

Decision No. 73700

ORIGINAL

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 cement and related products (com-)
modities for which rates are provided)
in Minimum Rate Tariff No. 10).)

Case No. 5440
(Petition for Modification
No. 53)
(Filed December 1, 1967)

OPINION AND ORDER

Minimum Rate Tariff No. 10 names minimum rates and rules for the transportation of cement and related commodities by city and highway carriers between points in the State of California. These rates also apply to mixed shipments of cement, in packages, with common lime, cement flue dust and/or powdered limestone, in packages, when transported between points in northern and central California. By this petition, California Trucking Association seeks to have the above tariff amended so that the rates named therein will apply when such mixed shipments are transported state-wide. 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 states that, by action of the legislature, Section 3519 of the Public Utilities Code was amended by broadening the definition of "cement contract carrier" to include carriers transporting cement in combination with lime or powdered limestone

and that the proposed tariff amendment will fulfill the legislative mandate of Assembly Bill No. 627. According to petitioner, shippers and carriers have considered the proposal herein and generally desire that the proposed tariff amendment be accomplished.

Copies of the verified petition were mailed to various cement shippers on or about November 30, 1967. No objection to the granting of petition has been received. Kaiser Cement & Gypsum Corporation has advised the Commission by letter that it supports the petition. 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. The Commission concludes that the petition 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 March 16, 1968, Seventeenth Revised Page 5 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 page incorporated in this order. Tariff publications authorized herein shall be filed not earlier than the effective date of this order.

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
<p style="text-align: center;">APPLICATION OF RATES</p> <p>Rates provided in this tariff apply 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"> (a) Property of the United States or property transported under an agreement whereby the United States contracted for the carrier's services. (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. 	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>	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 also apply to the following commodities when shipped in mixed shipments with not less than fifty percent (50%), by weight, of cement in packages:</p> <p>* *</p> <ul style="list-style-type: none"> Lime, common, including magnesium lime, hydrated or hydraulic, quick or slaked, in packages; Cement flue dust, in packages; and/or Limestone, powdered, in packages. <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 Nos. 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 the Distance Table.

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∅ Change
o Reduction
** Reference to "Northern California"
Territory eliminated. } Decision No. 73700

EFFECTIVE MARCH 16, 1968

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 119