

ORIGINAL

Decision No. ~~67244~~

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

Case No. 5440

SUPPLEMENTAL OPINION AND ORDER

Minimum Rate Tariff No. 10, applicable to cement and related commodities shipped therewith, is governed by Distance Table No. 4. By Decision No. 67123, issued in this proceeding on April 21, 1964, the Commission ordered that effective July 1, 1964, the distance rates named in this tariff shall be determined instead in accordance with Distance Table No. 5.

By Decision No. 67115, also issued on April 21, 1964, in Case No. 7024, the Commission amended Distance Table No. 4 by establishing therein particular constructive mileage distances between Foresthill, Placer County, and certain facilities easterly thereof located on, or in the vicinity of, the Middle Fork of the American River. These distances were established as an interim measure, inasmuch as it appears that some modifications in the mileages may be required following completion of road changes and a new staff survey. Said Decision No. 67115 found also that the Commission staff should, at an appropriate time, bring to the Commission's attention the appropriate modified constructive mileages for the issuance of an order establishing the distances in Distance Table No. 5.

Cement is a major commodity to be transported in the Foresthill area where dams and hydroelectric power plants are to be constructed. Pending the various road changes and the required staff survey of the completed road pattern in the area, the following order will establish for use with Minimum Rate Tariff No. 10, effective July 1, 1964, the same constructive mileage distances as were established in Distance Table No. 4 by Decision No. 67115, supra.

The Commission finds that the constructive mileage modifications provided by the following order will result in just, reasonable and nondiscriminatory minimum rates.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 10 (Appendix "A" of Decision No. 44633, as amended) is further amended by incorporating therein, to become effective July 1, 1964, Fifth Revised Page 2, Eleventh Revised Page 4, Eleventh Revised Page 5, First Revised Page 5-B and Original Page 5-C attached hereto and by this reference made a part hereof.

2. Tariff publications required to be made by common carriers as a result of the order herein may be made effective not earlier than the tenth day after the effective date of this order on not less than ten days' notice to the Commission and to the public and such tariff publications shall be made effective not later than July 1, 1964.

3. Common carriers are hereby authorized to depart from the provisions of Section 460 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; such outstanding authorizations are hereby modified only to the extent necessary to comply with this order; and schedules containing the rates

published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

4. 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 May, 1964.

William A. Arnold
President
George L. Hoover
Frederic B. Hallock
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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øChange)
 *Addition) Decision No. 67244

EFFECTIVE JULY 1, 1964

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

Correction No. 56

SECTION NO. 1 - RULES AND REGULATIONS	Item No.
DEFINITIONS	
<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. 5.</p>	/10
<p>EXCEPTION RATINGS TARIFF means Exception Ratings Tariff No. 1 issued by the Commission.</p>	
<p>GOVERNING CLASSIFICATION means National Motor Freight Classification A-7 (CAL) as governed by National Motor Freight Classification A-7.</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>	

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, Decision No. 67244

EFFECTIVE JULY 1, 1964

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San Francisco, California.

Correction No. 60

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; 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>	40

COMPUTATION OF DISTANCES

∅ Subject to the exceptions provided in Items Nos. 55, 56 and *57, 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 Distance Table No. 5.

∅ 50

∅ Change) Decision No. 67244
* Addition)

EFFECTIVE JULY 1, 1964

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 57

SECTION NO. 1 - RULES AND REGULATIONS (Continued)						Item No.
COMPUTATIONS OF DISTANCES - EXCEPTION (Concluded) (Items Nos. 55 and 56)						
Between And	Cushenbury	Creal	Monolith	Oro Grande	Victorville	
Metropolitan Zones						
246	124	145	151	98	93	
247	151	137	143	125	120	
248	143	140	146	117	112	
249	136	140	146	110	105	
250	158	145	151	132	127	
251	148	143	149	122	117	
252	145	145	151	119	114	
253	141	150	156	115	110	
254	133	149	155	107	102	
255	122	152	158	96	91	56
256	130	156	162	104	99	
257	141	155	161	115	110	
258	136	161	167	110	105	
259	135	163	169	109	104	
260	132	160	166	106	101	
261	124	157	163	98	93	
262	119	150	156	93	88	
COMPUTATIONS OF DISTANCES - EXCEPTION						
<p>Constructive mileage distances between the locations specified below are, and for the future will be, as shown below and these mileage distances shall be used as bases in determining the constructive mileage distances from and to Ralston Power Plant, Middle Fork Power Plant, Duncan Creek Dam, French Meadows Dam, Long Canyon Dam, Hell Hole Dam, and French Meadows Power Plant, as the case may be:</p>						
<u>Between Foresthill and:</u>				<u>Constructive Mileage Distances</u>		
Ralston Power Plant				25		
Middle Fork Power Plant				55		
Duncan Creek Dam				58		
French Meadows Dam				62		
Long Canyon Dam				76		
Hell Hole Dam				88		
French Meadows Power Plant				89		57

(1) Item No. 60 formerly shown on this page transferred to
Original Page 5-C.

* Addition, Decision No. 67244

EFFECTIVE JULY 1, 1964

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

Correction No. 58

SECTION NO. 1 - RULES AND REGULATIONS (Continued)			Item No.
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:			
Commodity	When the Packed Net Weight Per Package Is:	Charges Will be Assessed on Gross Weight Per Package of:	
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	(1) Δ60
Lime	60 pounds	60½ pounds	
Lime	100 pounds	101 pounds	
Limestone, powdered	100 pounds	101 pounds	
<p>(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 snipper), 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.</p>			
(1) Item No. 60 formerly appeared on Original Page 5-B.			
Δ Change, neither increase nor reduction, Decision No.			67244
EFFECTIVE JULY 1, 1964			
Issued by the Public Utilities Commission of the State of California, San Francisco, California.			
Correction No. 59			