

**ORIGINAL**

Decision No. 67706

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 ) (Case No. 5440  
carriers and city carriers relating ) (Petition for Modification No. 22)  
to the transportation of cement and ) (Filed July 2, 1964)  
related products (commodities for ) (Amended July 17, 1964)  
which rates are provided in Minimum )  
Rate Tariff No. 10). )

OPINION AND ORDER

Minimum Rate Tariff No. 10 names minimum rates, rules and regulations for the transportation of cement and related commodities by city and highway carriers between points in the State of California. By this petition, California Trucking Association seeks to have the split delivery provisions of Item No. 130 amended. Petitioner requests that the proposed tariff change be expedited to meet the October 1, 1964, deadline established for common carrier filings and all common carriers be directed to establish in their respective tariffs such modifications as may be prescribed by the Commission's order in this proceeding, including relief from the long- and short-haul provisions of Section 460 of the Public Utilities Code.

Petitioner alleges that carriers and shippers have recently been reviewing various tariff provisions to determine their suitability under current conditions, particularly in light of recent changes in the statutes governing the transportation of cement. Based upon such review, it is averred that the split delivery provisions of this tariff have not reflected changing circumstances over the past thirteen years and such provisions are out-dated and

should be modernized. Petitioner further avers that the Commission revised the split delivery rule on general freight shipments in 1954 after a comprehensive review of the subject and followed with a similar revision in another minimum rate tariff<sup>1</sup> but the split delivery provisions in Minimum Rate Tariff No. 10 have remained unchanged since 1950 despite the similarity of circumstances with split delivery shipments transported under Minimum Rate Tariffs Nos. 2 and 8.

According to petitioner shippers and carriers of cement and their representatives generally desire establishment of the split delivery provisions herein proposed, which in certain respects are comparable to those in the aforementioned tariffs.

Copies of the verified petition and amendment thereto were mailed to various cement shippers on or about July 1 and 17, 1964, respectively. No objection to the granting of the petition, as amended, has been received.

In the circumstances, it appears, and the Commission finds, that petitioner's proposal is reasonable and that the resulting minimum rates and charges will be just, reasonable and nondiscriminatory minimum rates and charges for the transportation involved. A public hearing is not necessary. The petition, as amended, will be granted.

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 October 1, 1964, Third Revised Page 7 attached hereto and by this reference made a part hereof.

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<sup>1</sup> Decision No. 50297 dated July 20, 1954, in Case No. 5432 (Petition No. 17) and Decision No. 56770 dated May 27, 1958, in Case No. 5438 (Petition for Modification No. 8).

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 October 1, 1964.

3. Common carriers, in establishing and maintaining the rates and charges authorized hereinabove, 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 rates and charges 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 17<sup>th</sup> day of August, 1964.

Fredrick B. Hohlhoff  
President  
W. E. Mitchell  
Wesley B. Reed  
George T. Crowe  
Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
<p style="text-align: center;"><b>RETURNED SHIPMENTS</b></p> <p>Articles refused by consignee may be returned to original shippers at original point of shipment at one-half of the outbound rate current at time of return movement upon the following conditions only:</p> <p>(a) Goods for the return movement properly identified must be presented to the carrier within ten days from the date that the outbound shipment was tendered to the carrier for transportation.</p> <p>(b) All charges must be prepaid or guaranteed. Shipping order for the return movement must show reference to original outbound shipment.</p> <p>(c) Goods must be returned over the lines of the carrier that transported the original outbound movement.</p> <p>Note:- The minimum charge specified in Item No. 90 does not apply in connection with return movements made in accordance with the foregoing provisions of this item.</p>	120
<p style="text-align: center;"><b>SPLIT DELIVERY</b></p> <p>Shipments may consist of several 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, subject to the following conditions and additional charges:</p> <p>(1) The composite shipment shall consist of not to exceed three component parts.</p> <p>(2) Charges shall be paid by the consignor when there is more than one consignee.</p> <p>(3) At the time of or prior to the tender of the composite shipment, the carrier shall have been furnished with written instructions showing the name of each consignee, the point or points of destination, and the kind and quantity of property in each component part.</p> <p>(4) The charge for the transportation of the composite shipment shall be the charge applicable for transportation of a single shipment of like kind and quantity of property, computed by applying the applicable mileage rate from point of origin to point of final destination via each individual destination.</p> <p>(5) In addition to the charge applicable for transportation of a single shipment of like kind and quantity of property, computed as set forth in paragraph 4, an additional charge of \$6.00 shall be made for each of the component parts comprising the composite shipment.</p>	130
<p style="text-align: center;"><b>REFERENCES TO ITEMS AND OTHER TARIFFS</b></p> <p>Unless otherwise provided, references herein to item numbers in this or other tariffs include references to such numbers with letter suffix, and references to other tariffs or classifications include references to amendments and successive issues of such publications.</p>	135
<p style="text-align: center;">                 } Change                  } Increase                  } Reduction                  Decision No. <b>67706</b> </p>	
<p>EFFECTIVE OCTOBER 1, 1964</p>	
<p>Issued by the Public Utilities Commission of the State of California,                  Correction No. 65 <span style="float: right;">San Francisco, California.</span></p>	