

**ORIGINAL**

Decision No. 47767

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 )	Case No. 4808
of all common carriers, highway )	
carriers and city carriers relating )	
to the transportation of property. )	

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 47663 of September 2, 1952, in this proceeding, the Commission found that the minimum rates, rules and regulations set forth in City Carriers' Tariff No. 6 - Highway Carriers' Tariff No. 7 (transportation in dump trucks) were not designed for application to the operations of independent-contractor subhaulers in rendering service for other carriers, except in connection with southern California operations. It concluded that the tariff provisions should specifically be made inapplicable to other subhauling operations of independent contractors. The tariff will be amended accordingly. At the same time certain other changes not affecting the volume of the rates and charges will be made in the tariff pages involved in the interest of clarity and uniformity. In the circumstances a public hearing is not necessary.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that City Carriers' Tariff No. 6 - Highway Carriers' Tariff No. 7 (Appendix "A" to Decision No. 32566 as amended) be and it is hereby further amended by incorporating therein, Original Page 3-A and Third Revised Page 4 cancels Second Revised Page 4, attached hereto and by this reference made a part hereof.

In all other respects said Decision No. 32566, 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 30<sup>th</sup> day of September, 1952.

*R. J. Morrison*  
President  
*Harold F. Kula*  
*John E. Mitchell*

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Commissioners

Item No.	SECTION NO. 1-RULES AND REGULATIONS
(1) *10-C Cancels 10-B	<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, or a carrier, as defined in the City Carriers' Act.</p> <p>*(b) DUMP TRUCK EQUIPMENT means any motor vehicle as defined in the Highway Carriers' Act, 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>

(l) TON means 2,000 pounds.

(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.

\*(n) OVERLYING CARRIER (principal carrier) means a carrier 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 (independent-contractor subhauler), to perform that service.

\*(o) UNDERLYING CARRIER (independent-contractor subhauler) means any carrier who renders service for an overlying carrier (principal carrier), for a specified recompense, for a specified result, under the control of the overlying carrier as to the result of the work only and not as to the means by which such result is accomplished.

(l) For provisions in effect prior to the effective date hereof, see Second Revised Page 4.

\* Change, Decision No. 47767

EFFECTIVE OCTOBER 20, 1952

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

Correction No. 306

Item No.	SECTION NO. 1-RULES AND REGULATIONS (Continued)
*20-A Cancels 20	<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, and the City Carriers' Act. They apply for transportation of property by radial 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.</p> <p>*Except as otherwise provided in Item No. 94 series, rates, rules and regulations named in this tariff shall not apply to transportation by underlying carriers (independent-contractor subhaulers) when such transportation is performed for other carriers. This exception shall not be construed to exempt from the tariff provisions carriers for whom the underlying carriers are performing transportation service.</p>
30	<p style="text-align: center;">APPLICATION OF TARIFF - TERRITORIAL</p> <p>Rates in this tariff apply for transportation of shipments between all points within the State of California.</p>
40	<p style="text-align: center;">COMPUTATION OF DISTANCES</p> <p>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.</p>
<p>For Item No. 10-C, cancels Item No. 10-B shown on Second Revised Page 4, see Original Page 3-A.</p> <p>*Change, Decision No. <b>47767</b></p>	
<p>EFFECTIVE OCTOBER 20, 1952</p>	
<p>Issued by the Public Utilities Commission of the State of California,            San Francisco, California.</p> <p>Correction No. 307</p>	