

ORIGINAL

Decision No. 72874

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 any and)
all commodities between and within)
all points and places in the State)
of California (including, but not)
limited to, transportation for)
which rates are provided in)
Minimum Rate Tariff No. 2).)

Case No. 5432
(Petition for Modification
No. 463)
(Filed June 28, 1967;
amended July 3, 1967)

And Related Matters.

) Cases Nos. 5433, 5438 and 7857
) (Petitions for Modifications
) Nos. 25, 60 and 14,
) respectively)
) (Filed June 28, 1967;
) amended July 3, 1967)

OPINION AND ORDER

Minimum Rate Tariffs Nos. 2, 3-A, 8 and 14-A name minimum rates and rules for the statewide transportation of general commodities, livestock, fresh fruits and vegetables, and agricultural commodities in bulk, respectively. By these petitions, as amended, California Trucking Association requests that the present provisions, which require that the payment of transportation charges on split delivery shipments not be made by any consignee, be revised to permit payment by one debtor (whether consignor, consignee or other party).

Petitioner avers that the prohibition against the collection of charges on a split delivery shipment from any consignee has created problems in connection with the tariffs involved herein. Petitioner alleges that these problems stem from the historic

purchase arrangement whereby goods are purchased "F.O.B. - Warehouse," and the buyer requests delivery of a portion of the goods to its customers and a portion to itself. Petitioner states that the freight charges cannot be billed to the purchaser under present tariff provisions as the purchaser is one of the consignees even though technically this party is the shipper as well.

Petitioner declares that this situation has precluded traditional trade practices of this nature and created confusion in buyer-seller relationships. Petitioner asserts that the proposed changes are needed to restore to the shipping public the ability to continue these historic business arrangements.

Copies of the verified petitions and amendments were mailed to various chambers of commerce, shipper organizations and carrier representatives on or about June 27 and 30, 1967, respectively. The petitions and amendments were listed on the Commission's Daily Calendar of June 29 and July 6, 1967, respectively. No objection to the granting of the petitions, 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 Commission concludes that the petitions, as amended, should be granted. Minimum Rate Tariff No. 2 will be amended accordingly by the order herein. In order to avoid duplication of tariff distribution, Minimum Rate Tariffs Nos. 3-A, 8 and 14-A will be amended by separate orders.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 2 (Appendix "D" of Decision No. 31606, as amended) is hereby further amended by incorporating therein, to become effective September 16, 1967, Thirty-first Revised Page 11 and Eleventh Revised Page 12-A attached hereto and by this reference made a part hereof.

2. Tariff publications authorized 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 and may be made effective on not less than ten days' notice to the Commission and to the public if filed not later than sixty days after the effective date of the minimum rate tariff pages incorporated in this order.

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.

Item No.	SECTION NO. 1--RULES AND REGULATIONS OF GENERAL APPLICATION
<p>ø10</p>	<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Items Nos. 10, 11 and 12)</p> <p>AIR-MILE means a statute mile measured in a straight line without regard to terrain features or differences in elevation.</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>CARRIER means a radial highway common carrier, a highway contract carrier or a cement contract carrier as defined in the Highway Carriers' Act, or a household goods carrier as defined in the Household Goods Carriers Act.</p> <p>CARRIER'S EQUIPMENT means any motor truck or other self-propelled highway vehicle, trailer, semi-trailer, or any combination of such highway vehicles operated as a single unit.</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 203(b)(6) or Section 203(b)(8) of Part II of the Interstate Commerce Act.</p> <p>CONSIGNOR means the person, firm or corporation shown on the shipping document as the shipper of the property received by the carrier for transportation.</p> <p>DANGEROUS ARTICLES means articles described in Motor Carriers' Explosives and Dangerous Articles Tariff 12, Cal.P.U.C. 7, of American Trucking Associations, Inc., Agent, and supplements thereto or reissues thereof.</p> <p>*DEBTOR means the person obligated to pay freight charges to the carrier, whether consignor, consignee or other party.</p> <p>DISTANCE TABLE means Distance Table No. 5.</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>

ESTABLISHED DEPOT means a freight terminal owned or leased and maintained by a carrier for the receipt and delivery of shipments.

EXCEPTION RATINGS TARIFF means Exception Ratings Tariff No. 1 issued by the Commission.

GOVERNING CLASSIFICATION means National Motor Freight Classification A-9 (CAL) as governed by National Motor Freight Classification A-9.

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 result of the work only and not as to the means by which such result is accomplished.

MULTIPLE LOT SHIPMENT means a shipment transported in accordance with the provisions of Item No. 85.

PALLETIZED SHIPMENT means a shipment tendered to and transported by the carrier on pallets (elevating-truck pallets or platforms or lift-truck skids, with or without standing sides or ends, but without tops).

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.

PICKUP AND DELIVERY CHARGE means the full charge applicable without the deduction authorized by Item No. 110.

(Continued in Item No. 11)

∅ Change) Decision No. 72874
* Addition)

EFFECTIVE SEPTEMBER 16, 1967

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 1836

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
ø12	<p data-bbox="495 455 1298 533">) DEFINITION OF TECHNICAL TERMS (Concluded) (Items Nos. 10, 11 and 12)</p> <p data-bbox="392 585 1477 846">SPLIT PICKUP SHIPMENT means a shipment consisting of two or more component parts picked up by a carrier within a period of two calendar days from one consignor at more than one point of origin, the composite shipment weighing (or transportation charges computed upon a weight of) not less than 5,000 pounds, said shipment being consigned and delivered to one consignee at one point of destination. (See Note)</p> <p data-bbox="392 872 1494 1015">NOTE.--In addition to the component parts picked up by the carrier, a split pickup shipment will include other component parts delivered to carrier's established depot by the consignor or the consignor's agent.</p> <p data-bbox="392 1041 1494 1315">SPLIT DELIVERY SHIPMENT means a shipment consisting of two or more 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, the composite shipment weighing (or transportation charges computed upon a weight of) not less than 5,000 pounds, said shipment being shipped by one consignor from one point of origin. (See Note).</p> <p data-bbox="384 1328 1434 1458">NOTE.--All transportation charges must be prepaid and, except as provided in paragraph 3 of Item No. 255, charges shall be billed to and collected from only one debtor.</p> <p data-bbox="384 1471 1460 1575">STRINGING means the progressive delivery of a shipment at spaced intervals or designated points along a predetermined route.</p> <p data-bbox="384 1614 1460 1822">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 and tender shipments of property from and to common carriers by vessel.</p> <p data-bbox="384 1848 1494 1992">TEMPERATURE CONTROL SERVICE means the protection from heat by the use of ice (either water or solidified carbon dioxide), by mechanical refrigeration, or by release of liquefied gases.</p>

APPLICATION OF TARIFF - CARRIERS

Rates provided in this tariff are minimum rates established pursuant to the Highway Carriers' Act and the Household Goods Carriers' Act and apply for transportation of property by radial highway common carriers, highway contract carriers, cement contract carriers and household goods carriers as defined in said Acts.

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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.

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 defined in this tariff or for common carriers defined in the Public Utilities Act.

Change, Decision No. **72874**

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Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 1837