

**ORIGINAL**

Decision No. 69208

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 relat- )  
ing to the transportation of cement )  
and related products (commodities )  
for which rates are provided in )  
Minimum Rate Tariff No. 10). )

Case No. 5440  
Petition for Modification  
No. 25  
(Filed March 30, 1965)  
(Amended April 7, 1965)

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. These rates have been governed by the constructive mileages set forth in Distance Table No. 5 since October 1, 1964.

By this petition, as amended, California Trucking Association requests a revision of Minimum Rate Tariff No. 10 to specify therein certain mileages, in lieu of the constructive mileages in Distance Table No. 5 otherwise applicable, for use in determining the rates for the transportation of cement and related products from Davenport to various northern California metropolitan zones. Petitioner asks 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 application of the new distance table in connection with Minimum Rate Tariff No. 10 results in certain complexities. Assertedly, these complexities were removed in connection with rates on cement from various southern California origins at the time Distance Table No. 5 was adopted to govern the above tariff. Petitioner now proposes that similar exceptions be authorized with respect to cement from Davenport to the metropolitan zones in the San Francisco Bay area. It is asserted that the proposed exceptions will minimize the problems involved.

Petitioner states that this proposal has been the subject of review by interested shippers and carriers of cement and that the requested changes are generally desired by such parties and will be in their best interest.

Copies of the verified petition and amendment thereto were mailed to various interested cement shippers on or about March 29 and April 6, 1965. Pacific Cement & Aggregates, Inc., has informed the Commission by letter that it urges favorable action on petitioner's proposal. No objection to the granting of the petition, as amended, has been received. A public hearing is not necessary.

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, should 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 July 10, 1965, Eighth Revised Page 2, Fourteenth Revised Page 5 and Third Revised Page 5-B 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 10, 1965.

3. Common carriers, in establishing and maintaining the rules 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 rules 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 8th day of June, 1965.

Fredrick B. Holloff  
President  
James E. Mitchell  
George E. Brown  
Augusta  
William L. Brundage  
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

TABLE OF CONTENTS	Item Number Except as Shown (Inclusive)
Correction Number Checking Sheet -----	Page 1
Form of Shipping Document -----	210
Rates -----	200,220
Rules and Regulations:	
Accessorial Charges Not To Be Offset by Transportation Charges -----	195
Accessorial Services -----	100
Accessorial Services Not Included in Common Carrier Rates -----	170
Alternative Application of Common Carrier Rates -----	150
Alternative Application of Combinations with Common Carrier Rates -----	160
Application of Rates -----	20
Application of Tariff--Carriers -----	30
Application of Tariff--Commodities -----	40
Application of Tariff--Territorial -----	70
Collection of Charges -----	145
Collect on Delivery (C.O.D.) Shipments -----	140-142
Computation of Charges--Weights -----	60
Computation of Distances -----	50
<sup>Δ</sup> Computation of Distances--Exceptions -----	55, 56, *58
Definitions -----	10
Diverted Shipments -----	110
Issuance of Shipping Documents -----	180
Minimum Charge -----	90
Mixed Shipments -----	65
References to Items and Other Tariffs -----	135
Returned Shipments -----	120
Shipments Transported in Multiple Lots -----	115
Split Delivery -----	130
Territorial Descriptions -----	80
Units of Measurement to be Observed -----	190

<sup>Δ</sup>Change    )  
 \*Addition ) Decision No. **69208**

EFFECTIVE JULY 10, 1965

Issued by the Public Utilities Commission of the State of California,  
 San Francisco, California.  
 Correction No. 74

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
<p style="text-align: center;">APPLICATION OF RATES</p> <p>Rates provided in this tariff 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:</p> <ul style="list-style-type: none"> <li>(a) Property of the United States or property transported under an agreement whereby the United States contracted for the carrier's services.</li> <li>(b) Disaster Supplies, i.e., those commodities which are allocated to provide relief during a state of extreme emergency or state of disaster; and those commodities which are transported for a civil defense or disaster organization established and functioning in accordance with the California Disaster Act to ultimate point of storage or use prior to or during a state of disaster or state of extreme emergency.</li> </ul>	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> <ul style="list-style-type: none"> <li>Lime, common, including magnesium lime, hydrated or hydraulic, quick or slaked, in packages;</li> <li>Cement flue dust, in packages; and/or</li> <li>Limestone, powdered, in packages.</li> </ul> <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 No. 55, 56 and \*58 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.

650

o Change )  
\* Addition ) Decision No. 69208

EFFECTIVE JULY 10, 1965

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.  
Correction No. 75

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	
<p>COMPUTATION OF DISTANCES - EXCEPTION</p> <p>Between Davenport and Metropolitan Zones 101 to 133, inclusive, the mileages shown in this item shall apply to the exclusion of those provided in Distance Table No. 5. The mileages shall not apply at intermediate points nor be used in combination with any other constructive mileage.</p>						*58



Between Davenport

<u>And Metropolitan Zones</u>	<u>Constructive Miles</u>	<u>And Metropolitan Zones</u>	<u>Constructive Miles</u>
101	85	121	60
102	85	122	65
103	75	123	65
104	65	124	55
105	75	125	55
106	65	126	55
107	65	127	55
108	115	128	55
109	105	129	55
110	100	130	55
111	100	131	55
112	85	132	55
113	85	133	65
114	85	134	55
115	85	135	65
116	85		
117	75		
118	75		
119	75		
120	75		

\* Addition, Decision No. **69208**

EFFECTIVE JULY 10, 1965

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

Correction No. 76