that portion of charges based on common carrier rates shall not be subject to the increase provided in paragraph (a) above.

(c) Fractions of less than one-half cent shall be dropped; fractions of one-half cent or greater will be increased to one cent.

\*Change, Decision No. **43935**

EFFECTIVE MARCH 30, 1950

Issued by the  
Public Utilities Commission of the State of California  
State Building, Civic Center  
San Francisco, California

First Revised Title Page  
Cancels  
Original Title Page

CITY CARRIERS' TARIFF NO. 5  
HIGHWAY CARRIERS' TARIFF NO. 6

Naming

MINIMUM RATES, RULES AND REGULATIONS  
For the  
Transportation of  
PETROLEUM AND PETROLEUM PRODUCTS  
(As described herein)

When Transported in Bulk in Tank Trucks,  
Tank Trailers or Tank Semi-Trailers  
Over the Public Highways Within the  
State of California

By

\*PETROLEUM CONTRACT CARRIERS  
and  
CITY CARRIERS

The original tariff contains rates, rules and regulations established in Decision No. 32608 in Case No. 4246 and Case No. 4434. Changes contained in subsequent orders will be made by reissuing the pages on which the changes occur or by issuing supplements showing the corrected items.

\*Change, Decision No. 43935

EFFECTIVE MARCH 30, 1950

Issued by the  
Public Utilities Commission of the State of California  
State Building, Civic Center  
San Francisco, California

Correction No. 46

Item No.	SECTION NO. 1 RULES AND REGULATIONS
	DEFINITION OF TECHNICAL TERMS  △ (a) CARRIER means a petroleum contract carrier, or city carrier, as defined in Highway Carriers' Act (Chapter 223, Statutes of 1935, as amended) and in the City Carriers' Act (Chapter 312, Statutes of 1935, as amended). (b) CARRIER'S EQUIPMENT means any tank motor truck, tank trailer or tank semi-trailer, or any combination of such highway vehicles operated by the carrier. (c) COMMON CARRIER RATE means any intrastate rate or rates of any common carrier, or common carriers, as defined in the Public Utilities Act, on file with the Commission and in effect at time of shipment. (d) ESTABLISHED DEPOT means a freight terminal owned or leased and maintained by a carrier for the receipt and delivery of shipments. (e) POINT OF DESTINATION means the precise location at which property is tendered for physical delivery into the custody of the consignee or his agent. (f) 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. (g) 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. (h) RATE includes charge and, also, the ratings, minimum weight, rules and regulations governing, and the accessorial charges applying in connection therewith. (i) SAME TRANSPORTATION means transportation of the same kind and quantity of property and subject to the same limitations, conditions and privileges, although not necessarily in an identical type of equipment. (j) 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 destination. (See Items Nos. 87 and 90 for exceptions.) (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 and tender shipments of property from and to common carriers by vessel. (l) SPLIT DELIVERY SHIPMENT means a shipment consisting of two or more component parts delivered to (a) one consignee at more than one point of destination, or (b) more than one consignee at one or more points of destination, said shipment being shipped by one consignor at one point of origin and charges thereon being paid by the consignor when there is more than one consignee.

\*10-B  
Cancels  
10-A

APPLICATION OF TARIFF - GENERAL

△ Rates provided in this tariff apply for the transportation of petroleum and petroleum products as described in Item No. 30 series, in bulk in tank trucks, tank trailers or tank semi-trailers, or a combination of such highway vehicles, between points in the State of California by petroleum contract carriers as defined in the Highway Carriers' Act, and by carriers as defined in the City Carriers' Act. Rates include connecting and disconnecting piping and other services incidental to loading and unloading (subject to Note).

\*20-B  
Cancels  
20-A

For rates for the transportation of petroleum and petroleum products, other than as provided in this tariff, see Highway Carriers' Tariff No. 2, supplements thereto and reissues thereof.

NOTE.--When split delivery service is performed or when pumping is performed with carrier's equipment, or when shipments are stopped in transit to partially unload, additional charges shall be assessed as provided in Items Nos. 87, 90 and 100 series.

△ No increase or reduction... } Decision No. 43935  
\* Change }

EFFECTIVE MARCH 30, 1950

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

Correction No. 47





The provisions of this item shall not apply: unless at the time of or prior to the tender of the shipment a single bill of lading or other shipping document shall have been issued for the composite shipment and the carrier shall have been furnished with written instructions showing the name of each consignee, the point of destination and the quantity of property in each component part.

In the event a lower aggregate charge results from treating one or more component parts as a separate shipment from point of origin to point of destination said charge may be applied.

\* Change  
△ No increase or reduction) Decision No. 43935

EFFECTIVE MARCH 30, 1950

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.  
Correction No. 48