

ORIGINAL

Decision No. 56766

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 sand, rock, gravel and related items)
(commodities for which rates are pro-)
vided in Minimum Rate Tariff No. 7).)

Case No. 5437

SUPPLEMENTAL OPINION AND ORDER

On March 3, 1958, the Supreme Court of the United States in Public Utilities Commission of the State of California, vs. The United States, 2 L. ed. 2d, 470, held that the state may not infringe upon the right of the Federal Government to obtain transportation at such rates as it may negotiate. This decision finally disposed of the case of United States of America, Plaintiff, vs. Public Utilities Commission of the State of California, Defendant, Civil Action No. 35101, in the United States District Court for the Northern District of California, Southern Division.

In the circumstances, Minimum Rate Tariff No. 7 will be amended to exempt clearly the transportation of property of the United States.

Therefore, good cause appearing,

IT IS ORDERED that Minimum Rate Tariff No. 7 (Appendix "A" of Decision No. 32566, as amended) be and it is hereby further amended by incorporating therein to become effective **JUNE 20, 1958,**

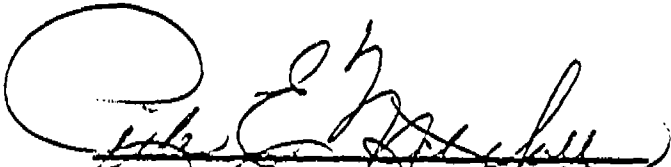
Thirteenth Revised Page 2 and Sixth Revised Page 4, which revised pages are attached hereto and by this reference made a part hereof.


C. 5437-AC


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

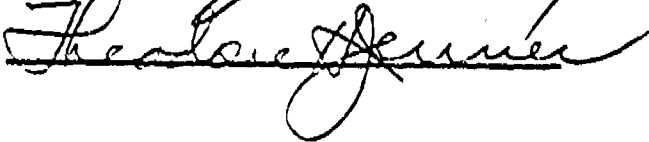
This order shall become effective on the date hereof.

Dated at San Francisco, California, this 9th day of May, 1958.



President






Commissioners

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Addition, Decision No. 56766

EFFECTIVE JUNE 20, 1958

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 646

Item No.	SECTION NO. 1-RULES AND REGULATIONS (Continued)
20-5 Cancels 20-A	<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 Items Nos. 45, 93 and 94 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>
#25	<p style="text-align: center;">APPLICATION OF TARIFF - GENERAL</p> <p>Rates in this tariff do not apply to the transportation of property for the United States Government.</p>
30-A Cancels 30	<p style="text-align: center;">APPLICATION OF TARIFF - TERRITORIAL</p> <p>Rates in this tariff apply for transportation between all points within the State of California.</p>
35	<p style="text-align: center;">REFERENCES TO ITEMS AND OTHER TARIFFS</p> <p>Unless otherwise provided, references herein to item numbers in this or other tariffs include references to such numbers with letter suffix, and references to other tariffs include references to amendments and successive issues of such other tariffs.</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>
#Addition, Decision No. 56766	
EFFECTIVE JUNE 20, 1958	
Issued by the Public Utilities Commission of the State of California, San Francisco, California.	
Correction No. 647	