

**ORIGINAL**

Decision No. 67774

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 property )  
in the City and County of San )  
Francisco, and the Counties of )  
Alameda, Contra Costa, Lake, Marin, )  
Mendocino, Monterey, Napa, San )  
Benito, San Mateo, Santa Clara, )  
Santa Cruz, Solano and Sonoma. )

Case No. 5441  
(Petition for Modification  
No. 82)  
(Filed June 30, 1964)  
(Amended July 8, 1964)

OPINION AND ORDER

Minimum Rate Tariff No. 1-B names rates, rules and regulations for the transportation of property by city carriers and highway carriers within and between the cities of Alameda, Albany, Berkeley, Emeryville, Oakland and Piedmont. By this petition, as amended, California Trucking Association seeks to have added to the tariff a new item providing for the collection of charges. Petitioner requests that 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 the lack of such a tariff rule in Minimum Rate Tariff No. 1-B to govern the collection of charges should be corrected as the continuance of this deficiency will create unreasonably preferential and discriminatory situations.<sup>1</sup>

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<sup>1</sup> Provisions for collection of charges are set forth in City Carriers' Tariff No. 1-A and Minimum Rate Tariffs Nos. 2, 3-A, 4-B, 5, 6-A, 7, 8, 9-A, 10, 11-A, 12, 13, 14-A and 15.

Petitioner avers that the inclusion in the tariff of the language presently contained in Item No. 120 of City Carriers' Tariff No. 1-A will correct the present omission and set forth reasonable tariff provisions for future application.

Petitioner asserts that the proposed filing has been made known to carriers and shippers. It is further asserted that the proposed tariff amendment is generally desired by such parties and will be in their best interests. Ex parte action is requested.

Copies of the verified petition and amendment thereto were mailed to various shipper associations, chambers of commerce and other interested parties on or about June 29 and July 7, 1964, respectively. By letter dated July 8, 1964, California Manufacturers Association informed the Commission that it is in full accord with petitioner's proposal. 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 rule will be a just, reasonable and nondiscriminatory rule to govern 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. 1-B (Appendix B of Decision No. 65834, as amended) is hereby further amended by incorporating therein, to become effective September 26, 1964, Third Revised Page 2, Third Revised Page 11 and Original Page 19-A 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 September 26, 1964.

3. Common carriers, in establishing and maintaining the rule 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 the rule 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. 65834, 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 25<sup>th</sup> day of August, 1964.

Fredrick B. Halaloff  
President  
Ray E. White  
Robert O. Long  
George H. Brown  
William C. Smith  
Commissioners

TABLE OF CONTENTS	Item Numbers (Inclusive)	Page Numbers (Inclusive)
ABBREVIATIONS, CHARACTERS, AND SYMBOLS, EXPLANATION OF	---	9
APPLICATION OF RATES:		
Application of Class Rates That Are Percentages, Multiples, or Proportions of Specific Class Ratings -----	370	29
Application of Governing Classification -----	100	19
Application of Exception Ratings Named in This Tariff -----	340	29
Application of Rates -----	90	19
Application of Tariff-Commodities -----	30-31	13-14
Application of Tariff-Exceptions -----	---	36, 39
Application of Tariff-Carriers -----	20	12-A
Handling and Distribution of Pool Cars -----	280-282	26-27
Zones From and To Which Rates Apply, Description of -		
Alameda -----	50-70	15-17
Albany -----	50,70	15,17
Berkeley -----	50,60	15,16
Emeryville -----	50-70	15-17
Oakland -----	50	15
Piedmont -----	50-70	15-17
	60	16
ARRANGEMENT OF TARIFF -----	---	10
CORRECTION NUMBER CHECKING SHEET -----	---	1
EXCEPTIONS TO GOVERNING CLASSIFICATION -----	380-640	30-35
FORM OF SHIPPING DOCUMENT (Section No. 6) -----	1100	49
INDEX OF COMMODITIES AND EXCEPTIONS TO GOVERNING CLASSIFICATION -----	---	3-8
RATES:		
Section No. 2-Class Rates -----	700-730	37-38
Section No. 3-Commodity Rates -----	800-850	40-43
Section No. 4-Special Commodity Rates -----	900	45
Section No. 5-Hourly Truck Rates -----	1000	47
RULES AND REGULATIONS:		
Accessorial Charges -----	110	19
Accessorial Charges Not To Be Offset by Transportation Charges -----	360	29
Advance Charges -----	120	19
Alternative Application of Common Carrier Rates -----	130	19
Charges for Service at Other Than Regular Working Hours -----	140	19
Claims, Loss and/or Damage -----	250	25
*Collection of Charges -----	145	19-A
Collect on Delivery (C.O.D.) Shipments -----	150-152	20-22
Definition of Technical Terms -----	10-11	11-12
Delays to Equipment -----	190	24
Disposition of Fractions -----	200	24
Escort Service, Charges for -----	160	23
Export Freight Clearances -----	210	24
Failure to Accomplish Delivery -----	180	23

Gross Weight -----	220	24
Guarantee of Minimum Tonnage -----	230	24
Issuance of Shipping Documents -----	240	25
Map of Zones -----	80	18
Marking or Tagging of Packages -----	260	25
Minimum Charge -----	270	25
Minimum Tonnage, Guarantee of -----	230	24
Mixed Shipments -----	320	28
Packing Requirements -----	330	29
Permit Shipments, Charges for -----	170	23
Pool Shipments -----	280-282	26-27-A
Progression of Classes Above First Class -----	290	27
Rates Based on Varying Minimum Weights -----	310	28
References to Items and Other Tariffs -----	40	14
Shipments To Be Rated Separately -----	300	28
Units of Measurement To Be Observed -----	350	29
TECHNICAL TERMS, DEFINITION OF -----	10-11	11-12

\* Addition, Decision No. **67774**

EFFECTIVE SEPTEMBER 26, 1964

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.  
Correction No. 61

SECTION NO. 1 - RULES AND REGULATIONS	Item No.
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Items Nos. 10 and 11)</p> <p>ARMORED CAR means any motor truck and/or other highway vehicle which has been armored with bullet resistant metal and/or bullet proof glass, and which is manned by an armed crew.</p> <p>CITY DELIVERY or CITY DELIVERIES means transportation of property to retail stores or direct consumers of the property transported when the shipment originates within the territory covered by this tariff at other than a carrier's depot, dock, wharf, pier, or landing.</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; 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) (6) or Section 203(b)(8) of Part II of the Interstate Commerce Act.</p> <p>*DEBTOR means the person obligated to pay the freight charges to the carrier, whether consignor, consignee or other party.</p> <p>ESCORT SERVICE means the furnishing of pilot cars or vehicles by a carrier as may be required by any governmental agency to accompany a shipment for highway safety.</p> <p>GOVERNING CLASSIFICATION means National Motor Freight Classification A-7 (CAL) as governed by National Motor Freight Classification A-7.</p> <p>INHAUL means the transportation of property received from another carrier at a depot, wharf, pier, or landing originating beyond the limits of the territory covered by this tariff and delivered at one address to the consignee shown on the bill of lading of the carrier from which the shipment is received, or the transportation of property from public warehouses when delivered to one wholesaler consignee at one address.</p>	<p>10</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.

OUTHAUL means transportation of property in City Delivery and Shipping as defined herein.

PERMIT SHIPMENT means a shipment which because of its width, length, height, weight or size requires special authority from a governmental agency regulating the use of highways, roads or streets for the transportation of such shipment in whole or in part.

POINT OF DESTINATION means the precise location at which property is tendered for physical delivery into the custody of the consignee or his agent.

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.

(Continued in Item No. 11)

Change )  
\* Addition ) Decision No. 67774

EFFECTIVE SEPTEMBER 26, 1964

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

Correction No. 62

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
<p style="text-align: center;">(1) COLLECTION OF CHARGES</p> <p>(a) Except as otherwise provided in this rule, transportation and accessorial charges shall be collected by the carriers prior to relinquishing physical possession of shipments entrusted to them for transportation.</p> <p>(b) Upon taking precautions deemed by them to be sufficient to assure payment of charges within the credit period herein specified, carriers may relinquish possession of freight in advance of the payment of the charges thereon and may extend credit in the amount of such charges accruing during a calendar month to those who undertake to pay them, such persons hereinafter being called debtors, and collection thereof made not later than the tenth day (excluding Saturdays, Sundays and legal holidays) of the calendar month following the delivery of the freight.</p> <p>(c) Where a carrier has relinquished possession of freight and collected the amount of charges represented in a freight bill presented by it as the total amount of such charges, and another freight bill for additional charges is thereafter presented to the debtor, the carrier may extend credit in the amount of such additional charges for a period of 30 calendar days to be computed from the first 12:00 o'clock midnight following the presentation of the subsequently presented freight bill.</p> <p>(d) Freight bills for all transportation and accessorial charges shall be presented to the debtors not later than 12:00 o'clock midnight of the fifth day (excluding Saturdays, Sundays and legal holidays) of the calendar month following the delivery of the freight.</p> <p>(e) Debtors may elect to have their freight bills presented by means of the United States mail, and when the mail service is so used, the time of mailing by the carrier, as evidenced by the postmark, shall be deemed to be the time of presentation of the freight bills.</p> <p>(f) The mailing by the debtor of valid checks, drafts, or money orders which are satisfactory to the carrier, in payment of freight charges within the credit period allowed such debtor may be deemed to be the collection of the charges within the credit period for the purpose of these rules. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.</p>	<p style="text-align: center;">*145</p>



(1) Will not apply to the transportation of property for the United States, state, county or municipal governments.

\*Addition, Decision No. 67774

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San Francisco, California.  
Correction No. 63