

ORIGINAL

Decision No. 74143

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 property )  
in Los Angeles and Orange Counties )  
(transportation for which rates )  
are provided in Minimum Rate )  
Tariff No. 5). )

Case No. 5435  
(Petition for Modification  
No. 102)  
(Filed April 24, 1968)

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 74142, entered today in Case No.

5432, et al., the Commission found that various minimum rate tariffs should be amended to reflect the adoption of National Motor Freight Classification A-10 and its California Supplement A-10 (CAL) in lieu of National Motor Freight Classification A-9 and its California Supplement A-9 (CAL). The decision also provided that Minimum Rate Tariff No. 5 should be amended by separate order to avoid duplication of tariff distribution and that other authorized changes in said tariff, not directly related to the instant proceeding, should be included in such tariff distribution.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 5 (Appendix "A" of Decision No. 32504, as amended) is hereby further amended by incorporating therein to become effective July 1, 1968, Twenty-second Revised Page 7, Fifth Revised Page 14 and Tenth Revised Page 21, attached hereto and by this reference made a part hereof.

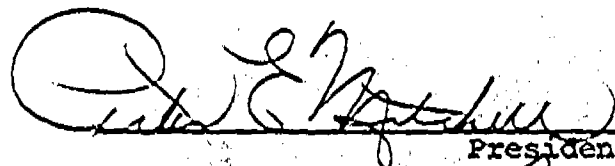
2. Tariff publications required to be made by common carriers as a result of the order herein may be made effective not earlier than July 1, 1968, on not less than five days' notice to the Commission and to the public and such tariff publications shall be made effective not later than August 30, 1968; and tariff publications which are authorized but not required to be made by common carriers as a result of the order herein may be made effective not earlier than July 1, 1968, and may be made effective on not less than five 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 ratings and 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 ratings and rules published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

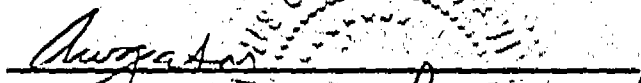
4. In all other respects Decision No. 32504, as amended, shall remain in full force and effect.


The effective date of this order shall be thirty days after the date hereof.

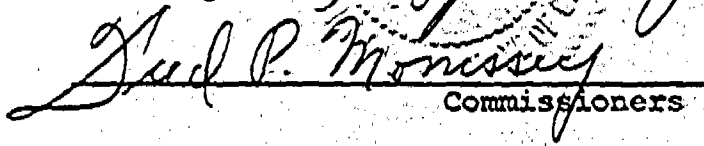
Dated at San Francisco, California, this 21<sup>st</sup> day of May, 1968.

  
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President

  
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Commissioners

Item No.	SECTION NO. 1—RULES AND REGULATION OF GENERAL APPLICATION
	<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Items Nos. 10 and 11)</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 carrier, as defined in the City Carriers' Act, or a radial highway common carrier, a highway contract carrier or a cement 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; 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>§10 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>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> <p>*(E)EXCEPTION RATINGS TARIFF means Exception Ratings Tariff No. 1 issued by the Commission.</p> <p>§GOVERNING CLASSIFICATION means National Motor Freight Classification A-10(CAL) as governed by National Motor Freight Classification A-10.</p> <p>HOLIDAYS mean New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, December 24 and Christmas Day. When such holidays fall on Sunday, the following Monday shall be considered as a holiday.</p> <p>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 the result of the work only and not as to the means by which such result is accomplished.</p> <p>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).</p> <p>PERMIT SHIPMENT means a shipment which because of its width, length, height, weight or size requires a 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.</p>

POINT OF DESTINATION means the precise location at which property is tendered for physical delivery into the custody of the consignee or his agent. All points within a single industrial plant or receiving area of one consignee shall be considered as one point of destination. An industrial plant or receiving area of one consignee 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 property is physically delivered by the consignor or his agent into the custody of the carrier for transportation. All points within a single industrial plant or shipping area of one consignor shall be considered as one point of origin. An industrial plant or shipping area of one consignor shall include only contiguous property which shall not be deemed separate if intersected only by public street or thoroughfare.

POWER EQUIPMENT means any gasoline, diesel, electric or gas driven equipment including electric powered cranes and lift truck equipment.

(Continued in Item No. 11)

(E) Reference to Exception Ratings Tariff expires with September 1, 1968.

∅ Change )  
\* Addition ) Decisions Nos. and

74143

EFFECTIVE JULY 1, 1968

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

Correction No. 547

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
650	<p style="text-align: center;">APPLICATION OF GOVERNING PUBLICATIONS</p> <p>(a) This tariff is governed to the extent shown herein by:            (1) The Governing Classification.            *(E)(2) Section No. 2-A only of the Exception Ratings Tariff.</p> <p>Δ(b) Where the ratings, rules and regulations or other provisions or conditions provided in the governing publications described in paragraph (a) are in conflict with those provided in this tariff, the provisions of this tariff will apply.</p>
60	<p style="text-align: center;">SHIPMENTS TO BE RATED SEPARATELY</p> <p>Each shipment shall be rated separately. Shipments shall not be consolidated or combined by the carrier. (Component parts of split delivery shipments, as defined in Item No. 11, may be combined under the provisions of Item No. 130.)</p>
70	<p style="text-align: center;">GROSS WEIGHT</p> <p>Charges shall be assessed on the gross weight of the shipment. No allowance shall be made for the weight of containers (See Exception).</p> <p>EXCEPTION.-When palletized shipments subject to minimum weights of 20,000 pounds or more are loaded or unloaded by power-loading device, the weight of the pallets (elevating-truck pallets or platforms or lift-truck skids) shall not be used in determining the weight of the shipments nor the charges thereon. This exception applies only in connection with rates contained in this tariff and is not applicable to shipments of empty pallets. When rail rates are used under the provisions of Item No. 140 of this tariff, the weight of the pallets shall be included or excluded in accordance with the provisions of the governing rail tariff.</p>
80	<p style="text-align: center;">RATES BASED ON VARYING MINIMUM WEIGHTS</p> <p>When the charges accruing on a shipment based upon actual weight exceed the charges computed upon a rate based upon a greater minimum weight, the latter shall apply. For the purpose of applying this item to a mixed shipment, deficiency between actual weight of the shipment and the greater minimum weight shall be computed at the rate applicable to the lowest rated commodity in the shipment.</p>
85	<p style="text-align: center;">UNITS OF MEASUREMENT TO BE OBSERVED</p> <p>Rates or accessorial charges shall not be quoted or assessed by carriers based upon a unit of measurement different from that in which the minimum rates and charges in this tariff are stated.</p>
<p>(E) Reference to Exception Ratings Tariff expires with September 1, 1968.</p> <p>           ∅ Change )            * Addition )            Δ Change, neither increase )              nor reduction )         </p> <p style="text-align: right;">Decision No.    <b>74143</b></p>	
<p>EFFECTIVE JULY 1, 1968</p>	
<p style="text-align: center;">Issued by the Public Utilities Commission of the State of California,            San Francisco, California.</p> <p>Correction No. 548</p>	

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)		
	EXCEPTIONS TO GOVERNING CLASSIFICATION		
Δ190	<p style="text-align: center;">RULES</p> <p>ΔRates in this tariff are subject to the provisions of the following items (rules) only of the Governing Classification:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p style="text-align: center;">**</p> <p style="text-align: center;">2</p> <p>110 (Sections 4(b), 7, 9, 11, 12, 13, 14, 15 and 16 only)</p> <p>310</p> <p>360 (Sections 2(c), 2(d) and 3 only)</p> <p>420</p> </td> <td style="width: 50%; vertical-align: top; text-align: right;"> <p>421</p> <p>422</p> <p>424</p> <p>565</p> <p>595**</p> <p>640</p> <p>845</p> <p>997 (Table A)</p> </td> </tr> </table>	<p style="text-align: center;">**</p> <p style="text-align: center;">2</p> <p>110 (Sections 4(b), 7, 9, 11, 12, 13, 14, 15 and 16 only)</p> <p>310</p> <p>360 (Sections 2(c), 2(d) and 3 only)</p> <p>420</p>	<p>421</p> <p>422</p> <p>424</p> <p>565</p> <p>595**</p> <p>640</p> <p>845</p> <p>997 (Table A)</p>
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Δ200	<p style="text-align: center;">RATINGS</p> <p>Except as otherwise provided in this Section, class rates contained in Section No. 3 are subject to any quantity or less-truckload ratings as shown in:</p> <p>(a) The Governing Classification.</p> <p>*(E)(b) Section No. 2-A of the Exception Ratings Tariff.</p>		
202	<p style="text-align: center;">ACCESSORIAL CHARGES NOT TO BE OFFSET BY TRANSPORTATION CHARGES.</p> <p>Accessorial charges set forth in this tariff for accessorial services not included in the rate for actual transportation shall be assessed and collected whenever such services are performed, regardless of the level of the transportation rate assessed. Such accessorial charges may not be waived on the basis that a higher-than-minimum transportation rate serves as an offset.</p>		
204	<p style="text-align: center;">APPLICATION OF CLASS RATES THAT ARE PERCENTAGES, MULTIPLES OR PROPORTIONS OF SPECIFIC CLASS RATINGS</p> <p>Class ratings which are based on percentages, multiples or proportions of first class or other specified class ratings are not restricted in their application solely to the minimum class rates in the any-quantity weight brackets but will apply in connection with the minimum weight brackets set forth in this tariff applicable to the shipment transported. (See Note)</p> <p>NOTE.--Will not apply to ratings which are subject to Item No. 290.</p>		

PACKING REQUIREMENTS

Except on articles described in the Governing Classification under the heading "Furniture Group" articles will not be subject to the packing requirements of the Governing Classification, but may be accepted for transportation in any container or any shipping form, providing such container or form of shipment will render the transportation of the freight reasonably safe and practicable.

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Except on articles described in the Governing Classification under the heading "Furniture Group" if two or more ratings are provided for an article in the form in which it is shipped (e.g., set up or knocked down, nested or not nested, compressed or not compressed, folded flat or not folded flat), subject to different packing requirements, the lowest of such ratings will apply.

(E) Reference to Exception Ratings Tariff expires with September 1, 1968.

∅ Change	) Decisions Nos. and
* Addition	
Δ Change, neither increase nor reduction	
** Reference to Rule 1 and Section 2 of Rule 595 eliminated	

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Correction No. 549