

ORIGINAL

Decision No. 72877

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 livestock and related items (commo-
dities for which rates are provided in
Minimum Rate Tariff No. 3-A).

Case No. 5433
(Petition for Modification
No. 25)
(Filed June 28, 1967;
amended July 3, 1967)

SUPPLEMENTAL OPINION AND ORDER

Decision No. 72874, entered today in Case No. 5432

(Petition for Modification No. 463) et al., authorized revisions in Minimum Rate Tariffs Nos. 2, 3-A, 8 and 14-A to permit payment of freight charges on split delivery shipments by one debtor. The decision also provided that Minimum Rate Tariff No. 3-A should be amended by a separate order in this proceeding to avoid duplication of tariff distribution.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 3-A (Appendix A of Decision No. 55587, as amended) is hereby further amended by incorporating therein, to become effective September 16, 1967, Fifth Revised Page 3 and Fourth Revised Page 4 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.

4. In all other respects Decision No. 55587, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 8th day of August, 1967.

President
William La Bernard

Augusta

William Lewis J.

Fred P. Hornsby
Commissioners

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

| SECTION NO. 1 - RULES AND REGULATIONS | Item No. |
|---|-----------|
| <p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Items Nos. 10 and 11)</p> <p>CALVES means bovine animals weighing 450 pounds or less.</p> <p>CATTLE means bovine animals weighing more than 450 pounds.</p> <p>CARRIER means a radial highway common carrier or a highway contract carrier as defined in the Highway 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 by the carrier.</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>DAIRY CATTLE means cattle which are or have been used or useful in connection with the production of milk by dairies.</p> <p>*DEBTOR means the person obligated to pay freight charges to the carrier, whether consignor, consignee or other party.</p> <p>(1) DISTANCE TABLE means Distance Table No. 5. (2) DISTANCE TABLE means Distance Table 6.</p> <p>FEED LOT means a place, establishment or facility consisting of pens or other enclosures and their appurtenances, in which live cattle, calves, sheep, swine or goats are received, held or kept for fattening, for compensation as a business, for the public generally, or owned and operated by packing or slaughter houses.</p> | <p>10</p> |

INDEPENDENT-CONTRACTOR SUBHAULER means any carrier who renders service for a principal carrier, for a specified recompense, for a special 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.

PACKING HOUSE means a place of business licensed to buy livestock for the purpose of slaughter, at which meat or meat food products are manufactured or prepared.

PASTURE MOVEMENT means a shipment, or component part thereof, originating at or destined to points other than points located at or within a radius of 2 actual miles of a stockyard, public sales yard, feed lot, packing house or slaughter house.

POINT OF DESTINATION means the precise location at which livestock is tendered for physical delivery into the custody of the consignee or his agent. All points within a feed lot, packing house, public sales yard, slaughter house, stockyard or corral ranch site of one consignee shall be considered as one point of destination and shall include only contiguous property which shall not be deemed separate if intersected only by public street or thoroughfare.

POINT OF ORIGIN means the precise location at which livestock is physically delivered by the consignor or his agent into the custody of the carrier for transportation. All points within a feed lot, packing house, public sales yard, slaughter house, stockyard or corral ranch site of one consignor shall be considered as one point of origin and shall include only contiguous property which shall not be deemed separate if intersected only by public street or thoroughfare.

PUBLIC SALES YARD means a stockyard.

(Continued in Item No. 11)

- (1) Expires with December 31, 1967.
- (2) Effective January 1, 1968.

∅ Change) Decision No. 72877
* Addition)

EFFECTIVE SEPTEMBER 16, 1967

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 67

SECTION NO. 1 - RULES AND REGULATIONS

Item No.

DEFINITION OF TECHNICAL TERMS (Concluded)
(Items Nos. 10 and 11)

PUBLIC WEIGHMASTER'S CERTIFICATE means a statement issued and signed or initialed by a weighmaster or deputy weighmaster licensed by the State of California, any subdivision thereof, or the federal government to perform public weighing. The statement shall set forth the kind of livestock, the date weighed, the license number or equipment number of the vehicle or vehicles in which the livestock was transported, and the weight of the livestock (or the gross weight of the livestock and the vehicle or vehicles and the unladen weight of the vehicle or vehicles). If the gross weight of the vehicle or vehicles and the livestock is shown on one statement and the unladen weight of the vehicle or vehicles is shown on another, the separate statements will constitute a public weighmaster's certificate.

RAILHEAD means a point at which facilities are maintained for the loading of livestock into or upon, or the unloading of livestock from rail cars or vessels as defined in Section 238(a) of the Public Utilities Code.

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RATE includes charge and also the 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 livestock and subject to the same limitations, conditions and privileges, although not necessarily in an identical type of equipment.

SHIPMENT means a quantity of livestock tendered by one shipper on one agreement for carriage at one point of origin at one time for one consignee at one point of destination. (See also definitions of split delivery shipment and split pickup shipment.)

SLAUGHTER HOUSE means a place of business licensed to slaughter livestock.

SPLIT DELIVERY SHIPMENT means a shipment consisting 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, said shipment being shipped by one consignor at one point of origin under one agreement for carriage and, except as provided in paragraph B of Item No. 251, all charges thereon must be prepaid, and shall be billed to and collected from only one debtor.

SPLIT PICKUP SHIPMENT means a shipment consisting of several component parts received during one day and transported under one agreement for carriage from (a) one consignor at more than one point of origin, or (b) more than one consignor at one or more points of origin, the composite shipment being consigned and delivered to one consignee at one point of destination and, except as provided in paragraph B of Item No. 251, all charges thereon being paid by the consignee when there is more than one consignor.

STOCKYARD means any place, establishment or facility consisting of pens or other enclosures and their appurtenances, licensed by the federal or state government or any subdivision thereof to receive, hold or keep for sale or shipment in commerce live cattle, calves, sheep, swine or goats.

TEAM TRACK means a point at which livestock 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 livestock from and to common carriers by vessel.

Change, Decision No. 72877

EFFECTIVE SEPTEMBER 16, 1967

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 68