

Decision No. 60035

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

Case No. 5440  
Order Setting Hearing  
dated May 22, 1959

Edwin S. Acker, for Miles & Sons Trucking Service,  
respondent.

Max Binswanger, for Max Binswanger Trucking,  
respondent.

Don A. Hughes, for Paxton Trucking Company, respondent.

Wallace K. Downey, for California Portland Cement  
Company, interested party.

C. R. Boyer, for Southwestern Portland Cement Company,  
interested party.

S. A. Moore, for Permanente Cement Company, interested  
party.

Lauren M. Wright, for Riverside Cement Company, Division  
of American Cement Corporation, interested party.

Eugene A. Feise, for Calaveras Cement Company, in-  
terested party.

Joseph T. Enright and Waldo A. Gillette, for Monolith  
Portland Cement Company, interested party.

Paul S. Barnett, for Ideal Cement Company, interested  
party.

W. G. Higgins, for Pacific Cement and Aggregates, Inc.,  
interested party.

J. C. Kaspar, Lawrence R. Exley, Arlo D. Poe and  
James Quintrall, for California Trucking Associ-  
ations, Inc., interested party.

M. J. Gagnon, for the Commission's staff.

SUPPLEMENTAL OPINION AND ORDER

Decision No. 59669 of February 16, 1960, in this proceeding was intended to effect certain revisions in the rules and regulations in Minimum Rate Tariff No. 10 which apply for the transportation of cement by various highway carriers. For the most part such revisions are those which were proposed by a Commission rate witness, and which are set forth, with some modifications, in an exhibit received in evidence as Exhibit No. U-1. Through inadvertence, however, the tariff pages that were issued in conjunction with this decision did not reflect all of the intended revisions. Minimum Rate Tariff No. 10 will be further revised to carry out the intended effect of Decision No. 59669.

Therefore, good cause appearing,

IT IS HEREBY FURTHER ORDERED that:


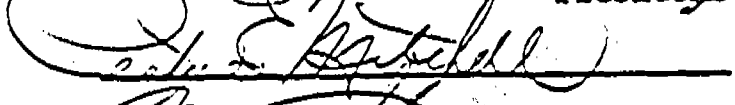

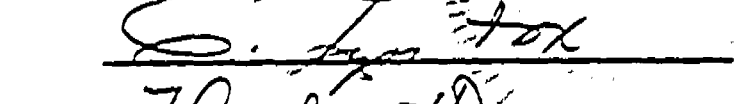
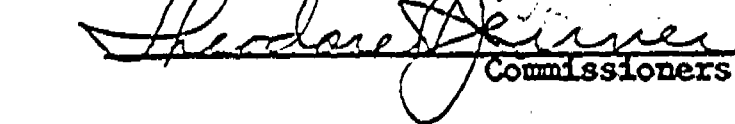
1. Minimum Rate Tariff No. 10 (Appendix "A" of Decision No. 44633, as amended) be and it is hereby further amended by incorporating therein, to become effective June 24, 1960, the revised pages attached hereto and listed in Appendix 1, also attached hereto, which pages and appendix are made a part hereof by this reference.

2. Tariff publications required or authorized to be made by common carriers as a result of the order herein may be made effective not earlier than the effective date hereof on not less than five days' notice to the Commission and to the public; and that such required tariff publications shall be made effective not later than June 24, 1960.

3. In all other respects the aforesaid 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 3rd day of May 1960.

  
President  
  
  
  
  
Commissioners

APPENDIX "1" TO DECISION NO. 60035

Revised Pages to Minimum Rate Tariff No. 10  
Authorized by Said Decision

Fourth Revised Page 4

Eighth Revised Page 5

Fourth Revised Page 6

First Revised Page 6-A

(End of Appendix "1")

SECTION NO. 1 - RULES AND REGULATIONS	Item No.
<p data-bbox="652 445 864 476" style="text-align: center;">DEFINITIONS</p> <p data-bbox="274 507 1192 640">(a) CARRIER means a carrier, as defined in the City Carriers' Act, or a radial highway common carrier or a highway contract carrier, as defined in the Highway Carriers' Act.</p> <p data-bbox="274 671 1171 736">(b) COMMISSION means the Public Utilities Commission of the State of California.</p> <p data-bbox="274 768 1231 1057">(c) 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.</p> <p data-bbox="274 1088 1171 1153">(d) DISTANCE TABLE means Distance Table No. 4, amendments thereto, or reissues thereof.</p> <p data-bbox="274 1184 1197 1348">(e) EXCEPTION SHEET means Exception Sheet 1-S, Pacific Southcoast Freight Bureau, Agent, and supplements thereto or reissues thereof when the provisions of such supplements or reissues have been approved by the Commission.</p> <p data-bbox="274 1380 1197 1604">(f) 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.</p> <p data-bbox="274 1635 1183 1794">(g) MOTOR VEHICLE means any motor truck, tractor or other self-propelled highway vehicle used for transportation of property over the public highways, and any trailer, semi-trailer, dolly or other vehicle drawn thereby.</p> <p data-bbox="274 1825 1240 1984">(h) PALLETS means second-hand (used) pallets as described in and subject to the provisions of Item No. 300 of the Exception Sheet. It also means pallets which are returned or shipped in exchange for identical pallets.</p> <p data-bbox="274 2015 1265 2296">(i) POINT OF DESTINATION means the precise location at which property is tendered for physical delivery into the custody of the consignee or his agent, except that (1) all locations within a radius of 50 feet from a single point, and (2) all locations on the property of a single consignee within a radius of 300 feet from a single point will be considered as one point of destination.</p>	

\*10-D  
Cancels  
10-C

(j) 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, except that (1) all locations within a radius of 50 feet from a single point, and (2) all locations on the property of a single consignor within a radius of 300 feet from a single point will be considered as one point of origin.

\*(k) POWER EQUIPMENT means any gasoline, diesel, electric or gas driven equipment including, #without limitation, conveyor belts, electric powered cranes and lift truck equipment.

(l) 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.

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

(n) SAME TRANSPORTATION means transportation of the same kind and quantity of property between the same points, and subject to the same limitations, conditions and privileges, but not necessarily in an identical type of equipment.

(o) SHIPMENT means a quantity of property tendered for transportation to one carrier at one time on one shipping document by:

(1) one shipper at one point of origin for one consignee at one point of destination; or

(2) one shipper at one point of origin for one consignee at more than one point of destination, or for more than one consignee at one or more points of destination (split delivery).

(p) UNIT OF EQUIPMENT means one or more motor vehicles (as herein defined) physically connected so as to form a complete unit.

\*Change  
#Addition

} Decision No. 60035

EFFECTIVE JUNE 24, 1960

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

Correction No. 31

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).</p> <p>NOTE.--Rates 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.</p>	<p style="text-align: center;">20-B Cancels 20-A</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, natural or Portland, in bulk or in packages (subject to Item No. 65).</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:</p> <p style="padding-left: 40px;">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>Except as otherwise provided in Item No. 220, rates in this tariff do not apply to shipments of empty pallets.</p>	<p style="text-align: center;">40-A Cancels 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="padding-left: 40px;">EXCEPTION - The distance between Crestmore and Riverside shall be four constructive miles.</p>	<p style="text-align: center;">50-B Cancels 50-A</p>

# COMPUTATION OF CHARGES - WEIGHTS

Charges shall be assessed on the gross weight of the shipment. No allowance shall be made for the weight of the containers. (See Exceptions)

## EXCEPTIONS -

\*(1) On shipments packed in cloth or #3, 4, 5 or 6-ply paper bags or sacks the following applies:

<u>Commodity</u>	<u>When the Packed Net Weight Per Package Is:</u>	<u>Charges Will Be Assessed on Gross Weight Per Package Of:</u>
Cement, hydraulic, natural or Portland	94 pounds	95 pounds
Cement, masonry or mortar	70 pounds	71 pounds
Cement flue dust	84 pounds	85 pounds
Cement, plastic, gun	96 pounds	97 pounds
Lime	50 pounds	50½ pounds
Lime	60 pounds	60½ pounds
Lime	100 pounds	101 pounds
Limestone, powdered	100 pounds	101 pounds

\*60-B  
Cancels  
60-A

\*(2) When palletized shipments are loaded or unloaded by power equipment # (power loading includes loading of pallets in place on motor vehicle from conveyor-type loading equipment when loading is done by shipper), the weight of the pallets (elevating truck pallets or platforms or lift truck skids) shall not be used in determining the weight of the shipment nor the charges thereon. When palletized shipments are loaded or unloaded by other than power equipment, the weight of the pallets (elevating truck pallets or platforms or lift truck skids) shall be used in determining the gross weight of the shipment and the charges thereon. This exception applies only in connection with the rates contained in this tariff, and is not applicable to shipments of empty pallets. When rail rates are used under the provisions of Items Nos. 150 through 170 of this tariff, the weight of the pallets shall be included or excluded in accordance with the provisions of the governing rail tariff.

\* Change }  
# Addition } Decision No. 60035

EFFECTIVE JUNE 24, 1960

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.  
Correction No. 32



SECTION NO. 1 - RULES AND REGULATIONS (Continued)		Item No.																					
<p style="text-align: center;">MIXED SHIPMENTS</p> <p>When commodities #covered by this tariff, in bulk and in packages, are included in a single shipment separate weights shall be obtained for the bulk and the sacked commodities, #subject to Item No. 60. Charges will be computed at the separate rates applicable to each such commodity in straight shipments of the combined weight of the mixed shipment. The minimum weight for such mixed shipment shall be 40,000 pounds. #The charge for any deficiency between actual weight of the shipment and the minimum weight provided herein shall be computed at the rate applicable to the lowest rated commodity in the shipment.</p>		*65-A Cancels 65																					
<p style="text-align: center;">APPLICATION OF TARIFF - TERRITORIAL</p> <p>Rates in this tariff apply for the transportation of commodities named in Item No. 40 between all points within the State of California.</p>		70																					
<p style="text-align: center;">TERRITORIAL DESCRIPTIONS</p> <p>NORTHERN TERRITORY includes all points north of the following boundary line: Beginning at a point on the shore line of the Pacific Ocean due south of Gaviota, thence northeasterly along an imaginary straight line to the junction point of Santa Barbara, Ventura and Kern County boundaries, northerly and westerly along the westerly boundary of Kern County to the junction point of Kern, San Luis Obispo and Kings Counties, thence easterly along the northerly boundary lines of Kern and San Bernardino Counties to the California-Nevada boundary line.</p> <p>SOUTHERN TERRITORY includes all points south of the southern boundary line of northern territory.</p>		80																					
<p style="text-align: center;">MINIMUM CHARGE</p> <p>The minimum charge per shipment shall be the charge for 40,000 pounds at the applicable rate.</p>		90-A Cancels 90																					
<p style="text-align: center;">ACCESSORIAL SERVICES</p> <p>When carrier performs any accessorial or incidental service which is not authorized to be performed under rates named in this tariff, and for which a charge is not otherwise provided, additional charges shall be assessed as follows:</p> <table><tr><td></td><td colspan="2">Charges in Cents</td></tr><tr><td></td><td>For First</td><td>For Each Additional</td></tr><tr><td></td><td>30 Minutes</td><td>15 Minutes</td></tr><tr><td></td><td>or Fraction</td><td>or Fraction</td></tr><tr><td></td><td>Thereof</td><td>Thereof</td></tr><tr><td>(a) For Driver, Helper, or other Employee per Man .....</td><td>147</td><td>74</td></tr><tr><td>(b) For Unit of Equipment .....</td><td>63</td><td>32</td></tr></table> <p>The charge for unit of equipment shall apply whenever the accessorial or incidental service requires its use, or whenever the unit of equipment is inactivated by reason of its driver or helper being engaged in such service.</p>			Charges in Cents			For First	For Each Additional		30 Minutes	15 Minutes		or Fraction	or Fraction		Thereof	Thereof	(a) For Driver, Helper, or other Employee per Man .....	147	74	(b) For Unit of Equipment .....	63	32	100-B Cancels 100-A
	Charges in Cents																						
	For First	For Each Additional																					
	30 Minutes	15 Minutes																					
	or Fraction	or Fraction																					
	Thereof	Thereof																					
(a) For Driver, Helper, or other Employee per Man .....	147	74																					
(b) For Unit of Equipment .....	63	32																					

# DIVERTED SHIPMENTS

Charges upon shipments diverted at request of consignor or consignee shall be assessed upon the basis of the charge established for the constructive mileage applicable via the point or points where diversion occurs, subject to Item No. 100.

110

\*Change  
##Addition }

Decision No. 60035

EFFECTIVE JUNE 24, 1960

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

Correction No. 33

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
<p data-bbox="423 437 1147 476">SHIPMENTS TRANSPORTED IN MULTIPLE LOTS</p> <p data-bbox="235 502 1301 671">(a) When a carrier is unable to pick up an entire shipment at one time, or when more than one vehicle, or connected train of vehicles, are used to pick up the entire shipment, the following provisions shall apply in addition to other applicable rules and regulations:</p> <ol data-bbox="333 697 1301 1479" style="list-style-type: none"><li data-bbox="333 697 1301 802">1. The entire shipment shall be available to the carrier for immediate transportation at the time of the first pickup.</li><li data-bbox="333 828 1301 932">2. A single shipping document for the entire shipment tendered shall be issued prior to or at the time of the first pickup.</li><li data-bbox="333 958 1301 1127">3. An additional shipping document shall be issued for each pickup and shall give reference to the single shipping document and shall be attached thereto and become a part thereof.</li><li data-bbox="333 1153 1301 1322">4. The entire shipment shall be picked up by the carrier within a period of two #calendar days computed from 12:01 a.m. of the date on which the first pickup commences, excluding Saturdays, Sundays and legal holidays.</li><li data-bbox="333 1348 1301 1479">5. The separate pickups made in accordance with the foregoing provisions shall constitute a composite shipment which shall be subject to the rates named or provided for in this tariff.</li></ol> <p data-bbox="235 1505 1301 1648">(b) Any property separately picked up without complying with the foregoing provisions shall constitute a separate shipment and shall be subject to the rates, rules and regulations applicable thereto.</p>	<p data-bbox="1320 1088 1465 1192">*115-A Cancels 115</p>
<p data-bbox="235 1744 942 1817">* Change ) # Addition) Decision No. 60035</p>	
<p data-bbox="1012 1856 1383 1895">EFFECTIVE JUNE 24, 1960</p>	
<p data-bbox="201 1924 1475 1999">Issued by the Public Utilities Commission of the State of California, San Francisco, California</p> <p data-bbox="240 2012 560 2051">Correction No. 34</p>	