

66280

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

Case No. 5440

And Related Matters.)

Cases Nos. 5432, 5435,
5439 and 5441

SUPPLEMENTAL OPINION AND ORDER

Decision No. 44633 dated August 8, 1950, in Case No. 4808 established revised minimum rates and charges to be assessed by, and modified rules and regulations to be observed by city, radial highway common and highway contract carriers engaged in the transportation of cement and related products in quantities of 38,000 pounds or more.¹ These provisions were prescribed pursuant to the City and Highway Carriers' Acts. They were set forth in City Carriers' Tariff No. 8 - Highway Carriers' Tariff No. 10 (presently Minimum Rate Tariff No. 10), issued by the Commission as Appendix "A" of the decision. The decision also required common carriers operating over the public highways and subject to the Public

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By Decision No. 50008 dated May 4, 1954, in Petitions Nos. 1 and 2 in Case No. 5440, the minimum weight governing these rates was increased from 38,000 to 40,000 pounds. The Commission has heretofore prescribed minimum rates for the transportation of cement in lesser quantities for city, radial highway common and highway contract carriers. These rates are set forth in City Carriers' Tariff No. 1-A and Minimum Rate Tariffs Nos. 1-B, 2, 5, 9-A and 15.

Utilities Act to establish in their tariffs rates, rules and regulations no lower in volume or effect than those provided in the Commission's tariff.

The 1963 Legislature amended the Public Utilities Code effective September 20, 1963, establishing two new classes of carriers of portland or similar cements in bulk or in packages in any motor vehicle substantially loaded to capacity over any highway in this State. These new classes are (1) "cement carrier" and (2) "cement contract carrier." A "cement carrier" is a common carrier requiring a certificate of public convenience and necessity and subject to Division 1 of the Public Utilities Code (Public Utilities Act). A "cement contract carrier" is a contract carrier requiring a permit and subject to Division 2 of the Code (Highway Carriers' Act). Among others, the amendments provide that the Commission may fix the rates, fares, charges, classifications and rules of cement carriers; include "cement carrier" in the definition of "common carrier"; and include "cement contract carrier" or "cement carrier" in the definition of "highway contract carrier."

Regardless of the classification, highway carriers of cement will continue to utilize the same type of equipment to transport cement in substantially the same manner and in competition with one another. The establishment for the two new classes of cement carriers of the Commission's current minimum rate provisions appears reasonable and will be adopted. A public hearing is not necessary.

Upon consideration of all of the facts and circumstances of record, we find that the rates, rules and regulations which have been prescribed as just, reasonable and sufficient minimum rates, rules and regulations for the transportation of cement by common

carriers, radial highway common carriers and highway contract carriers (which rates, rules and regulations are prescribed in Minimum Rate Tariffs Nos. 1-B, 2, 5, 9-A, 10 and 15) are and for the future will be just, reasonable and sufficient as minimum rates for such transportation by cement carriers and cement contract carriers. Minimum Rate Tariff No. 10 will be amended accordingly by the order herein. In order to avoid duplication of tariff distribution, the other minimum rate tariffs will be amended by separate orders.

Good cause appearing,

IT IS ORDERED that:

1. Minimum Rate Tariff No. 10 (Appendix "A" of Decision No. 44633, as amended) is hereby further amended by incorporating therein, to become effective December 30, 1963, Second Revised Title Page, Ninth Revised Page 4 and Ninth Revised Page 5, attached hereto and by this reference made a part hereof.

2. The rates, charges, rules and regulations set forth in the aforesaid Minimum Rate Tariff No. 10, as so amended, are hereby established as the just, reasonable and nondiscriminatory minimum rates and charges to be assessed, charged and collected, and the rules and regulations to be observed by all cement contract carriers as defined in the Highway Carriers' Act for the transportation of cement between the points for which rates are provided in said tariff.

3. Said rates, charges, rules and regulations are hereby established as the minimum reasonable and sufficient rates and charges to be published, assessed, charged, collected and observed by all cement carriers as defined in the Public Utilities Act for the transportation of cement between the points for which rates are provided in said tariff.

4. Ordering Paragraphs Nos. 3, 5 and 8 of Decision No. 44633 in Case No. 4808 are hereby amended to include cement contract carriers as defined in the Highway Carriers' Act.

5. 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 5th day of November, 1963.

William A. Bennett
President
George L. Hoover
Frederick B. Hobbhoff
Commissioners

PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA

MINIMUM RATE TARIFF NO. 10

{ Formerly City Carriers' Tariff No. 8 }
{ Highway Carriers' Tariff No. 10 }

Naming

Distance Minimum Rates

Also

Rules and Regulations

for the

Transportation of Cement and Other

Commodities Over the

Public Highways

Within the

State of California

by

CITY CARRIERS

RADIAL HIGHWAY COMMON CARRIERS

HIGHWAY CONTRACT CARRIERS

AND

*CEMENT CONTRACT CARRIERS

Important Notice

Reference in this or other tariffs to City Carriers' Tariff No. 8 - Highway Carriers' Tariff No. 10 shall be construed as referring to Minimum Rate Tariff No. 10.

The original tariff contains rates, rules and regulations established by Decision No. 44633 in Case No. 4808. Changes will be made by issuing revised or added pages, or by issuing supplements.

*Addition, Decision No.

66280

EFFECTIVE DECEMBER 30, 1963
Correction No. 47 (Original Tariff Effective September 15, 1950)

Issued by the
PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
State Building, Civic Center
San Francisco, California

SECTION NO. 1 - RULES AND REGULATIONS	Item No.
<p>DEFINITIONS</p> <p>CARRIER means a carrier, as defined in the City Carriers' Act, or a radial highway common carrier, a highway contract carrier or a *cement contract carrier, as defined in the Highway Carriers' Act.</p> <p>COMMISSION means the Public Utilities Commission of the State of California.</p> <p>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; any interstate rate or foreign rate or rates of any common carrier railroad or railroads applying between points in California by an interstate or foreign route, lawfully in effect at time of shipment; also any interstate or foreign rate or rates of any common carrier or common carriers, as defined in the Public Utilities Act, applying between points in California and in effect at time of shipment and covering transportation exempt from rate regulation of the Interstate Commerce Commission under Section 203(b)(8) of Part II of the Interstate Commerce Act.</p> <p>DISTANCE TABLE means Distance Table No. 4, amendments thereto, or reissues thereof.</p> <p>EXCEPTION RATINGS TARIFF means Exception Ratings Tariff No. 1 and supplements thereto or reissues thereof issued by the Commission.</p> <p>GOVERNING CLASSIFICATION means National Motor Freight Classification A-7 and supplements thereto or reissues thereof.</p> <p>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>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>PALLETS means second-hand (used) pallets as described in and subject to the provisions of Item No. 320 of Exception Ratings Tariff. It also means pallets which are returned or shipped in exchange for identical pallets.</p> <p>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> <p>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.</p>	<p style="text-align: center;">10</p>

POWER EQUIPMENT means any gasoline, diesel, electric or gas driven equipment including, without limitation, conveyor belts, electric powered cranes and lift truck equipment.

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.

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

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.

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).

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. 66280

EFFECTIVE DECEMBER 30, 1963

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 48

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>	20
<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, highway contract carriers, and *cement 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>	§ 30
<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;</p> <p style="padding-left: 40px;">Cement flue dust, in packages; and/or</p> <p style="padding-left: 40px;">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>	40
<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>	50

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

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(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. 66280

EFFECTIVE DECEMBER 30, 1963

Issued by the Public Utilities Commission of the State of California,
 San Francisco, California.
 Correction No. 49.