

ORIGINAL

Decision No. 50156

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 general commodities (commodities for)
which rates are provided in Highway)
Carriers' Tariff No. 2).)

Case No. 5432
(Petition No. 37)

SUPPLEMENTAL OPINION AND ORDER

Minimum rates, rules and regulations for the transportation of general commodities are contained in Highway Carriers' Tariff No. 2. The tariff provides that intrastate common carrier rates and interstate rail rates applying between California points via interstate or foreign routes which produce lower charges may be used in lieu of the rates specifically named in the tariff. Tariff No. 2 does not authorize the use of interstate or foreign rail rates applicable between California points via intrastate routes.

By petition filed June 11, 1954, the Truck Owners Association of California points out that the transportation by motor vehicle of certain agricultural commodities in interstate or foreign commerce is specifically exempted from rate regulation by the Interstate Commerce Commission under Section 203(b)(6) of the Interstate Commerce Act.¹ The transportation thus exempted from federal regulation is subject to the provisions of the Public Utilities Code and to the minimum rates set forth in Tariff No. 2. Petitioner proposes that, to provide rate equality for this transportation similar to the rate equality maintained for the transportation of property generally, the alternative rail rate provisions of Tariff No. 2 be

¹The section excludes from rate regulation by the I.C.C. "motor vehicles used in carrying property consisting of ordinary livestock, fish (including shell fish), or agricultural commodities (not including manufactured products thereof), if such motor vehicles are not used in carrying any other property, or passengers, for compensation."

broadened so that the highway carriers may use interstate or foreign rail rates applicable between California points and to the hauling in question.

Petitioner alleges that there is a heavy movement of dried fruit involved. It has notified the Dried Fruit Association of California, rail lines and other carriers of the filing of the petition. No objection has been received to the making of the sought adjustment.

It appears that the relief sought by the petition is justified and that Highway Carriers' Tariff No. 2 should be amended accordingly. A public hearing is not necessary. The order will be made effective on five days' notice, the earliest date which would allow for notification of interested parties.

Therefore, good cause appearing,



IT IS HEREBY ORDERED that Highway Carriers' Tariff No. 2 (Appendix "D" of Decision No. 31606 as amended) be and it is hereby further amended by incorporating therein to become effective June 23, 1954, Tenth Revised Page 11 Cancels Ninth Revised Page 11, which revised page is attached hereto and by this reference made a part hereof.

In all other respects said Decision No. 31606, as amended, shall remain in full force and effect.

This order shall become effective June 23, 1954.

Dated at San Francisco, California, this 18 day of June, 1954.


President

Commissioners

Cancels

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION
	<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Items Nos. 10 and 11 Series)</p> <p>(a) CARRIER means a radial highway common carrier or a highway contract carrier as defined in the Highway Carriers' Act, or a household goods carrier as defined in the Household Goods Carriers Act.</p> <p>(b) 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>*(c) COMMON CARRIER RATE means any intrastate rate or rates of any common carrier, or common carriers, defined in the Public Utilities Act, lawfully on file with the Commission and in effect at time of shipment; any interstate rate of any common carrier railroad or railroads applying between points in California by an interstate or foreign route lawfully in effect at time of shipment; also any interstate or foreign rate of any common carrier railroad or railroads applying between points in California in effect at time of shipment and covering transportation exempt from rate regulation of the Interstate Commerce Commission under Section 203(b)(6) of Part II of the Interstate Commerce Act.</p> <p>(cc) DISTANCE TABLE means Distance Table No. 4, amendments thereto or reissues thereof.</p> <p>(d) ESTABLISHED DEPOT means a freight terminal owned or leased and maintained by a carrier for the receipt and delivery of shipments.</p> <p>(e) EXCEPTION SHEET means Pacific Southcoast Freight Bureau Exception Sheet No. 1-S, Cal. P.U.C. No. 193 of J. P. Haynes, Agent, and supplements thereto or reissues thereof when the provisions of such supplements or reissues have been approved by the Commission.</p> <p>(ea) 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>(ee) PICKUP AND DELIVERY CHARGE means the full charge applicable without the deduction authorized by Item No. 110 series.</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. All points within a single industrial plant or receiving area of one consignee shall be considered as one point of destination. An industrial plant or receiving area of one consignee shall include only contiguous property which shall not be deemed separate if intersected only by public street or thoroughfare.</p> <p>(g) 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. All points within a single industrial plant or shipping area of one consignor shall be considered as one point of origin. An industrial plant or shipping area of one consignor shall include only contiguous property which shall not be deemed separate if intersected only by public street or thoroughfare.</p> <p>(h) RAILHEAD means a point at which facilities are maintained for the loading of property into or upon, or the unloading of property from,</p>

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rail cars or vessels. It also includes truck loading facilities of plants or industries located at such rail or vessel loading or unloading point.

(i) RATE includes charge and, also, the ratings, minimum weight, rules and regulations governing, and the accessorial charges applying in connection therewith.

(j) SAME TRANSPORTATION means transportation of the same kind and quantity of property between the same points, and subject to the same limitations, conditions and privileges, but not necessarily in an identical type of equipment.

* Change, Decision No. 50156

EFFECTIVE JUNE 23, 1954

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

Correction No. 619