

ORIGINAL

Decision No. 66935

FILED  
PUBLIC UTILITIES COMMISSION

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MAR 10 1964

Investigation on the Commission's )  
own motion for the purpose of )  
establishing rules to govern the )  
construction and filing of passen- )  
ger tariffs issued by railroads. )

SAN FRANCISCO OFFICE

Case No. 7856

ORDER INSTITUTING INVESTIGATION  
AND ESTABLISHING RULES

The Commission's Transportation Division Rate Branch staff has prepared proposed rules to govern the construction and filing of passenger tariffs issued by railroads. These rules are intended to supplant those currently in effect, which were established by the Commission's Tariff Circular No. 2 in 1912 and have not been substantially revised.

The proposed rules in draft form were supplied by the staff to representatives of the railroads for study. Written comments have been received from the chairman of the Western Railroad Passenger Association. He states that the proposed rules generally appear to be satisfactory with certain exceptions. No request for public hearing has been received.

The staff has recommended to the Commission that the proposed rules, with minor modifications, be prescribed by general order to govern the construction and filing of passenger tariffs issued by railroads. The modifications would include the suggestions of the Western Railroad Passenger Association with a single exception. The association proposed the discontinuance of a current requirement that each tariff include an identifying number in a California series, termed the "Cal.P.U.C." number. The staff recommends that this requirement be retained. ✓

It appears that the Cal.P.U.C. numbers serve as a ready reference of convenience to this Commission and its staff. Similar identifying numbers are required by the Interstate Commerce Commission as well as by most of the other state commissions. The new rules as now recommended by the staff would remove technical specifications which no longer serve any apparent useful public purpose, and would supplant rules which have become outmoded.

In the circumstances, the Commission finds that public convenience and necessity require that the general order set forth hereinafter be adopted. A public hearing is not necessary.

IT IS ORDERED that:

1. An investigation on the Commission's own motion is hereby instituted for the purpose of establishing rules governing the construction and filing of passenger tariffs issued by railroads.
2. General Order No. 119, which is attached hereto and by this reference made a part hereof, is hereby adopted to become effective May 1, 1964.
3. The provisions of Tariff Circular No. 2, insofar as they apply to passenger fare schedules, are hereby superseded effective May 1, 1964.
4. The Secretary of the Commission shall serve a copy of this order upon all railroads.

The effective date of Ordering Paragraphs 1 and 4 is the date hereof; the effective date of Ordering Paragraphs 2 and 3 shall be twenty days after the date hereof.

Dated at San Francisco, California, this 16<sup>th</sup> day of March, 1964.

*William W. Bennett*  
President

*George T. Crow*

~~Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.~~

~~Commissioner Frederick B. Holton, being necessarily absent, did not participate in the disposition of this proceeding.~~

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RULES GOVERNING THE CONSTRUCTION AND FILING OF PASSENGER  
TARIFFS ISSUED BY RAILROADS.

(The Provisions of this General Order Supersede the  
Provisions of Tariff Circular No. 2 with Respect to  
Passenger Fare Schedules.)

Adopted March 10, 1964 Effective May 1, 1964.

Decision No. 66935, Case No. 7856.

Rule A - EFFECTIVE DATE AND APPLICATION

- A.1 This General Order shall become effective on  
May 1, 1964.
- A.2 Original tariffs filed on or after the effective  
date of this General Order shall be constructed  
and filed in conformity with the rules herein  
established.
- A.3 Original tariffs filed prior to the effective date  
of this General Order need not be reissued by  
reason of the issuance of this General Order.  
However, supplements, amendments or revised pages  
filed on or after the effective date of this  
General Order shall be constructed and filed in  
conformity with the rules herein established.

Rule 1 - DEFINITIONS

- 1.1 "Carrier" means a railroad corporation.
- 1.2 "Local fare" means a fare that extends over the  
line of one carrier only.

Rule 1 (Concluded)

1.3 "Joint fare" means a fare that extends over the lines of two or more carriers.

1.4 "Tariff" includes an original publication, a supplement, amendment or revised page thereto, or a reissue thereof. ✓

Rule 2 - REFERENCE TO CONSTITUTION AND CODE PROVISIONS AND TO RATE CHANGE PROCEDURES

2.1 The requirements of this General Order are in addition to and supplementary to the requirements concerning the preparation, construction and filing of rate schedules and tariffs set forth in the Public Utilities Code. For convenience, references to some of the principal pertinent provisions are cited below:

<u>Public Utilities Code</u>	<u>Subject</u>
Section 454	Fare increases.
Section 455	Suspension and investigation of fares.
Section 460	"Long- and short-haul" fares and "aggregate of intermediate" fares.
Section 462	Transfers.
Section 486	Posting and filing of tariffs.
Section 487	Contents of tariffs.
Section 488	Form of tariffs and assistance to the public.
Section 490	Form of tariffs can be prescribed by the Commission.
Section 491	Minimum notice for change; symbols.

Rule 2 (Concluded)

Section 492	Joint tariffs.
Section 493	Tariffs must be filed before commencing service.
Section 494	Tariffs must be strictly observed.
Section 495	Interstate tariffs must be filed.
Section 530	Free or reduced fare transportation.
Section 532	Assessment of tariff charges and prohibition against rebates and remissions. ✓

2.2 The following rules and general orders of the Commission are applicable to the filing of applications for rate and tariff changes with this Commission:

Rules of Procedure	Rules of practice and procedure applicable to formal proceedings before the Commission.
General Order No. 109	Regulations governing the filing and handling of requests for tariff changes under the Special Tariff Docket.
General Order No. 113-A	Rules governing petitions for suspension and investigation of tariffs and schedules.

Rule 3 - FILING

3.1 Filing - Tariffs shall be filed with the Commission.

in duplicate, and shall be delivered or addressed

to:

Public Utilities Commission of the State  
of California  
State Building  
350 McAllister Street  
San Francisco, California 94102

Rule 3 (Concluded)

If a receipt is desired, a letter of transmittal identifying the tariff documents enclosed shall be sent in duplicate, one copy of which will be stamped and returned as a receipt.

Rule 4 - AUTHORITY AND RESPONSIBILITY

4.1 Authority - Tariffs filed pursuant to authority granted by the Commission shall refer to such authority in connection with the tariff provision resulting from such authority. ✓

4.2 Responsibility - It shall be the responsibility of the carrier to maintain tariffs at all times in a current condition as to subject matter. ✓

Rule 5 - FORM AND CONTENT

5.1 Form - Tariffs shall be filed in book (pamphlet) form or in loose-leaf form. Tariffs shall be plainly printed, mimeographed, typewritten or reproduced by other durable process on paper of good quality and shall be clear and legible.

5.2 Permissive Alternative - As a permissive alternative to Rules 5.1, 5.3, 5.5(b), (c) and (d), 5.6(b), (c) and (d), 5.7, 5.8, 5.9, 5.10, 6.1, 6.2, 6.3 and 6.4, provided the California statutes and the decisions and orders of this Commission are complied with, tariffs may be prepared in conformity with the regulations of the Interstate Commerce Commission governing the construction of

Rule 5 (Continued)

passenger-fare publications of common carriers by railroad or water (ICC Tariff Circular No. 24, as amended or as may be superseded).

5.3 Size - Tariffs shall be 8 by 11 inches in size, subject to the following exception:

Exception 1: If the tariff is filed also with the Interstate Commerce Commission and the Interstate Commerce Commission permits a size different from that specified herein, such different size will be acceptable for filing with this Commission.

Exception 2: Tariffs and supplements also intended for use in collecting passenger fares and charges on trains may be in book or pamphlet form smaller in size than 8 by 11 inches.

5.4 Cal.P.U.C. Number - Each carrier shall file tariffs under its own consecutive numbers beginning with Cal.P.U.C. No. 1. An agent shall file under his own series of Cal.P.U.C. numbers beginning with Cal.P.U.C. No. 1. Separate tariffs shall bear separate Cal.P.U.C. numbers. The assigned Cal. P.U.C. number in the series of the carrier or agent initially issuing the tariff shall be retained throughout the life of the tariff. ✓

5.5 Title Page - The title page of each tariff shall show:

(a) The Cal.P.U.C. number of the tariff in either the upper left-hand corner or upper right-hand corner, and immediately thereunder the Cal. P.U.C. number of any tariffs canceled thereby.

Rule 5 (Continued)

- (b) The name of the issuing carrier or agent, and the name and address of the issuing officer or agent. ✓
- (c) A statement indicating the kind of tariff, i.e., whether it contains local or joint, or local and joint fares or charges, whether fares are one-way, round-trip, etc. ✓
- (d) The date on which the tariff will become effective, in the lower right-hand corner.
- (e) The expiration date in substantially the following form, if a tariff or portion thereof is made to expire on a specific date:  
"Expires           (date)           unless sooner canceled, changed or extended."
- (f) A notation in substantially the following form on every excursion tariff issued under Rule 5.9:  
"Issued under authority of Rule 5.9 of  
General Order No.   119  "

Rule 5.6 Loose-Leaf Tariffs - Each page of a loose-leaf tariff shall show:

- (a) The Cal.P.U.C. number of the tariff in either the upper left-hand corner or the upper right-hand corner.
- (b) The name of the issuing carrier or agent, and the name and address of the issuing officer or agent. ✓



Rule 5 (Continued)

- (c) The page number, e.g., "Original Page 1," "Original Page 2," etc.
- (d) The date on which the page will become effective in the lower right-hand corner.

5.7 Contents of Tariff - Every tariff shall contain:

- (a) A Table of Contents.
- (b) The name of each participating carrier.
- (c) Reference to other publications which govern the application of the tariff, such as the rules governing excess baggage, stop-over privileges, extension of time, etc.
- (d) An alphabetically arranged and complete index of the named points, groups, areas or territories from and to which the fares apply, together with such index numbers or other guide as will permit ready location in the tariff of the fares from and to such named points, groups, areas or territories. If, in naming fares in the tariff, points of origin and destination are arranged alphabetically, or alphabetically by carrier, the alphabetical index of points may be omitted.
- (e) When the determination or application of fares or charges is dependent upon the routes over which the fares or charges apply, the tariffs shall contain a clear description of the route or routes via which the rates apply.

Rule 5 (Continued)

(f) Rules and regulations which govern the tariff. Under this heading the rules, regulations or conditions which affect the fares named in the tariff shall be entered. These rules shall include the general baggage regulations and also schedule of excess baggage rates (except when such excess baggage rates are shown in the tariff in connection with the fares), the general rules governing stop-over privileges, extension of time on limited tickets because of illness or quarantine, and honoring of tickets that have not been validated.

5.75 Combination Fares - In case a combination of fares makes a lower fare than the published through fare, such published through fare must be immediately adjusted.

5.8 Amendments -

(a) Book (pamphlet) tariffs shall be amended by filing supplements constructed generally in the same manner and arranged in the same order as the tariff being amended, and referring to the page, item or index of the tariff or previous supplement which it amends.

(b) Loose-leaf tariffs shall be amended by filing new pages on which changes are made as consecutively numbered revisions of the previous pages, e.g., First Revised Page 10 Cancels Original Page 10. A loose-leaf tariff may be canceled by supplement.

\*  
Rule 5 (Concluded)

(c) Uniform symbols shall be used to indicate changes as follows:

- (A) or  $\diamond$  to indicate increases
- (R) or  $\circ$  to indicate reductions
- (C) or  $\Delta$  to indicate a change resulting in neither increase nor reduction

(d) The following symbols, if used, shall be used only for the purposes indicated:

- \* or  $\star$  to indicate new material added to the tariff
- + to indicate "Applicable to intrastate traffic only"
- $\odot$  to indicate "Applicable to interstate traffic only"
- $\square$  to indicate reissued matter
- $\bigcirc$  to indicate no change, as provided in Rule 5.8(e)

(e) When changes of the same character are made in all or substantially all rates in a tariff or supplement or on a loose-leaf page, that fact and the nature of the change may be indicated on the title page of the tariff or supplement or at the top of the loose-leaf page. In this event, the symbol " $\bigcirc$ " shall be used to indicate a rate in which no change has been made. Any other change not indicated by the general statement referred to above shall be appropriately designated.

5.9 - Round-trip excursion fares -

(a) 10-day limit or less.

Round-trip excursion fares limited to a designated period of not more than 10 days may be established upon posting a tariff one day in advance of the effective

Rule 5 (Concluded)

date at the stations where tickets for such excursion will be sold and filing two copies thereof with the Commission.

(b) Over 10 - but not over 30-day limit.

Round-trip fares for an excursion limited to a designated period of more than ten days and not more than thirty days may be established upon posting a tariff three days in advance of the effective date at the stations where tickets for such excursion will be sold and filing two copies thereof with the Commission.

(c) Designated Period.

The term "designated period" used in this rule means the period beginning with the first day on which the transportation can be used and ending with, and including, the day upon which the return trip must be completed.

5.10 - Circus and Show Outfits

Rates for specified movements of circuses and other show outfits may be established on not less than one day's notice to the Commission. Such tariffs must bear reference to this rule and must publish the charges specifically, showing the number and kind of cars moved, or may consist of a proper title page, reading "as per copy of contract attached", and to it shall be attached a copy of the contract under which the circus or show outfit is moved.

Rule 6 - ADOPTION OF TARIFFS

6.1 Adoption Notice - When operative rights are transferred from the operating control of one company to that of another, the succeeding carrier shall issue

Rule 6 (Continued)

an adoption notice in the form of a one-page document, 8 by 11 inches in size, in which the successor company accepts and establishes as its own all the affected tariffs and other instruments issued by or on behalf of the predecessor company in accordance with the Commission order authorizing the transfer of the operative rights. Two copies of the adoption notice shall be filed with the Commission.

6.2 Copies to Agents and Carriers - Concurrently with the filing of an adoption notice with the Commission, a copy of the adoption notice shall be furnished to each agent and each carrier publishing tariffs containing fares or other provisions in which the predecessor carrier participates.

6.3 Supplements - In addition to the adoption notice required by Rule 6.1, the successor carrier shall supplement or reissue each tariff issued by the predecessor company, indicating that the tariff has been adopted by the successor company, such tariff filing to be made in accordance with the Commission order authorizing the transfer.

6.4 Change of Name - When a carrier changes its legal or fictitious name, without transfer of control from one company to another, it shall immediately amend tariffs issued by it to show the new name of the company. The carrier shall also immediately inform in writing all

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Rule 6 (Concluded)

agents or other carriers issuing tariffs in which it participates of the change in name, and such agents or carriers shall promptly amend such tariffs to show the change in name. The tariff amendments shall show the new name of the carrier and its former name, for example "ABC Transportation Co. (formerly XYZ Railroad Co.)", and shall show that they are filed under authority of this rule.

Rule 7 - POWERS OF ATTORNEY

7.1 Issuance

(a) Each carrier shall issue a power of attorney to each agent publishing an agency tariff in which the carrier participates.

(b) Each carrier shall issue a concurrence to each other carrier which publishes a tariff in which the first carrier participates.

7.2 Filing - Powers of attorney, concurrences and revocations of powers of attorney and concurrences shall not be filed with the Commission.

7.3 Affidavit With Original Tariff - If the tariff is an original tariff issued by a tariff agent or by one carrier on behalf of other carriers, there shall be enclosed in the same package with the tariff an affidavit in substantially the form specified in Rule 7.7 or Rule 7.8.

7.4 Affidavit When Carriers Changed - If the tariff is a supplement, amendment or revised page which has the

Rule 7 (Continued)

effect of changing the participating carriers in a tariff issued by a tariff agent or by one carrier on behalf of other carriers, there shall be enclosed in the same package with the tariff an affidavit in substantially the form specified in Rule 7.7 or Rule 7.8.

7.5 Rejection of Tariffs - Tariffs referred to in Rule 7.3 and 7.4 will be subject to rejection if tendered for filing without the affidavit required by said rules.

7.6 Revocation by Carrier - Powers of attorney may be revoked by the carrier by furnishing to the tariff agent or tariff publishing carrier a revocation notice specifying the effective date of such revocation. The notice shall be sent by registered mail at least 60 days before the effective date of revocation.

7.7 Affidavit of Tariff Agent - The affidavit referred to in Rule 7.3 and Rule 7.4 shall be on paper 8 by 11 or 8½ by 11 inches in size, and shall be in form substantially as follows:

AFFIDAVIT OF TARIFF AGENT

\_\_\_\_\_  
(Name of Tariff Agent)

\_\_\_\_\_  
(Post Office Address)

To Public Utilities Commission of the  
State of California  
State Building  
350 McAllister Street  
San Francisco, California 94102

This is to certify that the above-named agent has in his possession written powers of attorney by virtue of which each carrier named as a participant in the agency

Rule 7 (Continued)

tariff which is tendered herewith for filing has appointed said agent its true and lawful agent and has given and granted to said agent full power and authority in its name, place and stead, for it alone, and for it jointly with other carriers, to publish and file said tariff and subsequent supplements and amendments thereto, and to do and perform all and every act in connection therewith as fully to all intents and purposes as if the same were done and performed by each said carrier.

Description of Tariff

Cal.P.U.C. Number

I hereby certify under penalty of perjury that the foregoing is true and correct.

Signature \_\_\_\_\_  
Title \_\_\_\_\_  
Dated at \_\_\_\_\_ this \_\_\_\_\_  
day of \_\_\_\_\_ 19\_\_\_\_

7.8 Affidavit of Issuing Carrier - The affidavit

referred to in Rule 7.3 and Rule 7.4 shall be on paper 8 by 11 or 8½ by 11 inches in size, and shall be in form substantially as follows:

**AFFIDAVIT OF ISSUING CARRIER**

\_\_\_\_\_  
(Name of Issuing Carrier)

\_\_\_\_\_  
(Post Office Address)

To Public Utilities Commission of the  
State of California  
State Building  
350 McAllister Street  
San Francisco, California 94102

This is to certify that the above-named carrier has in its possession a written concurrence by virtue of which each carrier named as a participant in the tariff which is tendered herewith for filing assents to and concurs in the publication and filing on its behalf of said tariff, and subsequent supplements and amendments thereto, and makes itself a party thereto



\*.  
Rule 7 (Concluded)

and bound thereby insofar as said tariff contains rates, charges, classifications, rules, regulations and other provisions applying to or from points on its lines and via its lines.

Description of Tariff

Cal.P.U.C. Number

I hereby certify under penalty of perjury that the foregoing is true and correct.

Signature \_\_\_\_\_  
Title \_\_\_\_\_  
Dated at \_\_\_\_\_ this \_\_\_\_\_  
day of \_\_\_\_\_ 19\_\_\_\_

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This General Order issued by order made at San Francisco, California, this 16<sup>th</sup> day of March, 1964.

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA

BY: NOEL COLEMAN, ACTING SECRETARY