

ORIGINAL

Decision No. 71303

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 sand, rock,)
gravel and related items (commodities)
for which rates are provided in Mini-)
mum Rate Tariff Nos. 7 and 17).)

Case No. 5437
(Petition for Modification
No. 128)
(Filed April 18, 1966)
(Amended April 26, 1966)

OPINION AND ORDER

Minimum Rate Tariffs Nos. 7 and 17 name minimum rates for the transportation of rock, sand, gravel and related commodities in dump truck equipment by city carriers and highway carriers. The former tariff sets forth minimum statewide hourly and distance rates and zone rates between various points outside a defined area in southern California. The latter tariff contains minimum zone rates for transportation within the aforementioned defined area.

By this petition, as amended, California Trucking Association seeks to have the definitions of certain technical terms amended, namely, point of origin, point of destination and commercial producing plant in Tariff No. 7 and dry mixture of sand and/or gravel and/or crushed stone (with or without cement) in batches, overlying carrier, underlying carrier, shipment, debtor and point of origin in Tariff 17. Petitioner also proposes to incorporate in the latter tariff definitions pertaining to batching plant, concrete article factory, consignor, consignee and shipper.

Petitioner alleges that the current variations between the definitions of technical terms in Tariff No. 7 and those in Tariff 17 result in discrimination between shippers and carriers operating within the defined area in southern California and those operating in the rest of the State. Petitioner asserts that the proposed revisions will result in neither increases nor reductions in freight charges and that such revisions will achieve uniformity between the minimum rate tariffs involved insofar as the technical terms are concerned.

Copies of the verified petition and amendment were mailed to various chambers of commerce, shipper organizations, carrier representatives and other interested parties on or about April 15 and 22, 1966, respectively. The petition and amendment were listed on the Commission's Daily Calendar of April 19 and 27, 1966, respectively. No objection to the granting of the petition, as amended, has been received.

In the circumstances, it appears, and the Commission finds, that the proposed revisions are reasonable and that the resulting minimum rates will be just, reasonable and nondiscriminatory minimum rates for the transportation involved. A public hearing is not necessary. The Commission concludes that the petition, as amended, should be granted.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 7 (Appendix "A" of Decision No. 32566, as amended) is hereby further amended by incorporating therein, to become effective October 22, 1966, the revised pages attached hereto and listed in Appendix A also attached hereto and by this reference made a part hereof.

2. Minimum Rate Tariff 17 (Appendix "B" of Decision No. 69469, as amended) is hereby further amended by incorporating therein, to become effective October 22, 1966, the revised pages attached hereto and listed in Appendix B also attached hereto and by this reference made a part hereof.

3. In all other respects Decisions Nos. 32566 and 69469, as amended, shall remain in full force and effect.

This order shall become effective twenty days after the date hereof.

Dated at Los Angeles, California, this 20th day of September, 1966.

President

George A. Hoover

Frederick E. Holoboff

Dellus M. Beard

Neogator

Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A TO DECISION NO. 71303

List of Revised Pages to Minimum Rate Tariff No. 7

Authorized by Said Decision

Fifth Revised Page 1

Seventh Revised Page 3-A

Fourth Revised Page 3-B

Original Page 3-C

(END OF APPENDIX A LIST)

Fifth Revised Page 1
 Cancels
 Fourth Revised Page 1

MINIMUM RATE TARIFF NO. 7

CORRECTION NUMBER CHECKING SHEET

This tariff is issued in loose-leaf form. Correction numbers appearing on all added and revised pages will be numbered consecutively in the lower left-hand corner. These correction numbers should be checked below on this checking sheet before pages are filed in the tariff.

CORRECTION NUMBERS

1121	1161	1201	1241	1281
1122	1162	1202	1242	1282
1123	1163	1203	1243	1283
1124	1164	1204	1244	1284
1125	1165	1205	1245	1285
1126	1166	1206	1246	1286
1127	1167	1207	1247	1287
1128	1168	1208	1248	1288
1129	1169	1209	1249	1289
1130	1170	1210	1250	1290
1131	1171	1211	1251	1291
1132	1172	1212	1252	1292
1133	1173	1213	1253	1293
1134	1174	1214	1254	1294
1135	1175	1215	1255	1295
1136	1176	1216	1256	1296
1137	1177**	1217	1257	1297
1138	1178**	1218	1258	1298
1139	1179**	1219	1259	1299
1140	1180**	1220	1260	1300
1141	1181**	1221	1261	1301
1142	1182**	1222	1262	1302
1143	1183**	1223	1263	1303
1144	1184**	1224	1264	1304
1145	1185**	1225	1265	1305
1146	1186**	1226	1266	1306
1147	1187**	1227	1267	1307
1148	1188**	1228	1268	1308
1149	1189**	1229	1269	1309
1150	1190	1230	1270	1310
1151	1191	1231	1271	1311
1152	1192	1232	1272	1312
1153	1193	1233	1273	1313
1154	1194	1234	1274	1314
1155	1195	1235	1275	1315
1156	1196	1236	1276	1316
1157	1197	1237	1277	1317
1158	1198	1238	1278	1318
1159	1199	1239	1279	1319
1160	1200	1240	1280	1320

** Correction Numbers 1177 through 1189 not used,
 Decision No. **71303**

EFFECTIVE OCTOBER 22, 1966

Issued by the Public Utilities Commission of the State of California,
 San Francisco, California.
 Correction No. 1195

Item
No.

SECTION NO. 1--RULES AND REGULATIONS

DEFINITION OF TECHNICAL TERMS
(Items Nos. 10, 11 and *12)

BATCHING PLANT means an installation (structure and appurtenant storage area) at which the ingredients for the production of concrete are received, stored, weighed, batched and subsequently transported therefrom.

CARRIER means a radial highway common carrier or a highway contract carrier, as defined in the Highway Carriers' Act, or a carrier, as defined in the City Carriers' Act.

COMMERCIAL PRODUCING PLANT means an installation (structure and appurtenant storage area) at which rock, sand, and/or gravel are processed as to size and/or grade and placed in stockpiles or bunkers.

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 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.

10

CONCRETE ARTICLE FACTORY means an installation (structure and appurtenant storage area) at which the ingredients of concrete are received, stored, weighed and batched, and concrete articles are manufactured therefrom on the premises.

CONSIGNEE means the person, firm or corporation to whom the property is to be physically delivered by the carrier.

CONSIGNOR means the person, firm or corporation from whom the property was physically received by the carrier for transportation.

DEBTOR means the person assuming responsibility for payment of transportation charges. It also includes an overlying carrier when he utilizes the services of an underlying carrier.

✓ C. 5437 (Pet. 128)*

DISTRIBUTING YARD means an area for storage of rock, sand, gravel, or cold road oil mixture (commonly called "plant mix") in piles, bins, silos or bunkers.

(Continued in Item No. 11)

∅ Change)
* Addition) Decision No. 71303

EFFECTIVE OCTOBER 22, 1966

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 1196

Fourth Revised Page ... 3-B

Cancels

Third Revised Page 3-B

MINIMUM RATE TARIFF NO. 7

Item No.	SECTION NO. 1--RULES AND REGULATIONS
	<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Continued) (Items Nos. 10, 11 and *12)</p>
	<p>DRY MIXTURES OF SAND, AND/OR GRAVEL AND/OR CRUSHED STONE (WITH OR WITHOUT CEMENT) IN BATCHES means a shipment of said mixture transported in dump truck equipment provided with one or more batch gates permitting the loading and unloading of a portion or portions of the shipment separately from the other portion or portions of the shipment.</p>
	<p>DUMP TRUCK EQUIPMENT means any motor vehicle (including component trailing equipment) as defined in the Highway Carriers' Act and City Carriers' Act, which discharges its load by gravity either (a) in conjunction with mechanical means that are an integral part of the vehicle, or (b) by opening all or a portion of the bottom, sides or end, or (c) by combination of (a) and (b). It does not include a motor vehicle engaged in the transportation of concrete mechanically mixed in transit.</p>
<p>Ø11</p>	<p>HOT PLANT means a fixed installation for the heating of road oil or asphalt and the mixing of such heated oil or asphalt with rock, sand and any other ingredients to produce cold road oil mixture ("plant mix") or asphaltic concrete ("hot stuff").</p>
	<p>OVERLYING CARRIER (PRINCIPAL CARRIER) means a carrier which contracts with a shipper to provide transportation service for the latter, but which carrier in turn employs another carrier, known as the Underlying Carrier (independent-contractor subhauler), to perform that service. (See Note.)</p>
	<p>NOTE.--The term Overlying Carrier also includes an underlying carrier which employs another carrier to perform transportation service.</p>
	<p>ØPOINT OF DESTINATION means the precise location at which a shipment is tendered for physical delivery into the custody of the consignee or his agent. *It includes all locations within 300 feet of the point at which physical delivery of said shipment is initiated.</p>
	<p>ØPOINT OF ORIGIN means the precise location at which a shipment is physically delivered by the consignor or his agent into the custody of the carrier for transportation. *All points within a single commercial producing plant shall be considered as one point of origin. A single commercial producing plant shall include only contiguous property which shall not be deemed separate if intersected by a public street or streets.</p>
	<p>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. It also includes truck loading facilities of plants or industries located at such rail or vessel loading or unloading point.</p>

✓ C. 5437 (Pet. 128)*

RATE includes charge, and also the ratings, minimum weight, rules and regulations governing, and the accessorial charges applying in connection therewith.

(Continued in Item No. 12)

∅ Change) Decision No. 71303
* Addition)

EFFECTIVE OCTOBER 22, 1966

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 1197

Item No.	SECTION NO. 1--RULES AND REGULATIONS
	<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Concluded) (Items Nos. 10, 11 and 12)</p> <p>SAME TRANSPORTATION means transportation of the same kind and quantity of property and subject to the same limitations, conditions and privileges, although not necessarily transported in an identical type of equipment.</p> <p>SEWAGE DISPOSAL PLANT means a fixed installation in which filtering rock is used for getting rid of sewage.</p> <p>SHIPMENT means a quantity of freight tendered by one consignor on one shipping document at one point of origin for one consignee at one point of destination to be transported at one time in one unit of equipment.</p> <p>SHIPPER means the person, firm or corporation (other than a carrier) who arranges with the carrier for the transportation of the property.</p> <p>TEAM TRACK means a point at which property may be loaded into or upon, or unloaded from rail cars by the public generally; it also includes wharves, docks and landings at which the public generally may receive or tender shipments of property from and to common carriers by vessel.</p> <p>TON means 2,000 pounds.</p> <p>UNDERLYING CARRIER (independent-contractor subhauler) means any carrier who renders service for an overlying carrier (principal carrier), for a specified recompense, for a specified result, under the control of the overlying carrier as to the result of the work only and not as to the means by which such result is accomplished.</p> <p>UNIT OF EQUIPMENT means a truck, a tractor, a trailer, a semitrailer, or any combination of the foregoing operated in a train.</p>
<p>* (1)12</p>	<p>(1) Definitions of certain technical terms transferred from Sixth Revised Page 3-A and Third Revised Page 3-B.</p> <p>* Addition, Decision No. 71303</p>
	<p>EFFECTIVE: OCTOBER 22, 1966</p>
	<p>Issued by the Public Utilities Commission of the State of California, San Francisco, California.</p> <p>Correction No. 1198</p>

APPENDIX B TO DECISION NO. 71303

List of Revised Pages to Minimum Rate Tariff 17
Authorized by Said Decision

Fourth Revised Page 1-2

First Revised Page 1-5

First Revised Page 1-6

First Revised Page 1-7

(END OF APPENDIX B LIST)

SECTION 1 - RULES AND REGULATIONS (CONTINUED)

☞TARIFF PAGES CHECK SHEET

ORIGINAL AND REVISED PAGES AS NAMED BELOW CONTAIN ALL CHANGES FROM THE ORIGINAL TARIFF IN EFFECT ON THE DATES SHOWN THEREON.

PAGE NUMBER	REVISION NUMBER	PAGE NUMBER	REVISION NUMBER	PAGE NUMBER	REVISION NUMBER	PAGE NUMBER	REVISION NUMBER
TITLE	ORIGINAL	3	ORIGINAL	4-M-3	1ST	7-D-1	1ST
1	ORIGINAL	4	ORIGINAL	5	ORIGINAL	7-E	1ST
1-1	ORIGINAL	4-A	1ST	5-A	1ST	7-E-1	1ST
1-2	4TH	4-A-1	1ST	5-A-1	1ST	7-H	1ST
1-3	1ST	4-A-2	1ST	5-A-2	1ST	7-E-1	1ST
1-4	ORIGINAL	4-B	1ST	5-B	1ST	7-H-2	1ST
1-5	1ST	4-B-1	1ST	5-B-1	1ST	7-I	1ST
1-6	1ST	4-B-2	1ST	5-B-2	1ST	7-I-1	1ST
1-7	1ST	4-CC	1ST	5-D	1ST	7-L	1ST
1-8	ORIGINAL	4-CC-1	1ST	5-D-1	1ST	7-L-1	1ST
1-9	ORIGINAL	4-E	1ST	5-D-2	1ST	7-L-2	1ST
1-10	ORIGINAL	4-E-1	1ST	5-D-3	1ST	7-M	1ST
1-11	ORIGINAL	4-E-2	1ST	5-F	1ST	7-M-1	1ST
1-12	ORIGINAL	4-F	1ST	5-G	2ND	7-M-2	1ST
1-13	ORIGINAL	4-F-1	1ST	5-G-1	ORIGINAL	8	ORIGINAL
1-14	ORIGINAL	4-F-2	1ST	5-G-2	ORIGINAL	9	ORIGINAL
1-15	1ST	4-F-3	1ST	5-G-3	ORIGINAL	10	ORIGINAL
1-16	ORIGINAL	4-G	1ST	5-G-4	ORIGINAL	10-B	1ST
1-17	ORIGINAL	4-G-1	1ST	5-L	1ST	10-C	1ST
1-18	ORIGINAL	4-G-2	1ST	5-L-1	1ST	10-E	1ST
1-19	ORIGINAL	4-G-3	1ST	5-M	1ST	10-G	1ST
1-20	ORIGINAL	4-HH	1ST	5-M-1	1ST	10-I	1ST
1-21	ORIGINAL	4-HH-1	1ST	5-O	1ST	10-J	1ST
2	ORIGINAL	4-I	1ST	5-P	1ST	10-K	1ST
2-1	ORIGINAL	4-II	1ST	5-P-1	1ST	10-L	1ST
2-2	ORIGINAL	4-II-1	1ST	6	ORIGINAL	10-M	1ST
2-3	ORIGINAL	4-JA	1ST	6-F	1ST	11	ORIGINAL
2-4	ORIGINAL	4-JJ	1ST	6-G	1ST	11-1	ORIGINAL
2-5	ORIGINAL	4-JJ-1	1ST	6-G-1	1ST	11-2	ORIGINAL
2-6	ORIGINAL	4-L	1ST	7	ORIGINAL		
2-7	ORIGINAL	4-L-1	1ST	7-A	1ST		
2-8	ORIGINAL	4-L-2	1ST	7-A-1	1ST		
2-9	ORIGINAL	4-M	1ST	7-B	1ST		
2-10	ORIGINAL	4-M-1	1ST	7-B-1	1ST		
2-11	ORIGINAL	4-M-2	1ST	7-D	1ST		

☞ CHANGE, DECISION NO. 71303

EFFECTIVE OCTOBER 22, 1966

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,
 SAN FRANCISCO, CALIFORNIA.

CORRECTION 95

SECTION 1--RULES AND REGULATIONS (Continued)	Item
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Items 20, 21 and 22)</p> <p>*BATCHING PLANT means an installation (structure and appurtenant storage area) at which the ingredients for the production of concrete are received, stored, weighed, batched and subsequently transported therefrom.</p> <p>CARRIER means a radial highway common carrier or a highway contract carrier, as defined in the Highway Carriers' Act, or a carrier, as defined in the City Carriers' Act.</p> <p>COMMERCIAL PRODUCING PLANT means an installation (structure and appurtenant storage area) at which rock, sand and/or gravel are processed as to size and/or grade and placed in stockpiles or bunkers.</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 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 203b(8) of Part II of the Interstate Commerce Act.</p> <p>*CONCRETE ARTICLE FACTORY means an installation (structure and appurtenant storage area) at which the ingredients of concrete are received, stored, weighed and batched, and concrete articles are manufactured therefrom on the premises.</p> <p>*CONSIGNEE means the person, firm, or corporation to whom the property is to be physically delivered by the carrier.</p> <p>*CONSIGNOR means the person, firm or corporation from whom the property was physically received by the carrier for transportation.</p> <p>DEBTOR means the person assuming responsibility for payment of transportation charges. It also includes *an overlying carrier when he utilizes the services of an underlying carrier.</p> <p>DRY MIXTURE OF SAND AND/OR GRAVEL AND/OR CRUSHED STONE (WITH OR WITHOUT CEMENT) IN BATCHES means a shipment of said mixture transported in dump truck equipment provided with one or more batch gates permitting the loading and unloading of a portion or portions of the shipment separately from *the other portion or portions of the shipment.</p> <p style="text-align: center;">(Continued in Item 21)</p>	20

Change)
* Addition) Decision No. 71303

EFFECTIVE OCTOBER 22, 1966

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction 96

SECTION 1--RULES AND REGULATIONS (Continued)

Item

DEFINITION OF TECHNICAL TERMS (Continued)
(Items 20, 21 and 22)

DUMP TRUCK EQUIPMENT means any motor vehicle (including component trailing equipment) as defined in the Highway Carriers' Act and City Carriers' Act, which discharges its load by gravity either (a) in conjunction with mechanical means that are an integral part of the vehicle, or (b) by opening all or a portion of the bottom, sides or end, or (c) by combination of (a) and (b). It does not include a motor vehicle engaged in the transportation of concrete mechanically mixed in transit.

OVERLYING CARRIER (principal carrier) means a carrier which contracts with a shipper to provide transportation service for the latter, but which carrier in turn employs another carrier, known as the underlying carrier (independent-contractor subhauler), to perform that service.
*(See Note)

*NOTE: The term "Overlying Carrier" also includes an underlying carrier which employs another carrier to perform transportation service.

21

POINT OF DESTINATION means the precise location at which a shipment is tendered for physical delivery into the custody of the consignee or his agent. It includes all locations within 300 feet of the point at which physical delivery of said shipment is initiated.

POINT OF ORIGIN means the precise location at which a shipment is physically delivered by the consignor or his agent into the custody of the carrier for transportation. All points within a single commercial producing plant shall be considered as one point of origin. A single commercial producing plant shall include only contiguous property which shall not be deemed separate if intersected by a public street or streets.

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. It also includes truck loading facilities of plants or industries located at such rail or vessel loading or unloading point.

(Continued in Item 22)

Change) Decision No. 71303
* Addition)

EFFECTIVE OCTOBER 22, 1966

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction 4/97

SECTION 1 - RULES AND REGULATIONS (Continued)	Item
---	------

DEFINITION OF TECHNICAL TERMS (Concluded)
 (Items 20, 21 and 22)

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 and subject to the same limitations, conditions and privileges, although not necessarily transported in an identical type of equipment.

SHIPMENT means a quantity of freight tendered by one consignor on one shipping document at one point of origin for one consignee at one point of destination and transported at one time in one unit of equipment.

*SHIPPER means the person, firm or corporation (other than a carrier) who arranges with the carrier for the transportation of the property.

§ 22

TEAM TRACK means a point at which property may be loaded into or upon, or unloaded from rail cars by the public generally; it also includes wharves, docks and landings at which the public generally may receive or tender shipments of property from and to common carriers by vessel.

TON means 2,000 pounds.

UNDERLYING CARRIER (independent-contractor subhauler) means any carrier who renders service for an overlying carrier (principal carrier) for a specified recompense, for a specified result, under the control of the overlying carrier as to the result of the work only and not as to the means by which such result is accomplished.

UNIT OF EQUIPMENT means a truck, a tractor, a trailer, a semitrailer, or any combination of the foregoing operated in a train.

§ Change)
 * Addition) Decision No. 71303

EFFECTIVE OCTOBER 22, 1966

Issued by the Public Utilities Commission of the State of California,
 San Francisco, California.
 Correction 98