

ORIGINAL

Decision No. 58483

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation into the rates, )  
rules, regulations, charges, allowances and prac- )  
tices of all common carriers, highway carriers )  
and city carriers relating to the transportation )  
of petroleum and petroleum products in bulk (com- )  
modities for which rates are provided in Minimum )  
Rate Tariff No. 6). )

Case No. 5436

SUPPLEMENTAL OPINION AND ORDER

Decision No. 56765 of May 27, 1958, in this proceeding, amended Minimum Rate Tariff No. 6 to exempt therefrom property transported for the United States Government. The use of the word "for" in the exemption has given rise to the argument that shippers other than the United States may negotiate rates in cases where shipments are consigned to the United States.

To set this question at rest, the tariff will be amended so as to exempt "property of the United States, or property transported under an agreement whereby the United States contracted for the carrier's services."

Therefore, good cause appearing,

IT IS ORDERED that Minimum Rate Tariff No. 6 (Appendix "C" of Decision No. 32608, as amended) is hereby further amended by incorporating therein to become effective June 19, 1959, Thirteenth Revised Page 6, which revised page is attached hereto and by this reference made a part hereof.

In all other respects said Decision No. 32608, 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 22nd day of May, 1959.

[Signature]  
President  
[Signature]  
[Signature]  
[Signature]  
Commissioners

Item  
No.

SECTION NO. 1

RULES AND REGULATIONS

## DEFINITION OF TECHNICAL TERMS

CARRIER means a petroleum contract carrier, or city carrier, as defined in the Highway Carriers' Act and in the City Carriers' Act.

CARRIER'S EQUIPMENT means any tank motor truck, tank trailer or tank semitrailer, or any combination of such highway vehicles operated by the carrier.

COMMON CARRIER RATE means any intrastate rate or rates of any common carrier, or common carriers, as defined in the Public Utilities Act, lawfully on file with the Commission and in effect at time of shipment; also any interstate rate of any common carrier railroad or railroads applying between points in California via an interstate or foreign route, lawfully in effect at time of shipment.

DISTANCE TABLE means Distance Table No. 4.

ESTABLISHED DEPOT means a freight terminal owned or leased and maintained by a carrier for the receipt and delivery of shipments.

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.

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LOADING TIME means that time which commences when carrier's equipment is placed in position to load and which terminates when carrier's equipment is released for departure from point of origin.

MOBILE ROAD MIXER means contractor's or road making equipment that is equipped and being used in mobile service for the picking up of raw materials along a road or a proposed road, mixing them with petroleum products as described herein and dumped behind said moving road mixer. The equipment of carrier is attached to the mobile unit and proceeds with said unit in its road mixing service. The moving road mixer may either pump over the load or the carrier's equipment may pump over the load as the case may be. When carrier's equipment pumps the load, pumping charges as provided in Item 100 apply in addition to the rates as otherwise provided herein.

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.

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.

RAILHEAD means a point at which facilities are maintained for the loading of property into or upon, or the unloading of property from, rail cars or vessels. It also includes truck loading facilities of plants or industries located at such rail or vessel loading or unloading point.

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

THE TRANSPORTATION means transportation of the same kind and quantity of property and subject to the same limitations, conditions and privileges, although not necessarily in an identical type of equipment.

SHIPMENT means a quantity of freight tendered by one shipper on one shipping document at one point of origin at one time for one consignee at one point of destination. (See Items Nos. 87 and 130 for exceptions.)

SPLIT DELIVERY SHIPMENT means a shipment consisting of two or more component parts delivered to (a) one consignee at more than one point of destination, or (b) more than one consignee at one or more points of destination, said shipment being shipped by one consignor at one point of origin and charges thereon being paid by the consignor when there is more than one consignee.

TEAM TRACK means a point at which property may be loaded into, or upon, or unloaded from rail cars by the public generally. It also includes wharves, docks and landings at which the public generally may receive and tender shipments of property from and to common carriers by vessel.

UNLOADING TIME means that time which commences when carrier's equipment is placed in position to unload and/or spread and which terminates when carrier's equipment is released for departure from point of destination. It also includes time spent in weighing, sampling and/or the processing of samples even though such time may be spent prior to the placement of the equipment in position to unload or spread.

#### APPLICATION OF TARIFF - GENERAL

Rates provided in this tariff apply for the transportation of shipments of petroleum and petroleum products as described in Item No. 30, in bulk in tank trucks, tank trailers or tank semitrailers, or a combination of such highway vehicles, between points in the State of California by petroleum contract carriers as defined in the Highway Carriers' Act, and by carriers as defined in the City Carriers' Act. Rates include connecting and disconnecting piping and other services incidental to loading and unloading except those services for which rates or charges are provided in individual items.

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For rates for the transportation of petroleum and petroleum products, other than as provided in this tariff, see Minimum Rate Tariff No. 2.

Rates, rules and regulations named in this tariff shall not apply to transportation by independent-contractor sub-haulers 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.

\* Rates in this tariff do not apply to the transportation of property of the United States, or property transported under an agreement whereby the United States contracted for the carrier's services.

\* Change, Decision No. ~~58100~~

EFFECTIVE JUNE 19, 1959

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

Correction No. 197