

ORIGINAL

Decision No. 74749

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. 513)
(Filed August 26, 1968)

And Related Matters)

Cases Nos. 5330, 5433, 5435,
5436, 5437 (MRT 7), 5438,
5439, 5440, 5441, 5603, 5604,
7783, 7857, 7858 and 8808.
(Petitions for Modification
Nos. 38, 27, 109, 88, 168,
67, 78, 59, 148, 58, 18, 15,
19, 43 and 1, respectively)
(Filed August 26, 1968)

And

) Cases Nos. 6008 and 5437
) (MRT 17)

OPINION AND ORDER

By the above petitions, California Trucking Association seeks revision of various minimum rate tariffs to reflect repeal by the Legislature of the City Carriers' Act and amendment of certain other provisions of the Public Utilities Code.¹

According to petitioner, the proposed tariff revisions were circulated prior to legislative action and are part of the legislative history of this matter and serve to implement the purposes contemplated by the statutory changes. Petitioner requests

¹ Senate Bill No. 1147.

that all common carriers be directed and authorized to establish in their respective tariffs all such modifications as may be prescribed by the Commission's order in these proceedings, including relief from the long- and short-haul provisions of Section 460 of the Public Utilities Code, and for such other and further orders as may be deemed reasonable and proper. For other intracity operations, highway common carriers will be required to file their respective rates and rules.

The petitions were listed on the Commission's Daily Calendar of August 27, 1968. No objection to the granting of the petitions has been received. In the circumstances, it appears and the Commission finds that:

1. Minimum Rate Tariffs Nos. 1-B, 2, 3-A, 4-B, 5, 6-A, 7, 8, 9-B, 10, 11-A, 12, 13, 14-A, 15, 17, 18, City Carriers' Tariff No. 1-A and Exception Ratings Tariff No. 1 should be amended by deleting therefrom reference to city carriers and the City Carriers' Act and that City Carriers' Tariff No. 1-A be renamed Minimum Rate Tariff 19 and made applicable to radial highway common and highway contract carriers.

2. Common carriers, as defined in the Public Utilities Act, should be required to file tariffs covering their intracity transportation.

3. Common carriers, as defined in the Public Utilities Act, authorized to perform intracity transportation for which minimum rates have been established, should be required to publish in their respective tariffs rates no lower than the established minimum for such transportation.

A public hearing is not necessary. Minimum Rate Tariff No. 2 will be amended accordingly by the order herein. In order to

avoid duplication of tariff distribution, the other minimum rate tariffs involved will be amended by separate orders.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 2 (Appendix "D" to Decision No. 31606, as amended) is hereby further amended by incorporating therein to become effective November 13, 1968, the revised pages attached hereto and listed in Appendix A, also attached hereto, which pages and appendix are made a part hereof.

2. Common carriers, as defined in the Public Utilities Act, to the extent that they are subject to Decision No. 31606, as amended, authorized to perform intracity transportation shall file tariffs containing their respective rates and rules therefor.

3. Common carriers, as defined in the Public Utilities Act, authorized to perform intracity transportation for which minimum rates have been established shall publish in their respective tariffs rates no lower in volume than the established minimum for such transportation.

4. Tariff publications required to be made by common carriers as a result of the order herein shall be filed not earlier than the effective date of this order and shall be made effective November 13, 1968, on not less than five days' notice to the Commission and to the public. The tariff filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 80-A.

5. Common carriers, in establishing and maintaining the amendments 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 amendments published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

6. In all other respects, Decision No. 31606, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 10th day of October, 1968.

William Lyons
President

Ed. Mitchell

William W. Bennett

Augusta

Paul P. Morrissey
Commissioners

APPENDIX A TO DECISION NO. 74749

List of Revised Pages to Minimum Rate Tariff No. 2

Authorized by Said Decision

Fourth Revised Page 13-A

First Revised Page 21-AA

Second Revised Page 21-E

Thirteenth Revised Page 24

Eighth Revised Page 25

(END OF APPENDIX A LIST)

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
	<p data-bbox="602 367 1141 463">APPLICATION OF TARIFF - TERRITORIAL (Concluded) (Items Nos. 30 and 31)</p> <p data-bbox="348 497 1400 627">(i) Shipments having both point of origin and point of destination within the metropolitan Modesto area embraced by the following boundaries (includes both sides of streets, boulevards, roads, avenues or highways named):</p> <p data-bbox="422 658 1430 692">All of the City of Modesto, also the territory bounded as follows:</p> <p data-bbox="422 723 1298 945">Beginning at the point where the southerly city limits diverge from the Tuolumne River at Beard Brook; thence southerly and easterly along the Tuolumne River to its intersection with Riverside Drive; thence northerly along Riverside Drive to Yosemite Boulevard; thence westerly along Yosemite Boulevard to the city limits at El Vista Avenue.</p> <p data-bbox="348 976 1392 1072">(j) Shipments having both point of origin and point of destination within the metropolitan Crescent City area embraced by the following boundaries:</p> <p data-bbox="353 1104 1392 1174">All of the City of Crescent City, also territory located within three miles of the city limits.</p> <p data-bbox="353 1205 1392 1273">(k) Shipments having both point of origin and point of destination within the Watsonville area embraced by the following boundaries:</p> <p data-bbox="353 1304 1364 1374">All of the City of Watsonville, also the territory bounded as follows:</p> <p data-bbox="427 1406 1352 1601">All points and places within two miles of Wall and Main Streets, Watsonville, and all points on or within one-fourth mile of Freedom Boulevard between the corporate city limits of Watsonville and a point commonly known as 5 Mile House, approximately three miles northwest of the corporate city limits of Watsonville.</p> <p data-bbox="353 1632 1384 1762">(l) Shipments having both point of origin and point of destination within the metropolitan Stockton area embraced by the following boundaries (includes both sides of streets, boulevards, roads, avenues or highways named):</p> <p data-bbox="353 1794 1323 1864">All of the City of Stockton, also the territory bounded as follows:</p>

631

Beginning at the junction of the San Joaquin and the Calaveras Rivers, easterly along the Calaveras River to the city limits, northerly on an imaginary line to March Lane, westerly, northerly and easterly along the west boundary of the city limits to Don Road, northerly on Don Road to Lucille Avenue, easterly on Lucille Avenue to Thornton Road, southeasterly along Thornton Road to Paloma Avenue, easterly along Paloma Avenue to the city limits, northerly, easterly and southerly along the city limits to Hammer Lane, easterly along Hammer Lane to U. S. Highway 99, southerly along U. S. Highway 99 to the Central California Traction Company's right-of-way, easterly to Hubbard Avenue, southerly along Hubbard Avenue and an imaginary line including the Wilcox Road to the Diverting Canal, southeasterly along the Diverting Canal to the Southern Pacific Company's right-of-way, easterly along the Southern Pacific Company's right-of-way, to a point opposite to the Budd Road, southerly to East Main Street, westerly along East Main Street to Walker Lane, southerly on Walker Lane and an imaginary line to the Carpenter Road, westerly along the Carpenter Road to Sharps Lane, southerly on Sharps Lane to the Sperry Road, including Stockton Field Airport, westerly on Sperry Road and continuing westerly along an imaginary line to U. S. Highway 50 and the French Camp Slough, northerly along the French Camp Slough to the San Joaquin River, northerly along the San Joaquin River to the junction of the Calaveras River, and including the U. S. Naval Supply Annex on Rough and Ready Island.

*(m) Shipments transported wholly within the exterior boundaries of an incorporated city.

NOTE 1.-The exceptions provided in Items 30 and 31 do not apply in connection with the transportation of split pickup or split delivery shipments having one or more points of origin or destination outside of the cities or areas designated in these items.

~~Change~~ } Decision No. 74749
*Addition }

EFFECTIVE NOVEMBER 13, 1968

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

Correction No. 2036

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
175	<p style="text-align: center;">STRINGING SERVICES (Concluded) (Items Nos. 174 and 175)</p> <p>NOTE 4.--Carrier may not furnish the dunnage to protect the shipment on the ground, place the shipment in trenches or connect or erect the commodity.</p> <p>When carrier provides carrier-owned equipment for unloading, a reasonable charge shall be assessed but not less than the total operating cost of the unloading equipment. When carrier supplies leased or rented equipment for unloading, a charge shall be assessed not less than the cost to the carrier of providing and operating such equipment.</p> <p>NOTE 5.--The number of helper hours of service for each day shall be computed from the time helper commences to assist in the stringing operation, or leaves carrier's terminal or place of employment to assist in the stringing operation, whichever is sooner, and shall end at the time the helper finishes assisting in the stringing operation or arrives at the carrier's terminal or place of employment, whichever is later.</p> <p>NOTE 6.--Stringing charges may be quoted and assessed based upon a unit of measurement different from that set forth in this item provided:</p> <p>(a) That the carrier assess rates and charges no lower in effect than those provided in this item and that each copy of the freight bill shall have attached thereto a statement of the charges which would have been assessed if the minimum rates had been applied, and full information necessary for accurate determination of the charges under the minimum rates.</p> <p>(b) That the carrier prepare, in addition to any other documents required by the tariff, an Accessorial Service Document as set forth in Item No. 255, Paragraph 3, for each shipment for which stringing service is performed.</p>
176	<p style="text-align: center;">POOL SHIPMENTS (Items Nos. 176, 177 and 179)</p> <p>Pool shipments unloaded and/or segregated within the Central Coastal Territory, as described in Item No. 270, shall be subject to rates and charges named in Items Nos. 177 and 179 (see Exceptions 1, 2 and 3).</p> <p>EXCEPTION 1.--Does not apply to pool shipments unloaded and/or segregated at San Francisco when component parts are for delivery at San Francisco (see Minimum Rate Tariff 19 for rates and charges).</p>

EXCEPTION 2.--Does not apply to pool shipments unloaded and/or segregated at Alameda, Albany, Berkeley, Emeryville, Oakland or Piedmont when component parts are for delivery at Alameda, Albany, Berkeley, Emeryville, Oakland or Piedmont (see Minimum Rate Tariff No. 1-B for rates and charges).

EXCEPTION 3.--Charges apply only to the component part or parts that the carrier unloads and/or segregates within the territory named in this item.

(Continued in Item No. 177)

ó Change, Decision No. 74749

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Correction No. 2037

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
	<p data-bbox="446 403 1263 481" style="text-align: center;">COLLECTION ON DELIVERY (C.O.D.) SHIPMENTS (Continued) (Items Nos. 180, 181 and 182)</p> <p data-bbox="294 507 1445 703">88. The bond prescribed herein shall not be required of carriers while engaged as independent-contractor subhaulers; or ** carriers operating within lawfully established pickup and delivery limits as agents of a common carrier in the performance for such common carrier of transfer, pickup or delivery services provided for in the lawfully published tariffs of such common carrier.</p> <p data-bbox="371 729 1131 768">9. Every carrier handling C.O.D. shipments shall:</p> <ul style="list-style-type: none"><li data-bbox="429 794 1387 1002">(a) Establish and maintain a separate bank account or accounts wherein all moneys (other than checks or drafts payable to consignor or payee designated by consignor) collected on C.O.D. shipments will be held in trust until remitted to payee, except C.O.D. moneys which are remitted within five days after delivery.<li data-bbox="429 1028 1354 1158">(b) Establish and maintain a record or records of all C.O.D. shipments in such manner and form as will plainly and readily show the following information with respect to each shipment:<ul style="list-style-type: none"><li data-bbox="495 1184 1049 1223">(1) Number and date of freight bill.<li data-bbox="495 1223 1247 1288">(2) Name and address of consignor or other person designated as payee.<li data-bbox="495 1288 1015 1328">(3) Name and address of consignee.<li data-bbox="495 1328 925 1367">(4) Date shipment delivered.<li data-bbox="495 1367 1073 1406">(5) Amount of C.O.D. moneys collected.<li data-bbox="495 1406 982 1445">(6) Date C.O.D. moneys remitted.<li data-bbox="495 1445 1263 1497">(7) Check number or other identification or remittance to payee.<li data-bbox="429 1523 1395 1809">(c) Collect the full amount of the C.O.D. moneys at the time C.O.D. shipments are delivered to the consignee and remit all such collections to consignor, or to other persons designated by the consignor on such shipments, promptly and in no event later than 10 days after delivery to the consignee, unless consignor instructs otherwise in writing. All remittances for C.O.D. shipments shall refer to or otherwise identify the C.O.D. shipment or shipments covered by the remittance.<li data-bbox="429 1835 1371 1966">(d) Not accept checks or drafts (other than certified checks, cashier's checks, or money orders) in payment of C.O.D. charges unless authority has been received from the consignor.<li data-bbox="429 1992 1404 2226">(e) Notify the consignor immediately if a C.O.D. shipment is refused or cannot be delivered on the carrier's initial attempt. Upon instructions from the consignor the carrier may attempt subsequent deliveries, the charge for each such delivery, or attempted delivery, being determined by the applicable freight charges from carrier's terminal to the point of destination, but in no event less

181

than the rate provided for mileages of less than three miles. The carrier may also return the shipment to the consignor upon his request, subject to a charge equal to the applicable freight charges on the original outbound movement.

(f) Not make a C.O.D. shipment part of a split delivery shipment.

(Continued in Item No. 182)

∅ Change
** Reference to "city" eliminated } Decision No. 74749

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Correction No. 2038

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
	<p style="text-align: center;">ALTERNATIVE APPLICATION OF COMBINATIONS WITH COMMON CARRIER RATES</p> <p>When lower aggregate charges result, rates provided in this tariff may be used in combination with common carrier rates, except rates of coastwise common carriers by vessel, for the same transportation as follows:</p> <p>(a) When point of origin is located beyond railhead or an established depot and point of destination is located at railhead or an established depot, add to the common carrier rate applying from any team track or established depot to point of destination the rate provided in this tariff for the distance from point of origin to the team track or depot from which the common carrier rate applies. (See Notes 1, 2, 3 and 4.)</p> <p>(b) When point of origin is located at railhead or an established depot and point of destination is located beyond railhead or an established depot, add to the common carrier rate applying from point of origin to any team track or established depot the rate provided in this tariff for the distance from the team track or depot to which the common carrier rate used applies to point of destination. (See Notes 1, 2, 3 and 4.)</p> <p>(c) When both point of origin and point of destination are located beyond railhead or an established depot, add to the common carrier rate applying between any railheads or established depots the rate provided in this tariff for the distance from point of origin to the team track or depot from which the common carrier rate used applies, plus the rate provided in this tariff for the distance from the team track or depot to which the common carrier rate used applies to point of destination. (See Notes 1, 2, 3 and 4.)</p> <p>§ NOTE 1.-If the route from point of origin to the team track or the established depot, or from the team track or established depot to point of destination, is within the corporate limits of a single incorporated city, the rates provided in this tariff for transportation for distances of 3 miles or less, or the minimum rates established by the Commission for transportation within that city **, whichever are the lower, shall apply from point of origin to team track or established depot or from team track or established depot to point of destination as the case may be; except that if the route from team track or established depot is within the limits of the Los Angeles Drayage Area (see Item No. 30 for reference), rates no lower than those established for transportation therein shall apply in connection with shipments of alcoholic liquors originating in San Francisco Territory.</p> <p>NOTE 2.-When a rail carload rate is subject to varying minimum weights, dependent upon the size of the car ordered or used, the lowest minimum weight obtainable under such minimum weight provisions may be used in applying the basis provided in this item.</p>

§210

NOTE 3.-In applying the common carrier rate or charge under this item, a rate no lower than the common carrier rate and a weight no lower than the actual weight or published minimum weight (whichever is the higher) applicable in connection with the common carrier rate shall be used.

NOTE 4.-For the purpose of applying the provisions of this item, the definitions of Point of Destination and Point of Origin set forth in Item No. 10 will be applicable.

§ Change ** Reference to "City Carriers' Act" eliminated	} Decision No. 74749
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Correction No. 2039

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
ø220	<p style="text-align: center;">ALTERNATIVE APPLICATION OF SPLIT PICKUP UNDER RATES CONSTRUCTED BY USE OF COMBINATIONS WITH COMMON CARRIER RATES</p> <p>Charges on split pickup shipments may be computed by use of combinations with common carrier rates as follows, if a lower aggregate charge than that accruing under the basis provided in Items Nos. 160 and 161 results (See Note 1):</p> <p>(1) Compute the charge applicable under the rates named in this tariff for a split pickup shipment from the point or points of origin of the several component parts (See Items Nos. 160 and 161) to any team track or established depot. (See Note 2.)</p> <p>(2) Add to such charge the charge applicable under Items Nos. 200 and 210 for the weight of the composite shipment from such team track or established depot to point of destination.</p> <p>NOTE 1.-For the purpose of applying the provisions of this item, the definitions of Point of Destination and Point of Origin set forth in Item No. 10 will be applicable.</p> <p>NOTE 2.-If the points of origin of all component parts are within the limits of an incorporated city within which the team track or established depot is located, and no rate for transportation to the team track or established depot from such points of origin is named in this tariff, the rates named in this tariff for transportation for the combined distances of 3 constructive miles from the first of such points of origin, plus a distance of 2 constructive miles for each such additional point of origin, or the minimum rates established by the Commission for transportation within that city <div style="text-align: center;">**</div> , whichever are lower, shall apply to the composite shipment to such team track or established depot from such points of origin.</p>
ø230	<p style="text-align: center;">ALTERNATIVE APPLICATION OF SPLIT DELIVERY UNDER RATES CONSTRUCTED BY USE OF COMBINATIONS WITH COMMON CARRIER RATES</p> <p>Charges on split delivery shipments may be computed by use of combinations with common carrier rates as follows, if a lower aggregate charge than that accruing under the basis provided in Items Nos. 170 and 171 results (See Note 1):</p>

(1) Compute the charge applicable under Items Nos. 200 and 210 for the weight of the composite shipment from point of origin to any team track or established depot.

(2) Add to such charge the charges applicable under the rates named in this tariff for a split delivery shipment (See Items Nos. 170 and 171) from such team track or established depot to the point or points of destination of the several component parts. (See Note 2.)

NOTE 1.-For the purpose of applying the provisions of this item, the definitions of Point of Destination and Point of Origin set forth in Item No. 10 will be applicable.

NOTE 2.-If the points of destination of all component parts are within the limits of an incorporated city within which the team track or established depot is located, and no rate for transportation from the team track or established depot to such points of destination is named in this tariff, the rates named in this tariff for transportation or the combined distances of 3 constructive miles to the first of such points of destination, plus a distance of 2 constructive miles for each such additional point of destination, or the minimum rates established by the Commission for transportation within that city: **
, whichever are lower, shall apply to the composite shipment from such team track or established depot to such points of destination.

Ø Change)
** Reference to "City Carriers') Decision No. 74749
Act" eliminated)

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