

Decision No. 57217

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)
carriers relating to the transportation)
of cement and related products (com-)
modities for which rates are provided in)
Minimum Rate Tariff No. 10).)

Case No. 5440

SUPPLEMENTAL OPINION AND ORDER

Minimum Rate Tariff No. 10 provides minimum rates and rules for the transportation of cement between points in California. Item No. 160 thereof sets forth a provision for the alternative application of common carrier rates. For clarification, the item 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.

In addition, the tariff will be revised to provide specifically that accessorial charges may not be offset by transportation charges. This clarification is in conformity with Informal Ruling No. 35, issued February 20, 1958.

Therefore, good cause appearing,


IT IS ORDERED that Minimum Rate Tariff No. 10 (Appendix "A" of Decision No. 44633, as amended) is hereby further amended by incorporating therein, to become effective September 12, 1958, First Revised Page 2, Second Revised Page 9 and First Revised Page


10, which revised pages are attached hereto and by this reference made a part hereof.


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

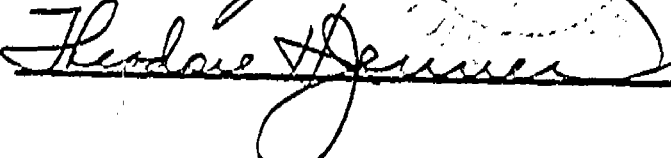
This order shall become effective twenty days after the date hereof.

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



President






Commissioners

ARRANGEMENT OF TARIFF

This is a loose-leaf tariff arranged as follows:

Section No. 1 - Rules and Regulations

Section No. 2 - Rates

Section No. 3 - Form of Shipping Document

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Addition, Decision No.

57217

EFFECTIVE SEPTEMBER 12, 1958

Issued by the Public Utilities Commission of the State of California,
 San Francisco, California.
 Correction No. 17

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
<p style="text-align: center;">ALTERNATIVE APPLICATION OF COMMON CARRIER RATES</p> <p>Common carrier rates, except rates of coastwise common carriers by vessel, 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 between the same points of origin and destination, and for the same accessorial services, than results from the application of the rates herein provided. (See Notes 1, 2 and 3.)</p> <p>NOTE 1.-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 2.-Common carrier rates may be applied for the transportation of bulk cement only when bulk cement facilities for loading and unloading motor vehicles are available at the points to which and from which the common carrier rates apply.</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>	<p style="text-align: right;">*150-A Cancels 150</p>
<p style="text-align: center;">ALTERNATIVE APPLICATION OF COMBINATIONS WITH COMMON CARRIER RATES</p> <p>When lower aggregate charges result, rates provided in this tariff may be used in combination with common carrier rates, except rates of coastwise common carriers by vessel, 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 railhead to point of destination the rate provided in this tariff for the distance from point of origin to the railhead from which the common carrier rate 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 railhead the rate provided in this tariff for the distance from the railhead to which the common carrier rate used applies to point of destination. (See Notes 1, 2, 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 railhead from which the common carrier rate used applies, plus the rate provided in this tariff for the distance from the railhead to which the common carrier rate used applies to point of destination. (See Notes 1, 2, 3 and 4.)</p> <p>NOTE 1.-If the route from point of origin to the railhead, or from the railhead to point of destination, is within the corporate limits of a single incorporated city, the rates provided in this tariff for transportation for distances of 3 miles or less shall apply from point of origin to the railhead or from the railhead to point of destination as the case may be.</p>	<p style="text-align: right;">*160-B Cancels 160-A</p>

EXCEPTION.-If the route is between Los Angeles zones as described in the Distance Table, the provisions of this Note do not apply.

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.

NOTE 3.-Common carrier rates may be applied for the transportation of bulk cement in combination with rates provided in this tariff only when bulk cement facilities for loading and unloading motor vehicles are available at the points to which and from which the common carrier rates apply.

#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.

* Change)
Addition) Decision No. 57217

EFFECTIVE SEPTEMBER 12, 1958

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 18

SECTION NO. 1 - RULES AND REGULATIONS (Concluded)	Item No.
<p style="text-align: center;">ACCESSORIAL SERVICES NOT INCLUDED IN COMMON CARRIER RATES</p> <p>When a common carrier rate is applied in lieu of or in combination with rates provided in this tariff, and the common carrier rate does not include accessorial services as performed by carrier, the following charges shall be made for such services:</p> <ol style="list-style-type: none"> 1. For unloading of shipments, in packages, at a point of destination to which the common carrier rate applies, $1\frac{1}{2}$ cents per 100 pounds. 2. For accessorial services for which charges are provided in this tariff, the additional charge or charges so provided. 3. For other accessorial services for which charges are not otherwise provided in this tariff, the charges set forth in Item No. 100 series. 	170
<p style="text-align: center;">ISSUANCE OF SHIPPING DOCUMENTS</p> <p>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"> (a) Name of shipper. (b) Name of consignee. (c) Point of origin. (d) Point of destination. (e) Description of the shipment (in terms of the Western Classification or Exception Sheet or as provided in this tariff). (f) Weight of the shipment (or other factor or measurement upon which charges are based). (g) Rate and charge assessed. (h) Whether point of origin and/or point of destination is located at railhead and such other information as may be necessary to an accurate determination of the applicable minimum rate and charge. <p>The form of shipping document in Section No. 3 will be suitable and proper.</p> <p>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.</p>	180
<p style="text-align: center;">UNITS OF MEASUREMENT IN QUOTATION OF RATES AND CHARGES</p> <p>Rates or accessorial charges shall not be quoted or assessed by carriers based upon a unit of measurement different from that in which the minimum rates and charges in this tariff are stated.</p>	190
<p style="text-align: center;">ACCESSORIAL CHARGES NOT TO BE OFFSET BY TRANSPORTATION CHARGES</p> <p>Accessorial charges set forth in this tariff for accessorial services not included in the rate for actual transportation shall be assessed and collected whenever such services are performed, regardless of the level of the transportation rate assessed. Such accessorial charges may not be waived on the basis that a higher-than-minimum transportation rate serves as an offset.</p>	#195
<p># Addition, Decision No. 57217</p>	
<p>EFFECTIVE SEPTEMBER 12, 1958</p>	
<p style="text-align: center;">Issued by the Public Utilities Commission of the State of California, San Francisco, California.</p> <p>Correction No. 19</p>	