

Decision No. 56768

**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	)	Case No. 5440
carriers relating to the transportation	)	
of cement and related products (commodi-	)	
ties for which rates are provided in	)	
Minimum Rate Tariff No. 10).	)	

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. 10 will be amended to exempt clearly the transportation of property of the United States.

Therefore, good cause appearing,

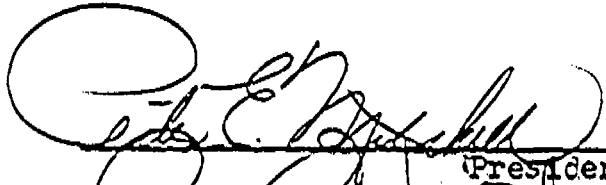
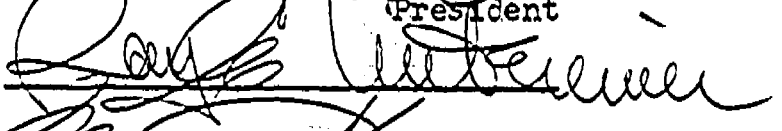
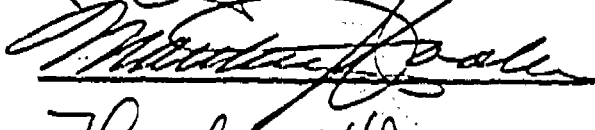
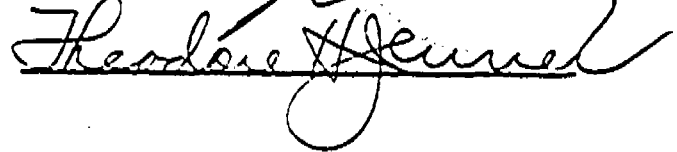
IT IS ORDERED that Minimum Rate Tariff No. 10 (Appendix "A" of Decision No. 44633, as amended) be and it is hereby further amended by incorporating therein to become effective June 20, 1958, Fifth Revised Page 5, which revised page is attached hereto and by this reference made a part hereof.

C. 5440-AC

In all other respects said Decision No. 44633, as amended, shall remain in full force and effect.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 27<sup>th</sup> day of May, 1958.

  
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President  
  
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Commissioners

SECTION NO. 1--RULES AND REGULATIONS (Continued)	Item No.																								
<p style="text-align: center;">APPLICATION OF RATES</p> <p>*Rates provided in this tariff are for the transportation of shipments from point of origin to point of destination, and include the services of the driver only for loading into and unloading from carrier's motor vehicle (See Note).          //NOTE.--Rates do not apply to the transportation of property for the United States Government.</p>	<p style="text-align: center;">* 20-A Cancels 20</p>																								
<p style="text-align: center;">APPLICATION OF TARIFF - CARRIERS</p> <p>Rates provided in this tariff are minimum rates, established pursuant to the City Carriers' Act, and the Highway Carriers' Act. They apply for the transportation of property by carriers as defined in said City Carriers' Act, and radial highway common carriers and highway contract carriers, as defined in said Highway Carriers' Act.</p> <p>When property in continuous through movement is transported by two or more such carriers, the rates (including minimum charges) 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>	<p style="text-align: center;">30-B Cancels 30-A</p>																								
<p style="text-align: center;">APPLICATION OF TARIFF - COMMODITIES</p> <p>Rates in this tariff apply for the transportation of Cement, hydraulic, masonry, national or Portland, in bulk or in packages.</p> <p>Rates in this tariff apply also to the following commodities when shipped in mixed shipments with cement in packages and when the shipments originate in Northern Territory as defined in Item No. 80:          Lime, common, including magnesium lime, hydrated or hydraulic, quick or slaked, in packages;          Cement flue dust, in packages; and/or          Limestone, powdered, in packages.</p>	<p style="text-align: center;">40</p>																								
<p style="text-align: center;">COMPUTATION OF DISTANCES</p> <p>Distances to be used in connection with distance rates named herein shall be the shortest resulting mileage via any public highway route computed in accordance with the method provided in the Distance Table (See Exception):</p> <p style="text-align: center;">EXCEPTION - The distance between Crestmore and Riverside shall be four constructive miles.</p>	<p style="text-align: center;">50-B Cancels 50-A</p>																								
<p style="text-align: center;">COMPUTATION OF CHARGES - WEIGHTS</p> <p>Except as herein provided, charges shall be assessed on the gross weight of the shipment. On shipments packed in cloth or 4, 5, or 6 ply paper bags or sacks the following applies:</p> <table border="0" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Commodity</th> <th style="text-align: center;">When the Packed Net Weight per Package is</th> <th style="text-align: center;">Charges Will be Assessed on Gross Weight per Package of</th> </tr> </thead> <tbody> <tr> <td>Cement, hydraulic, natural or Portland-----</td> <td style="text-align: center;">94 pounds</td> <td style="text-align: center;">95 pounds</td> </tr> <tr> <td>Cement, masonry or mortar----</td> <td style="text-align: center;">70 pounds</td> <td style="text-align: center;">71 pounds</td> </tr> <tr> <td>Cement flue dust-----</td> <td style="text-align: center;">84 pounds</td> <td style="text-align: center;">85 pounds</td> </tr> <tr> <td>Lime-----</td> <td style="text-align: center;">50 pounds</td> <td style="text-align: center;">50½ pounds</td> </tr> <tr> <td>Lime-----</td> <td style="text-align: center;">60 pounds</td> <td style="text-align: center;">60½ pounds</td> </tr> <tr> <td>Lime-----</td> <td style="text-align: center;">100 pounds</td> <td style="text-align: center;">101 pounds</td> </tr> <tr> <td>Limestone, powdered-----</td> <td style="text-align: center;">100 pounds</td> <td style="text-align: center;">101 pounds</td> </tr> </tbody> </table>	Commodity	When the Packed Net Weight per Package is	Charges Will be Assessed on Gross Weight per Package of	Cement, hydraulic, natural or Portland-----	94 pounds	95 pounds	Cement, masonry or mortar----	70 pounds	71 pounds	Cement flue dust-----	84 pounds	85 pounds	Lime-----	50 pounds	50½ pounds	Lime-----	60 pounds	60½ pounds	Lime-----	100 pounds	101 pounds	Limestone, powdered-----	100 pounds	101 pounds	<p style="text-align: center;">60</p>
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<p>*Change          //Addition } Decision No. 56768</p>																									
<p>EFFECTIVE JUNE 20, 1958</p>																									
<p>Issued by the Public Utilities Commission of the State of California, San Francisco, California.          Correction No. 16</p>																									