

ORIGINAL

Decision No. 47770

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 Highway Carriers' Tariff No. 3 (livestock) were not designed for applications to the operations of independent-contractor subhaulers in rendering service for other carriers. It concluded that the tariff provisions should specifically be made inapplicable to such operations. The tariff will be amended accordingly. At the same time certain other changes not affecting the volume of 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 Highway Carriers' Tariff No. 3 (Appendix "C" to Decision No. 31924 as amended) be and it is hereby further amended by incorporating therein, Second Revised Page 3 cancels First Revised Page 3, Original Page 3-A, and Sixth Revised Page 4 cancels Fifth Revised Page 4, attached hereto and by this reference made a part hereof.

In all other respects said Decision No. 31924, 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 30th day of September, 1952.

[Signature]
President

[Signature]

[Signature]

Commissioners

Item No.	SECTION NO. 1-RULES AND REGULATIONS
	<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS</p> <p>(a) CALVES means bovine animals weighing 450 pounds or less.</p> <p>(b) CATTLE means bovine animals weighing more than 450 pounds. (See also paragraph (e-a) hereof.)</p> <p>*(c) CARRIER means a radial highway common carrier or a highway contract carrier, as defined in the Highway Carriers' Act.</p> <p>(d) CARRIER'S EQUIPMENT means any motor truck or other self-propelled highway vehicle, trailer, semi-trailer, or any combination of such highway vehicles, operated by the carrier.</p> <p>(e) 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>(e-a) DAIRY CATTLE means cattle which are or have been used or useful in connection with the production of milk by dairies.</p> <p>*10-B Cancel 10-A</p> <p>*(e-b) INDEPENDENT-CONTRACTOR SUBHAULER means any carrier who renders service for a principal carrier, for a specified recompense, for a specified result, under the control of the principal as to the result of the work only and not as to the means by which such result is accomplished.</p> <p>(f) POINT OF DESTINATION means the precise location at which livestock is tendered for physical delivery into the custody of the consignee or his agent.</p> <p>(g) POINT OF ORIGIN means the precise location at which livestock is physically delivered by the consignor or his agent into the custody of the carrier for transportation.</p> <p>(h) RAILHEAD means a point at which facilities are maintained for the loading of livestock into or upon, or the unloading of livestock from rail cars or vessels.</p> <p>(i) RATE includes charge and also the minimum weight, rules and regulations governing, and the accessorial charges applying in connection therewith.</p> <p>(j) SAME TRANSPORTATION means transportation of the same kind and quantity of livestock and subject to the same limitations, conditions and privileges, although not necessarily in an identical type of equipment.</p> <p>(k) SHIPMENT means a quantity of livestock tendered by one shipper on one shipping document at one point of origin at one time for one consignee at one point of destination. (See also paragraphs (l) and (m).)</p>

(l) SPLIT PICKUP SHIPMENT means a shipment consisting of several component lots, received during one day and transported under one shipping document from (a) one consignor at more than one point of origin, or (b) more than one consignor at one or more points of origin, the composite shipment being consigned and delivered to one consignee at one point of destination and charges thereon being paid by the consignee when there is more than one consignor.

(m) SPLIT DELIVERY SHIPMENT means a shipment consisting of several component lots 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.

(n) TEAM TRACK means a point at which livestock 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 livestock from and to common carriers by vessel.

* Change, Decision No. 47770

EFFECTIVE OCTOBER 20, 1952

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San Francisco, California.

Correction No. 44

Item No.	SECTION NO. 1 - RULES AND REGULATIONS (Continued)
(1) *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 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> <p>*Rates, rules and regulations named in this tariff shall not apply to transportation by 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 independent contractors are performing transportation service.</p>
(1) *30-C Cancels 30-B	<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 City Carriers' Tariff No. 4 - Highway Carriers' Tariff No. 5, amendments thereto and reissues thereof.</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>
<p>(1) For provision in effect prior to the effective date hereof see Fifth Revised Page 4.</p> <p>* Change, Decision No. 47770</p>	
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Item No.	SECTION NO. 1-RULES AND REGULATIONS (Continued)
40-B	<p style="text-align: center;">APPLICATION OF TARIFF- COMMODITIES</p> <p>Rates in this tariff apply for the transportation of live-stock, 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>
45-B Cancels 45-A	<p style="text-align: center;">ORDERING EQUIPMENT</p> <p>(a) Carriers shall require that shippers place orders for equipment in advance of shipment and that these 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.</p> <p>(b) The carrying capacities and types of carriers' equipment are those designated in their equipment lists filed with the Commission. (See Item 67 series.)</p> <p>(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.</p> <p>(d) For charges on equipment ordered for truckload service but not used see paragraph (b) of Item No. 60 series of this tariff.</p>

SHIPMENTS TO BE RATED SEPARATELY

50-A

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.

For Item No. 20-A, cancels Item No. 20, and Item No. 30-C, cancels Item No. 30-B shown on Fifth Revised Page 4, see Original Page 3-A.

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Correction No. 46