

57214

ORIGINAL

Decision No. _____

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 car-)
riers and city carriers relating to)
the transportation of sand, rock,)
gravel and related items (commodi-)
ties for which rates are provided)
in Minimum Rate Tariff No. 7).)

Case No. 5437

SUPPLEMENTAL OPINION AND ORDER

Minimum Rate Tariff No. 7 contains minimum rates and rules governing the transportation of rock, sand, gravel, asphaltic concrete and related commodities in dump truck equipment between points in California. Items Nos. 70, 85 and 90 thereof set forth provisions for the alternative application of common carrier rates and alternative application of combinations with common carrier rates. For clarification, these items will be revised to specifically provide that a rate no lower than the common carrier rate and a weight no lower than the actual weight or published minimum weight applicable in connection with the common carrier rate shall be used. This clarification is in conformity with Informal Ruling No. 20 of the Commission's Transportation Division, issued October 19, 1956.

Therefore, good cause appearing,

IT IS ORDERED that Minimum Rate Tariff No. 7 (Appendix "A" of Decision No. 32566, as amended) is hereby further amended by incorporating therein, to become effective September 12, 1958, Ninth Revised Page 5 and Third Revised Page 5-A, which revised pages are attached hereto and by this reference made a part hereof.

C. 5437-JO

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

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 19th day of August, 1958.

E. L. Fox
President
W. E. Mitchell
W. J. Dool
Theodore Jensen
Commissioners

Item No.	SECTION NO. 1 - RULES AND REGULATIONS (Continued)
50-D Cancels 50-C	<p style="text-align: center;">MINIMUM CHARGE</p> <p>Except as otherwise provided, the minimum charge per shipment shall be the charge for 8 tons at the applicable rate. (See Note.)</p> <p>NOTE: Between points in San Diego County the minimum charge per shipment shall be the charge for 6 tons at the applicable rate.</p>
60-C Cancels 60-B	<p style="text-align: center;">METHOD OF DETERMINING WEIGHT OF SHIPMENT</p> <p>Actual weight of the shipment shall be used when furnished by the shipper or when obtained by the carrier at the shipper's direction and expense.</p> <p>Otherwise charges shall be computed upon the basis of the following estimated weights per cubic yard when loaded in the dump truck equipment:</p> <p>(a) In Southern Territory, 2800 pounds;</p> <p>(b) In Northern Territory: Sand, other than burnt shale sand, 2800 pounds; Commodities described in Item No. 146, 1200 pounds; Other commodities, 3000 pounds.</p>
*70-C Cancels 70-B	<p style="text-align: center;">ALTERNATIVE APPLICATION OF COMMON CARRIER RATES</p> <p>Common carrier rates may be applied in lieu of the rates provided in this tariff, when such common carrier rates produce a lower aggregate charge for the same transportation, from the same point of origin to the same point of destination, than results from the application of the rates herein provided. (See Note 1.) For charges for loading and unloading in connection with shipments originating in Southern Territory, see Note 1, Item No. 90; in connection with shipments originating in Northern Territory, see Note 1, Item No. 85. (See Notes 2 and 3.)</p> <p>NOTE 1.- (Applies only in Northern Territory.) When the point of origin is on an industrial railroad connecting with a common carrier railroad, the common carrier rate shall be deemed to apply from the point of origin.</p> <p>NOTE 2.- When a rail carload rate is subject to varying minimum weights, dependent upon the size of the car ordered or used, the lowest minimum weight obtainable under such minimum weight provisions may be used in applying the basis provided in this item.</p> <p>NOTE 3.- In applying the provisions of this item, a rate no lower than the common carrier rate and a weight no lower than the actual weight or published minimum weight (whichever is the higher) applicable in connection with the common carrier rate shall be used.</p>
80-A Cancels 80	<p style="text-align: center;">BRIDGE AND FERRY TOLLS</p> <p>Except as provided in Item No. 294, the actual bridge or ferry tolls shall be added to the transportation charge when such facilities are used by the carrier.</p>
*85-A Cancels 85	<p style="text-align: center;">ALTERNATIVE APPLICATION OF COMBINATIONS WITH COMMON CARRIER RATES (APPLICABLE ONLY WITHIN NORTHERN TERRITORY OR FROM NORTHERN TERRITORY TO SOUTHERN TERRITORY)</p> <p>When lower aggregate charges result, tonnage rates provided in this tariff may be used in combination with the published rates of common carriers by land filed with the Commission for the transportation of shipments of the same kind of property between the same points, subject to the following conditions:</p> <p>(a) When the point of origin is located beyond a railhead and the point of destination is located at a railhead, add to the common carrier rate applying from any team track to point of destination the tonnage rate provided in this tariff applicable to a shipment from the point of origin to the team track from which the common carrier rate used applies. (See Notes 1, 2 and 3.)</p>

(b) When the point of origin is located at a railhead and the point of destination is located beyond a railroad, add to the common carrier rate applying from point of origin to any team track, the tonnage rate provided in this tariff applicable to a shipment from the team track to which the common carrier rate used applies to point of destination. (See Notes 1, 2 and 3.)

(c) When both the point of origin and the point of destination are located beyond railhead, add to the common carrier rate applying between any railheads, the tonnage rate provided in this tariff applicable to a shipment from point of origin to the team track from which the common carrier rate used applies, plus the tonnage rate provided in this tariff applicable to a shipment from the team track to which the common carrier rate used applies to point of destination. (See Notes 1, 2 and 3.)

NOTE 1.-If loading and unloading are not included in the rate of a common carrier which is applied or used to construct a rate for highway transportation, 3 cents per ton shall be added to the common carrier rate for loading and 3 cents per ton shall be added to the common carrier rate for unloading. If the common carrier rate includes either loading or unloading, but not both, 3 cents per ton shall be added to the common carrier rate. (See Exceptions Nos. 1 and 2.)

EXCEPTION NO. 1.-The additional charge for loading will not apply when the team track from which a common carrier rate applies has a facility by which rail cars can be loaded by gravity directly from a unit of dump truck equipment.

EXCEPTION NO. 2.-The additional charge for unloading will not apply when the team track to which a common carrier rate applies has a facility by which a unit of dump truck equipment can be loaded by gravity directly from a rail car.

NOTE 2.-When a rail carload rate is subject to varying minimum weights, dependent upon the size of the car ordered or used, the lowest minimum weight obtainable under such minimum weight provisions may be used in applying the basis provided in this item, except that when no specific minimum weight is shown for a carload rate, it shall be not less than 30,000 pounds.

#NOTE 3.-In applying the provisions of this item, a rate no lower than the common carrier rate and a weight no lower than the actual weight or published minimum weight (whichever is the higher) applicable in connection with the common carrier rate shall be used.

*Change }
#Addition } Decision No. 57234

EFFECTIVE SEPTEMBER 12, 1958

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

Correction No. 677

Item No.	SECTION NO. 1-RULES AND REGULATIONS (Continued)
	<p style="text-align: center;">ALTERNATIVE APPLICATION OF COMBINATIONS WITH COMMON CARRIER RATES (APPLICABLE ONLY WITHIN SOUTHERN TERRITORY OR FROM SOUTHERN TERRITORY TO NORTHERN TERRITORY)</p> <p>When lower aggregate charges result, rates provided in this tariff may be used in combination with common carrier rates for the same transportation as follows:</p> <p>(a) When point of origin is located beyond railhead and point of destination is located at railhead, add to the common carrier rate applying from any team track to point of destination the rate provided in this tariff for the distance from point of origin to the team track from which the common carrier rate used applies. (See Notes 1, 2, 3 and 4.)</p> <p>(b) When point of origin is located at railhead and point of destination is located beyond railhead, add to the common carrier rate applying from point of origin to any team track, the rate provided in this tariff for the distance from the team track to which the common carrier rate used applies to point of destination. (See Notes 1, 3, and 4.)</p> <p>(c) When both point of origin and point of destination are located beyond railhead, add to the common carrier rate applying between any railheads the rate provided in this tariff for the distance from point of origin to the team track from which the common carrier rate used applies, plus the rate provided in this tariff for the distance from the team track to which the common carrier rate used applies to point of destination. (See Notes 1, 2, 3 and 4.)</p> <p>NOTE 1.-In the event, under the provisions of Items Nos. 70 and 90 series, a rate of a common carrier is used in constructing a rate for highway transportation and such common carrier rate does not include accessorial services performed by the highway carrier, the following charge for such accessorial services shall be added:</p> <p style="padding-left: 40px;">For loading and unloading, 12 cents per ton.</p> <p>NOTE 2.-When the point of origin located beyond railhead is a commercial producing plant located within any of the production areas described in Section No. 3, in which a team track is located and the point of destination is outside such production area, the combination rate may be constructed by adding to the common carrier rate specified in this item series, the rate of 6 cents per ton in lieu of the rate provided in this tariff for the distance from the point of origin to the team track from which said common carrier rate applies.</p> <p>NOTE 3.-When the rail carload rate is subject to varying minimum weights, dependent upon the size of the car ordered or used, the lowest minimum weight obtainable under such minimum weight provisions may be used in applying the basis provided in this item.</p> <p>#NOTE 4.-In applying the provisions of this item, a rate no lower than the common carrier rate and a weight no lower than the actual weight or published minimum weight (whichever is the higher) applicable in connection with the common carrier rate shall be used.</p>
* 90-B Cancels 90-A	
93-A Cancels 93	<p style="text-align: center;">ISSUANCE OF SHIPPING DOCUMENT</p> <p>(a) (Applies only when neither paragraph (b) nor paragraph (c) applies.) A shipping document (either in individual or manifest form) shall be issued by the carrier to the shipper for each shipment received for transportation. The shipping document shall show the following information:</p> <ol style="list-style-type: none"> (1) Name of shipper. (2) Name of consignee. (3) Point of origin. (4) Point of destination. (5) Description of the shipment. (6) Weight of the shipment (or other factor or measurement upon which charges are based). (7) Rate and charge assessed. (8) Such other information as may be necessary to an accurate determination of the applicable minimum rate and charge.

(b) (Applies only in connection with transportation subject to Northern Territory hourly rates.) A shipping document (either in individual or manifest form) shall be issued by the carrier to the shipper for each engagement for transportation subject to hourly rates in this tariff. The shipping document shall show the following information:

- (1) Name of shipper.
- (2) Address at which shipper is to be billed.
- (3) Description of the property to be transported.
- (4) Water-level capacity in cubic yards of each unit of equipment to be supplied.
- (5) Type of loading (bunker, power, hand or other).
(See Note 1.)
- (6) Point at which each unit of equipment is to begin its engagement for transportation each day.
- (7) Time of reporting for service of each unit of equipment each calendar day.
- (8) Time of completion of service of each unit of equipment each calendar day.
- (9) Detailed list for each unit of equipment each day of time deductible from the elapsed time between (7) and (8) above, including the reason for such deduction.
- (10) The net time after deduction of (9) from the elapsed time between (7) and (8) for each unit of equipment each calendar day.
- (11) The rate and charge assessed, including a detail of all bridge or ferry tolls assessable.

(c) (Applies only to underlying carriers in connection with transportation subject to Northern Territory hourly or tonnage rates.) A shipping document shall be issued by the underlying carrier to the overlying carrier for each shipment at tonnage rates and for each engagement for transportation at hourly rates. It shall contain the following information:

- (1) Name of overlying carrier.
- (2) Address of overlying carrier.
- (3) For transportation subject to tonnage rates, all the information set forth in paragraph (a) above; for transportation subject to hourly rates in this tariff, all the information required in paragraph (b) above.
- (4) The net amount charged.
- (5) A notation as to whether or not the transportation involved is intracity in character.

(d) The forms of shipping documents in Section No. 5 will be suitable and proper.

(e) A copy of each shipping document shall be retained and preserved by the issuing carrier, subject to the Commission's inspection, for a period of not less than three years from the date of its issuance.

NOTE 1.—The miles run each day must be shown if any service is performed at hand-loading rates.

*Change }
#Addition } Decision No.

EFFECTIVE SEPTEMBER 12, 1958

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

Correction No. 678