

**ORIGINAL**Decision 73999

## 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 sand, rock,  
 gravel and related items (commodi-  
 ties for which rates are provided in  
 Minimum Rate Tariffs Nos. 7 and 17).

Case No. 5437  
 Order Setting Hearing  
 (Decision No. 73191)  
 (Dated October 10, 1967)

E. O. Blackman, for California Dump Truck  
 Owners Association; Richard W. Smith,  
H. F. Kollmyer and A. D. Poe, for  
 California Trucking Association; E. J.  
Bertana, for Pacific Cement & Aggregates;  
William F. Hoefs and J. R. Cedarblade,  
 for Northern California Ready Mix Concrete  
 and Materials Association; Bert Fere and  
William F. Hoefs, for Kaiser Cement &  
 Gypsum Corporation; Scott J. Wilcott, for  
 Southern California Rock Products Association,  
 interested parties.  
Robert E. Walker, for the Commission staff.

O P I N I O N

The Commission's Transportation Division recommended that a public hearing be scheduled for the receipt of evidence relative to the need for a multiple lot rule to apply with the alternative application provisions of Minimum Rate Tariffs Nos. 7 and 17.

Public hearings were held before Examiner Gagnon at San Francisco on November 20, 1967, and January 5 and February 15, 1968, at which latter date the matter was submitted for decision. The Commission staff introduced in evidence a report entitled "Alternative Application Provisions Minimum Rate Tariffs Nos. 7 and 17." A number of parties expressed opposition to portions of the staff proposal.

The staff explains that a question of interpretation has arisen with respect to the time in which a highway carrier must pick

up a shipment which is to be rated at rail rates under the alternative application provisions of Minimum Rate Tariffs Nos. 7 and 17. Pacific Southcoast Freight Bureau Tariffs Nos. 166-H and 278-A name rail rates which may be used by highway carriers under the alternative provisions of the minimum rate tariffs. The staff states that said rail tariffs are governed by Uniform Freight Classification No. 8. Rule 14, Section 1 of the classification provides, in part, as follows:

"Carload ratings or rates apply only when a carload of freight is shipped from one station, in or on one car,.....in one calendar day from midnight to midnight...."

The staff further notes that the definition of the term "shipment," as used in Minimum Rate Tariffs Nos. 7 and 17, requires the quantity of freight tendered to be transported at one time in one unit of equipment. According to the staff witness, the aforementioned tariff and classification restrictions preclude the combining of multiple loads into a single shipment when using rail rates for dump truck transportation. The minimum weights applicable in connection with the rail rates involved are generally 100,000 pounds or more. This weight requirement, the staff explains, is two or three times greater than the weight which can actually be transported in a single unit of dump truck equipment, thus requiring multiple loads per single shipment.

Section 3663 of the Public Utilities Code reads as follows:

"In the event the commission establishes minimum rates for transportation services by highway permit carriers, the rates shall not exceed the current rates of common carriers by land subject to Part 1 of Division 1 for the transportation of the same kind of property between the same points."

In order to bring Minimum Rate Tariffs Nos. 7 and 17 into conformity with the statute, the staff recommends the adoption of a

multiple lot rule which would permit the use of rail rates if the entire shipment is picked up within one calendar day. The staff proposed rule is as follows:

Staff Proposal

SHIPMENTS TRANSPORTED IN MULTIPLE LOTS  
(Applicable only in connection with (1) and (2))

(a) When a carrier does not pick up an entire shipment in a single unit of carrier's equipment at one time, the following provisions shall apply in addition to other applicable rules and regulations:

1. The entire shipment shall be available to the carrier for immediate transportation at the time of the first pickup.
2. The carrier shall not transport a multiple lot shipment unless prior to or at the time of the initial pickup, written information has been received from the consignor describing the kind and quantity (actual or estimated) of property which will constitute the multiple lot shipment. Preparation by the shipper of the required single multiple lot document for the entire shipment, referred to in paragraph 3 of this item, for execution by the shipper and carrier prior to or at the time of initial pickup, will constitute compliance with this paragraph.
3. At the time of or prior to the initial pickup, the carrier shall issue to the consignor a single multiple lot document for the entire shipment. It shall show the name of the consignor, point of origin, date of the initial pickup, name of the consignee, point of destination, and the kind and quantity (actual or estimated) of property. In addition, a shipping document shall be issued for each pickup (including the initial pickup) which shall give reference to the single multiple lot document governing the entire shipment, by its date and number (if assigned a number), the name of the consignor, and such other information as may be necessary to clearly identify the single multiple lot document.
4. The entire shipment shall be picked up by the carrier within a period of one calendar day.

(b) If any of the property described in the single multiple lot document is picked up without complying with the foregoing provisions, each such pickup shall be rated as a separate shipment under other provisions of this tariff. The property picked up in accordance with the provisions of paragraph (a) hereof shall constitute the multiple lot shipment.

- (1) Items Nos. 70, 85 and 90 of Minimum Rate Tariff No. 7.
- (2) Items 400, 420 and 421 of Minimum Rate Tariff 17.

The staff proposal is restricted to shipments moving under the alternative application of common carrier rate provisions of Minimum Rate Tariffs Nos. 7 and 17. If adopted, the rule would be an exception to the definition in said tariffs as to what constitutes a shipment, in that it would permit component lots of a single shipment to be picked up at more than one time in more than one unit of carrier's equipment.<sup>1/</sup>

It is the staff's view that its proposal clarifies the conditions under which multiple units of single shipments may be handled. In addition, adoption of the staff proposal would assertedly assist the Commission in the enforcement of its minimum rate orders and eliminate abuses which might otherwise prevail. The staff contends that, due to the relatively short distances dump truck shipments are transported, the recommended one day time limitation is an ample amount of time within which the entire multiple lot shipment is to be picked up by the carrier. Moreover, the staff is of the opinion that, under Rule 14, Section 1 of Uniform Freight Classification No. 8, and Section 3663 of the Public Utilities Code, not more than one calendar day's time may be authorized to complete the pickup of a multiple lot shipment.

While the shippers generally recognize the necessity for publishing a multiple lot rule in Minimum Rate Tariffs Nos. 7 and 17, they contend that the staff proposal is unduly restrictive, ambiguous and complex. A witness for the Northern California Producers and

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<sup>1/</sup> The term "shipment" is defined in Minimum Rate Tariffs Nos. 7 and 17, as follows:

"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."

Readymix Dealers Association testified as to the movements of sand and gravel from production areas, through the concrete batching plants, and subsequent delivery of ready-mix concrete to the job sites. He explained that the entire movement was a highly integrated operation, subject to strict production controls and timing to insure what is referred to in the trade as "continuous pours" at job site. The shipper witness explained that, while the entire shipment is available at one time in yard storage as a fungible bulk commodity, the total actual weight to be transported is not precisely known at the commencement of the initial pickup of a multiple lot shipment. The actual quantity of sand and gravel required to meet the demand for concrete at the job site may vary on the hour due to weather conditions, plant failures at either the production areas or batching plants, as well as breakdowns at the job sites. The entire integrated operation, including dispatching of trucks, is assertedly controlled by a single plant manager or dispatcher. For this reason, the dump truck shippers contend that the additional billing or paper work required under the staff proposal would be an undue hardship and expense to their operations and would disrupt the essential flow through process of sand and gravel from production areas, through the batching plants to job sites as part of a ready-mix shipment of concrete.

The shipper witness also explained the highly developed proprietary fleet operations maintained for handling a large portion of the traffic involved. The witness stated that, should the staff proposal be adopted in its present form, serious consideration would have to be given to a further expansion of the shippers' established proprietary operations.

As an alternative to the staff proposal, the Northern California Producers and Readymix Dealers Association submitted a multiple lot rule which it deems the dump truck shippers can live with. The alternative shipper proposal is set forth below:

Alternative Shipper Proposal

SHIPMENTS TRANSPORTED IN MULTIPLE LOTS

1. A shipment may be picked up at different times and transported in two or more lots, provided the following provisions are observed:
  - (a) The entire shipment shall be available for immediate transportation at the time of the first pickup.
  - (b) Except as provided in paragraph 2 of this item, at the time of or prior to the first pickup, the carrier shall issue to the shipper a single multiple lot document for the entire shipment. The single multiple lot document shall show the following information:
    - (1) Name of consignor and name of consignee.
    - (2) Point of origin and point of destination.
    - (3) Date of first pickup.
    - (4) The kind and quantity of property in the multiple lot shipment.
2. When written information as required in subparagraph 1(b) of this item has not been received by the carrier prior to or at the time of the first pickup, the following provisions shall apply:
  - (a) Written shipping instructions shall be furnished by the shipper to the carrier within a period of seven calendar days of the date on which the first lot is picked up. The written instructions shall confirm oral shipping instructions and shall describe the kind and quantity of property in the multiple lot shipment.
  - (b) Within a period of seven calendar days of the date on which it receives the written shipping instructions, the carrier shall issue to the shipper the single multiple lot document for the entire shipment as required by subparagraph 1(b) of this item.
  - (c) Preparation by the shipper of the required single multiple lot document referred to in subparagraph 2(b) will constitute compliance with subparagraph 2(a).
3. In addition to the single multiple lot document, a shipping document shall be issued to the shipper by the carrier for each pickup, including the first. Each such shipping document shall show the date and number of the single multiple

lot document and such other information necessary to clear identification of the single multiple lot document.

4. The entire shipment shall be picked up by the carrier within a period of seven calendar days, computed from 12:01 a.m. of the date on which the first lot is picked up.
5. The rate for a multiple shipment shall be the rate in effect on the date of the first pickup for the transportation of a shipment of like kind and quantity of property picked up or transported on a single vehicle or connected train of vehicles.
6. If any of the property described in the single multiple lot document is picked up without complying with the foregoing provisions, each such pickup shall be rated as a separate shipment. The property picked up in accordance with the provisions of paragraph 1 or paragraph 2 shall constitute the multiple lot shipment.

The shipper proposal is predicated upon the present multiple lot rule prescribed in Minimum Rate Tariff No. 14-A for the transportation of bulk grain. That rule provides a time limit of two days for the issuance of shipping documents and completion of pickup of the entire shipment by the carrier (except on shipment of whole grain, moving under rates other than alternatively applied common carrier rates, a time limit of five days is provided). Under the shipper proposal this time limitation would be increased to seven days in order to meet the asserted needs of dump truck shippers.

The California Trucking Association (CTA) is in general opposition to the multiple lot rules proposed by the staff and interested shippers. Counsel for CTA cites various Commission decisions in support of the premise that, under the provisions of the governing statutes and the alternative application of common carrier rate provisions of the various minimum rate tariffs, highway carriers can perform no greater service than that contemplated to be performed by the rail carrier under the particular rail rate involved.<sup>2/</sup>

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<sup>2/</sup> Karl A. Weber, 60 Cal. P.U.C. 59; Nunnemaker Transportation Co., 61 Cal. P.U.C. 785; and Ragus Trucking, Inc., Decision 71500, dated Nov. 1, 1966, in A. 48636.

We are in no disagreement with our prior decisions, as cited by the CTA in this proceeding, nor, for that matter, do we find ourselves at odds with CTA's basic premise as to the amount of service to be performed by highway carriers under alternatively applied rail rates. What is questioned is the trucking association's apparent effort to so restrict what actually constitutes "same transportation," as that term is defined in the minimum rate tariffs, so that, for all practical purposes, the alternative use of rail rates by dump truck operators would be precluded.

The tariff concept authorizing the highway transportation of single shipments in multiple lots was originally proposed by the Commission staff and adopted in Decision No. 46788, dated February 19, 1952, in Case No. 4808.<sup>3/</sup> That staff proposal did not provide for the use of estimated weights. However, it did prescribe a time limit of five days, exclusive of Saturdays, Sundays and legal holidays, for the removal of the property from the shipper's premises.<sup>4/</sup> By Decision No. 48310, dated February 24, 1953, in Case No. 4808, a proposal of the highway carriers for a 2-day time limit for picking up the entire multiple lot shipment, in lieu of the previously adopted 5-day time limit, was found to be reasonable. The various Commission minimum rate tariffs, which presently contain a multiple lot rule, provide a 2-day time limit (except for the movement of bulk grain, for which a 5-day time limit is prescribed in Minimum Rate Tariff No. 14-A) to complete the pickup of a multiple lot shipment.

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<sup>3/</sup> The multiple lot rule was first established in the Commission's Highway Carriers' Tariff No. 2 (Minimum Rate Tariff No. 2).

<sup>4/</sup> Decision No. 46788 was suspended by Decision No. 46844, dated March 11, 1952, in Case No. 4808.



From the above historical sketch, it is readily apparent that there exists an element of inconsistency as between past and present proposals insofar as they relate to the rail classification provisions currently set forth in Rule 14, Section 1 of Uniform Classification No. 8. Aside from the question as to what interpretation should be placed upon said classification rule in the instant proceeding, is the fact that the present staff proposal gives no consideration to the free time allowed for loading and unloading rail cars before assessment of demurrage charges by the rail lines. Generally, such free time includes 48 hours for loading and unloading, respectively, which, together with the staff proposed 1-day allowance under Rule 14, Section 1 of the rail classification, could amount to five days or more elapsed time for loading, shipping and unloading a rail carload shipment.

The multiple lot rule proposed by the shipper association, restricted to shipments transported under the alternative application of common carrier rate provisions of Minimum Rate Tariffs Nos. 7 and 17, will clarify the condition under which multiple units of single shipments may be handled. In addition, such rule will meet the immediate needs of dump truck shippers and carriers without disrupting their existing highly integrated operations; permit such operations to be conducted within the framework of the governing minimum rates and related statutory provisions; and hold down the potential escalation of established proprietary fleet operations. However, a time limit of five days, exclusive of Saturdays, Sundays and legal holidays, for the removal of the property to be transported from the shipper's premises is deemed to be sufficient and will be adopted by the order herein.

The Commission finds that:

1. The definition of the term shipment in Minimum Rate Tariffs Nos. 7 and 17 precludes the highway transportation of single shipments in multiple units of dump truck equipment.

2. The restriction in the tariffs prohibiting the movement of single shipments in multiple lots negates the use of volume rail rates, authorized under the alternative application of common carrier rate provisions also set forth in Minimum Rate Tariffs Nos. 7 and 17.

3. To the extent that the present definition of the term "shipment," in Minimum Rate Tariffs Nos. 7 and 17 precludes the alternative use of common carrier rail rates, as provided elsewhere in said tariffs, such minimum rate restriction is not compatible with the governing statutory mandates set forth in Section 3663 of the Public Utilities Code.

4. Adoption of a multiple lot rule will remove the present conflict between the tariff rules involved and restore the required compatibility between said minimum rate tariff rules and the related provisions of Section 3663 of the Public Utilities Code.

5. Failure to publish a multiple lot rule in Minimum Rate Tariffs Nos. 7 and 17 will escalate the diversion of the for-hire traffic involved to well established proprietary fleet operations.

6. The publication of a multiple lot rule as provided by the order herein will result in a just, reasonable and nondiscriminatory tariff rule to govern use of rail rates by highway carriers under the alternative provisions of Minimum Rate Tariffs Nos. 7 and 17.

The Commission concludes that Minimum Rate Tariffs Nos. 7 and 17 should be amended as provided by the order which follows:

O R D E R

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 June 1, 1968, the tariff 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 June 1, 1968, the tariff pages attached hereto and listed in Appendix A, 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.

The effective date of this order shall be twenty-five days after the date hereof.

Dated at San Francisco, California, this 16<sup>th</sup> day of APRIL, 1968.

  
John E. Nigro President  
Shelton L. Benson  
Augustin  
William Symons Jr.  
Jack P. Monahan Commissioners

APPENDIX A TO DECISION NO. 73999

List of Original and Revised Pages to Minimum Rate  
Tariff No. 7 and Minimum Rate Tariff 17 Authorized  
by Said Decision

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Seventh Revised Page 3-B

Third Revised Page 3-C

Original Page 4-C

Original Page 4-D

Minimum Rate Tariff 17:

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Twentieth Revised Page 1-2

Fourth Revised Page 1-3.1

Third Revised Page 1-6

Third Revised Page 1-7

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Original Page 1-13.2

(END OF APPENDIX A LIST)

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Cancels

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MINIMUM RATE TARIFF NO. 7

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| EFFECTIVE JUNE 1, 1968  |  |
| Issued by the Public Utilities Commission of the State of California,<br>San Francisco, California. |  |
| Correction No. 1267   |  |

| Item<br>No. | SECTION NO. 1 - RULES AND REGULATIONS   |
|-------------|---|
|             | <p data-bbox="563 453 1311 519">DEFINITION OF TECHNICAL TERMS (Continued)<br/>(Items Nos. 10, 11 and 12)</p> <p data-bbox="365 580 1394 802">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 data-bbox="365 830 1394 1141">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 data-bbox="256 1169 1344 1335">Ø11 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 data-bbox="365 1363 1420 1518">MAXIMUM ALLOWED LOAD means the maximum total gross weight with load in pounds permitted under the provisions of Section 35551 of the California Vehicle Code, based on a distance between the first and last axles of 56 feet or over.</p> <p data-bbox="370 1549 1387 1646">*MULTIPLE LOT SHIPMENT means a shipment transported in accordance with the provisions of Items Nos. 49 and 49.1.</p> <p data-bbox="370 1676 1306 1870">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 sub-hauler), to perform that service. (See Note.)</p> <p data-bbox="370 1898 1381 1995">NOTE.--The term Overlying Carrier also includes an underlying carrier which employs another carrier to perform transportation service.</p> <p data-bbox="370 2025 1364 2183">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.</p> |

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.

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 )  
\* Addition ) Decision No. 73999

EFFECTIVE JUNE 1, 1968

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

Correction No. 1268

| Item<br>No. | SECTION NO. 1--RULES AND REGULATIONS   |
|-------------|--|
|             | <p data-bbox="403 476 1153 546">DEFINITION OF TECHNICAL TERMS (Concluded)<br/>(Items Nos. 10,11 and 12)</p> <p data-bbox="312 574 1351 736">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 data-bbox="312 767 1285 862">SEWAGE DISPOSAL PLANT means a fixed installation in which filtering rock is used for getting rid of sewage.</p> <p data-bbox="203 893 1362 1089">ø12 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. *(See also exceptions in rule and definition for multiple lot shipment.)</p> <p data-bbox="317 1120 1346 1215">SHIPPER means the person, firm or corporation (other than a carrier) who arranges with the carrier for the transportation of the property.</p> <p data-bbox="312 1246 1346 1442">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 data-bbox="406 1473 822 1506">TON means 2,000 pounds.</p> <p data-bbox="312 1537 1384 1733">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 data-bbox="312 1764 1404 1859">UNIT OF EQUIPMENT means a truck, a tractor, a trailer, a semitrailer, or any combination of the foregoing operated in a train.</p> |
|             | <p data-bbox="403 2014 862 2081">ø Change        )<br/>* Addition    ) Decision No.</p> <p data-bbox="918 2055 1057 2107">73999</p>  |
|             | <p data-bbox="844 2168 1252 2202">EFFECTIVE JUNE 1, 1968</p>   |
|             | <p data-bbox="206 2235 1460 2326">Issued by the Public Utilities Commission of the State of California,<br/>San Francisco, California.<br/>Correction No. 1269</p>   |



Item  
No.

## SECTION NO. 1--RULES AND REGULATIONS (Continued)

## \*SHIPMENTS TRANSPORTED IN MULTIPLE LOTS

(Items Nos. 49 and 49.1)

(Applicable only in connection with Items Nos. 70,  
85 and 90 of this tariff.)

\*49

1. When a carrier does not pick up an entire shipment in a single unit of carrier's equipment at one time, the following provisions shall apply in addition to other applicable rules and regulations:
  - (a) The entire shipment shall be available at the time of the first pickup.
  - (b) Except as provided in paragraph 2 of this item, at the time of or prior to the first pickup, the carrier shall issue to the shipper a single multiple lot document for the entire shipment. The single multiple lot document shall show the following information:
    - (1) Name of consignor and name of consignee.
    - (2) Point of origin and point of destination.
    - (3) Date of first pickup.
    - (4) The kind and quantity of property in the multiple lot shipment.
2. When the information required to be shown on the multiple lot document by subparagraph 1(b) of this item has not been received by the carrier prior to or at the time of the first pickup, the following provisions shall apply:
  - (a) Written shipping instructions shall be furnished by the shipper to the carrier within a period of five calendar days (excluding Saturdays, Sundays and legal holidays) of the date on which the first lot is picked up. The written instructions shall confirm oral shipping instructions and shall describe the kind and quantity of property in the multiple lot shipment.
  - (b) Within a period of five calendar days (excluding Saturdays, Sundays and legal holidays) of the date on which it receives the written shipping instructions, the carrier shall issue to the shipper the single multiple lot document for the entire shipment as required by subparagraph 1(b) of this item.

- (c) Preparation by the shipper of the required single multiple lot document referred to in subparagraph 2(b) will constitute compliance with subparagraph 2(a).

(Continued in Item No. 49.1)

\*Addition, Decision No. 73999

EFFECTIVE JUNE 1, 1968

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.  
Correction No. 1270

| Item No. | SECTION NO. 1--RULES AND REGULATIONS (Continued)  |
|----------|---|
| *49.1    | <p data-bbox="349 453 1290 580">*SHIPMENTS TRANSPORTED IN MULTIPLE LOTS (Concluded)<br/>(Items Nos. 49 and 49.1)<br/>(Applicable only in connection with Items Nos. 70, 85 and 90 of this tariff.)</p> <p data-bbox="349 614 1377 835">3. In addition to the single multiple lot document, a shipping document shall be issued to the shipper by the carrier for each pickup, including the first. Each such shipping document shall show the date and number of the single multiple lot document and such other information necessary to clear identification of the single multiple lot document.</p> <p data-bbox="349 868 1340 1021">4. The entire shipment shall be picked up by the carrier within a period of five calendar days computed from 12:01 a.m. of the date on which the first lot is picked up, excluding Saturdays, Sundays and legal holidays.</p> <p data-bbox="349 1054 1377 1207">5. The rate for a multiple lot shipment shall be the rate in effect on the date of the first pickup for the transportation of a shipment of like kind and quantity of property picked up or transported on a single vehicle or connected train of vehicles.</p> <p data-bbox="349 1240 1419 1462">6. If any of the property described in the single multiple lot document is picked up without complying with the foregoing provisions, each such pickup shall be rated as a separate shipment. The property picked up in accordance with the provisions of paragraph 1 or paragraph 2 shall constitute the multiple lot shipment.</p> |
|          | <p data-bbox="357 1691 991 1753">* Addition, Decision No. 73999</p>   |
|          | <p data-bbox="769 1946 1201 1982">EFFECTIVE JUNE 1, 1968</p>  |
|          | <p data-bbox="193 2015 1478 2109">Issued by the Public Utilities Commission of the State of California,<br/>San Francisco, California.<br/>Correction No. 1271</p>  |

## SECTION 1--RULES AND REGULATIONS

## CORRECTION NUMBER CHECKING SHEET

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

## CORRECTION NUMBERS

|     |     |     |     |     |     |     |
|-----|-----|-----|-----|-----|-----|-----|
| 548 | 588 | 628 | 668 | 708 | 748 | 788 |
| 549 | 589 | 629 | 669 | 709 | 749 | 789 |
| 550 | 590 | 630 | 670 | 710 | 750 | 790 |
| 551 | 591 | 631 | 671 | 711 | 751 | 791 |
| 552 | 592 | 632 | 672 | 712 | 752 | 792 |
| 553 | 593 | 633 | 673 | 713 | 753 | 793 |
| 554 | 594 | 634 | 674 | 714 | 754 | 794 |
| 555 | 595 | 635 | 675 | 715 | 755 | 795 |
| 556 | 596 | 636 | 676 | 716 | 756 | 796 |
| 557 | 597 | 637 | 677 | 717 | 757 | 797 |
| 558 | 598 | 638 | 678 | 718 | 758 | 798 |
| 559 | 599 | 639 | 679 | 719 | 759 | 799 |
| 560 | 600 | 640 | 680 | 720 | 760 | 800 |
| 561 | 601 | 641 | 681 | 721 | 761 | 801 |
| 562 | 602 | 642 | 682 | 722 | 762 | 802 |
| 563 | 603 | 643 | 683 | 723 | 763 | 803 |
| 564 | 604 | 644 | 684 | 724 | 764 | 804 |
| 565 | 605 | 645 | 685 | 725 | 765 | 805 |
| 566 | 606 | 646 | 686 | 726 | 766 | 806 |
| 567 | 607 | 647 | 687 | 727 | 767 | 807 |
| 568 | 608 | 648 | 688 | 728 | 768 | 808 |
| 569 | 609 | 649 | 689 | 729 | 769 | 809 |
| 570 | 610 | 650 | 690 | 730 | 770 | 810 |
| 571 | 611 | 651 | 691 | 731 | 771 | 811 |
| 572 | 612 | 652 | 692 | 732 | 772 | 812 |
| 573 | 613 | 653 | 693 | 733 | 773 | 813 |
| 574 | 614 | 654 | 694 | 734 | 774 | 814 |
| 575 | 615 | 655 | 695 | 735 | 775 | 815 |
| 576 | 616 | 656 | 696 | 736 | 776 | 816 |
| 577 | 617 | 657 | 697 | 737 | 777 | 817 |
| 578 | 618 | 658 | 698 | 738 | 778 | 818 |
| 579 | 619 | 659 | 699 | 739 | 779 | 819 |
| 580 | 620 | 660 | 700 | 740 | 780 | 820 |
| 581 | 621 | 661 | 701 | 741 | 781 | 821 |
| 582 | 622 | 662 | 702 | 742 | 782 | 822 |
| 583 | 623 | 663 | 703 | 743 | 783 | 823 |
| 584 | 624 | 664 | 704 | 744 | 784 | 824 |
| 585 | 625 | 665 | 705 | 745 | 785 | 825 |
| 586 | 626 | 666 | 706 | 746 | 786 | 826 |
| 587 | 627 | 667 | 707 | 747 | 787 | 827 |

EFFECTIVE JUNE 1, 1968

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

CORRECTION 773

## SECTION 1--RULES AND REGULATIONS (CONTINUED)

## ØTARIFF PAGES CHECK SHEET

ORIGINAL AND REVISED PAGES AS NAMED BELOW AND SUPPLEMENTS 4 AND 5 CONTAIN ALL CHANGES FROM THE ORIGINAL TARIFF IN EFFECT ON THE DATES SHOWN THEREON. DECISION NUMBERS AND DATES ARE NOT SHOWN OPPOSITE PAGE REVISIONS BELOW WHICH WERE IN EFFECT PRIOR TO APRIL 20, 1968. THE DECISION NUMBERS AND DATES WILL BE SHOWN ON FURTHER REVISIONS OF SUCH PAGES.

| PAGE<br>NUMBER | REVISION<br>NUMBER | DECISION<br>NUMBER | DATE   | PAGE<br>NUMBER | REVISION<br>NUMBER | DECISION<br>NUMBER | DATE |
|----------------|--------------------|--------------------|--------|----------------|--------------------|--------------------|------|
| TITLE          | 2ND                |                    |        | 1-20           | ORIGINAL           |                    |      |
| 1              | ORIGINAL           |                    |        | 1-21           | 4TH                |                    |      |
| 1-1            | Ø3RD               |                    |        | 1-22           | 2ND                |                    |      |
| 1-2            | Ø20TH              |                    |        | 1-23           | 1ST                |                    |      |
| 1-2.1          | 2ND                | 73793              | 3-5-68 | 2              | 2ND                |                    |      |
| 1-2.2          | ORIGINAL           | 73793              | 3-5-68 | 2-1            | ORIGINAL           |                    |      |
| 1-2.3          | ORIGINAL           | 73793              | 3-5-68 | 2-2            | ORIGINAL           |                    |      |
| 1-2.4          | ORIGINAL           | 73793              | 3-5-68 | 2-3            | ORIGINAL           |                    |      |
| 1-3            | 4TH                |                    |        | 2-4            | ORIGINAL           |                    |      |
| 1-3.1          | Ø4TH               |                    |        | 2-5            | ORIGINAL           |                    |      |
| 1-4            | 3RD                |                    |        | 2-6            | ORIGINAL           |                    |      |
| 1-4.1          | 1ST                |                    |        | 2-7            | ORIGINAL           |                    |      |
| 1-5            | 2ND                |                    |        | 2-8            | ORIGINAL           |                    |      |
| 1-6            | Ø3RD               |                    |        | 2-9            | ORIGINAL           |                    |      |
| 1-7            | Ø3RD               |                    |        | 2-10           | ORIGINAL           |                    |      |
| 1-8            | 3RD                |                    |        | 2-11           | ORIGINAL           |                    |      |
| 1-8.1          | ORIGINAL           |                    |        | 3              | ORIGINAL           |                    |      |
| 1-9            | 2ND                |                    |        | 4              | 2ND                |                    |      |
| 1-10           | 1ST                |                    |        | 4-A            | 2ND                |                    |      |
| 1-11           | ORIGINAL           |                    |        | 4-A-1          | 2ND                |                    |      |
| 1-12           | ORIGINAL           |                    |        | 4-A-2          | 2ND                |                    |      |
| 1-13           | ORIGINAL           |                    |        | 4-B            | 2ND                |                    |      |
| 1-13.1         | *ORIGINAL          |                    |        | 4-B-1          | 2ND                |                    |      |
| 1-13.2         | *ORIGINAL          |                    |        | 4-B-2          | 2ND                |                    |      |
| 1-14           | 3RD                |                    |        | 4-CC           | 2ND                |                    |      |
| 1-14.1         | ORIGINAL           |                    |        | 4-CC-1         | 2ND                |                    |      |
| 1-15           | 3RD                |                    |        | 4-E            | 2ND                |                    |      |
| 1-15.1         | ORIGINAL           |                    |        | 4-E-1          | 2ND                |                    |      |
| 1-16           | 4TH                |                    |        | 4-E-2          | 2ND                |                    |      |
| 1-17           | ORIGINAL           |                    |        | 4-F            | 2ND                |                    |      |
| 1-18           | ORIGINAL           |                    |        | 4-F-1          | 2ND                |                    |      |
| 1-19           | ORIGINAL           |                    |        | 4-F-2          | 2ND                |                    |      |

Ø CHANGE  
 \* ADDITION

EFFECTIVE JUNE 1, 1968

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,  
 SAN FRANCISCO, CALIFORNIA.  
 CORRECTION 774

| SECTION 1--RULES AND REGULATIONS (CONTINUED)  | ITEM NUMBER<br>EXCEPT<br>AS SHOWN |
|---|-----------------------------------|
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| Application of Tariff-Commodities (Rock,<br>Sand and Gravel) -----  | 60                                |
| Application of Tariff-Commodities (Asphaltic<br>Concrete, Cold Road Oil Mixture) -----                            | 65                                |
| Application of Tariff-Commodities (Decomposed<br>Granite) -----   | 70                                |
| Application of Tariff-Commodities (Slag)-----   | 75                                |
| Application of Tariff-General -----   | 80                                |
| Application of Tariff-Rates -----   | 100                               |
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| Application of Tariff-Territories -----   | 140                               |
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| Collection of Charges -----   | 200                               |
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| Computation of Charges for Shipments to<br>Destinations Outside of a System of Delivery<br>Zones -----            | 270                               |
| Computation of Distances -----  | 280                               |
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| Definition of System of Delivery Zones -----  | 300                               |
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| Delay Time -----  | 310                               |
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| Rates for Dry Mixtures of Rock, Sand and Gravel<br>(with or without Cement), in Batches -----                     | 320                               |
| References to Items and Other Tariffs -----   | 180                               |
| *Shipments Transported in Multiple Lots-----  | 230, 231                          |
| Units of Measurement to be Observed -----   | 380                               |
| Unloading and Spreading Service -----   | 500                               |
| ø CHANGE  |                                   |
| * ADDITION  |                                   |
| EFFECTIVE JUNE 1, 1968  |                                   |
| ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,<br>SAN FRANCISCO, CALIFORNIA.               |                                   |
| CORRECTION 775  |                                   |

| SECTION 1—RULES AND REGULATIONS (CONTINUED)  | ITEM                                  |
|--|---------------------------------------|
| <p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Continued)<br/>(Items 20, 21 and 22)</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>DECOMPOSED GRANITE is disintegrated granite which crumbles readily when removed from its normal geographic location.</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>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>*MULTIPLE LOT SHIPMENT means a shipment transported in accordance with the provisions of Items 230 and 231.</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>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.</p> <p>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.</p> <p style="text-align: center;">(Continued in Item 22)</p> | <p style="text-align: center;">21</p> |
| <p>o CHANGE<br/>* ADDITION</p>   |                                       |
| EFFECTIVE JUNE 1, 1968   |                                       |
| ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,<br>SAN FRANCISCO, CALIFORNIA.  |                                       |
| CORRECTION 776   |                                       |

| SECTION 1 - RULES AND REGULATIONS (CONTINUED)  | ITEM                                       |
|--|--|
| <p data-bbox="487 369 1115 445">DEFINITION OF TECHNICAL TERMS (Concluded)<br/>(Items 20, 21 and 22)</p> <p data-bbox="198 471 1329 611">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> <p data-bbox="198 637 1272 738">RATE includes charge, and also the ratings, minimum weight, rules and regulations governing, and the accessorial charges applying in connection therewith.</p> <p data-bbox="198 764 1305 891">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 data-bbox="198 917 1305 1082">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. *(See also exceptions in rule and definition for multiple lot shipment.)</p> <p data-bbox="198 1108 1321 1184">SHIPPER means the person, firm or corporation (other than a carrier) who arranges with the carrier for the transportation of the property.</p> <p data-bbox="198 1210 1280 1363">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 data-bbox="280 1388 636 1439">TON means 2,000 pounds.</p> <p data-bbox="198 1592 1313 1758">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 data-bbox="198 1783 1230 1847">UNIT OF EQUIPMENT means a truck, a tractor, a trailer, a semi-trailer, or any combination of the foregoing operated in a train.</p> | <p data-bbox="1379 1108 1428 1146">§22</p> |
| <p data-bbox="330 1898 487 1974">/ CHANGE<br/>* ADDITION</p>   |  |
| EFFECTIVE JUNE 1, 1968   |  |
| <p data-bbox="305 2076 1362 2153">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,<br/>SAN FRANCISCO, CALIFORNIA.</p> <p data-bbox="214 2140 454 2178">CORRECTION 777</p>   |  |



| SECTION 1--RULES AND REGULATIONS (CONTINUED)   | ITEM |
|--|------|
| <p style="text-align: center;">*SHIPMENTS TRANSPORTED IN MULTIPLE LOTS<br/>(Items 230 and 231)<br/>(Applicable only in connection with Items 400, 420<br/>and 421 of this tariff)</p> <p>1. When a carrier does not pick up an entire shipment in a single unit of carrier's equipment at one time, the following provisions shall apply in addition to other applicable rules and regulations:</p> <p>(a) The entire shipment shall be available for immediate transportation at the time of the first pickup.</p> <p>(b) Except as otherwise provided in paragraph 2, at the time of or prior to the first pickup, the carrier shall issue to the shipper a single multiple lot document for the entire shipment. The single multiple lot document shall show the following information:</p> <p>(1) Name of consignor and name of consignee.<br/>(2) Point of origin and point of destination.<br/>(3) Date of first pickup.<br/>(4) The kind and quantity of property in the multiple lot shipment.</p> <p>2. When the information required to be shown on the multiple lot document by subparagraph 1(b) of this item has not been received by the carrier prior to or at the time of the first pickup, the following provisions shall apply:</p> <p>(a) Written shipping instructions shall be furnished by the shipper to the carrier within a period of five calendar days (excluding Saturdays, Sundays and legal holidays) of the date on which the first lot is picked up. The written instructions shall confirm oral shipping instructions and shall describe the kind and quantity of property in the multiple lot shipment.</p> <p style="text-align: center;">(Continued in Item 231)</p> | *230 |
| *ADDITION  |      |
| EFFECTIVE JUNE 1, 1968   |      |
| ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,<br>SAN FRANCISCO, CALIFORNIA.<br>CORRECTION 778  |      |

| SECTION 1--RULES AND REGULATIONS (CONTINUED)  | ITEM        |
|---|-------------|
| <p>*SHIPMENTS TRANSPORTED IN MULTIPLE LOTS (CONCLUDED)<br/>(Items 230 and 231)</p> <p>(Applicable only in connection with Items 400, 420 and 421 of this tariff.)</p> <p>(b) Within a period of five calendar days (excluding Saturdays, Sundays and legal holidays) of the date on which it receives the written shipping instructions, the carrier shall issue to the shipper the single multiple lot document for the entire shipment as required by subparagraph 1(b).</p> <p>(c) Preparation by the shipper of the required single multiple lot document referred to in subparagraph 2(b) will constitute compliance with subparagraph 2(a).</p> <p>3. In addition to the single multiple lot document, a shipping document shall be issued to the shipper by the carrier for each pickup, including the first. Each such shipping document shall show the date and number of the single multiple lot document and such other information necessary to clear identification of the single multiple lot document.</p> <p>4. The entire shipment shall be picked up by the carrier within a period of five calendar days computed from 12:01 a.m. of the date on which the first lot is picked up, excluding Saturdays, Sundays and legal holidays.</p> <p>5. The rate for a multiple lot shipment shall be the rate in effect on the date of the first pickup for the transportation of a shipment of like kind and quantity of property picked up or transported on a single vehicle or connected train of vehicles.</p> <p>6. If any of the property described in the single multiple lot document is picked up without complying with the foregoing provisions, each such pickup shall be rated as a separate shipment. The property picked up in accordance with the provisions of paragraph 1 or paragraph 2 shall constitute the multiple lot shipment.</p> | <p>*231</p> |
| *ADDITION   |             |
| EFFECTIVE JUNE 1, 1968  |             |
| ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,<br>SAN FRANCISCO, CALIFORNIA.   |             |
| CORRECTION 779  |             |