

ORIGINAL

Decision No. 74750

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 household goods carriers,)
common carriers, highway carriers)
and city carriers, relating to the)
transportation of used household)
goods and related property.)

Case No. 5330
(Petition for Modification
No. 38)
(Filed August 26, 1968)

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 74749, entered today in Case No. 5432, et al., the Commission found, among other things, that its minimum rate tariffs should be amended by deleting therefrom reference to city carriers and the City Carriers' Act. The decision also provided that, in order to avoid duplication of tariff distribution, Minimum Rate Tariff No. 4-B should be amended by a separate order in this proceeding.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 4-B (Appendix C of Decision No. 65521, as amended) is further amended by incorporating therein, to become effective November 13, 1968, the supplement and revised pages attached hereto and listed in Appendix A, also attached hereto, which supplement, pages and appendix are made a part hereof.

2. In all other respects Decision No. 65521, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 1st day of October, 1968.

William J. Lyons, Jr.
President
Ed. P. Mitchell
William L. Bennett
Augusta
Fred R. Monsey
Commissioners

APPENDIX A TO DECISION NO. 74750

List of Revised Pages and Supplement to Minimum Rate Tariff No. 4-B
Authorized by Said Decision

Supplement No. 12

First Revised Title Page

Third Revised Page 4

First Revised Page 5

Third Revised Page 19

(END OF APPENDIX A LIST)

SUPPLEMENT NO. 12

(CANCELS SUPPLEMENTS NOS. 9 AND 11
(SUPPLEMENT NO. 12 CONTAINS ALL CHANGES)

TO

MINIMUM RATE TARIFF NO. 4-B

NAMING

MINIMUM RATES, RULES AND REGULATIONS

FOR THE

TRANSPORTATION OF USED PROPERTY, VIZ.:

HOUSEHOLD GOODS, PERSONAL EFFECTS AND

OFFICE, STORE AND INSTITUTION FURNITURE,

FIXTURES AND EQUIPMENT

OVER THE PUBLIC HIGHWAYS

WITHIN THE

STATE OF CALIFORNIA

BY

**

RADIAL HIGHWAY COMMON CARRIERS

HIGHWAY CONTRACT CARRIERS

AND

HOUSEHOLD GOODS CARRIERS

** "City Carriers" eliminated, Decision No. **74750**

EFFECTIVE NOVEMBER 13, 1968

Issued by the
PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
State Building, Civic Center
San Francisco, California 94102

MINIMUM RATE TARIFF NO. 4-B

Naming
Minimum Rates, Rules and Regulations
For The
Transportation of Used Property, Viz.:
Household Goods, Personal Effects and Office, Store and
Institution Furniture, Fixtures and Equipment Over
the Public Highways Within the
State of California

By

**

RADIAL HIGHWAY COMMON CARRIERS

HIGHWAY CONTRACT CARRIERS

And

HOUSEHOLD GOODS CARRIERS

The original tariff contains rates, rules and regulations as established in Decision No. 65521 in Case No. 5330. Changes contained in subsequent orders will be made by reissuing the pages on which the changes occur or by issuing supplements showing the corrected items.

** "City Carriers" eliminated, Decision No. **74750**

Correction No. 104
EFFECTIVE NOVEMBER 13, 1968
(Original Tariff Effective July 15, 1963)

Issued by the
PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
State Building, Civic Center
San Francisco, California 94102

SECTION NO. 1 - RULES AND REGULATIONS	Item No.
<p data-bbox="541 381 984 448">DEFINITION OF TECHNICAL TERMS (Items Nos. 5 and 10)</p> <p data-bbox="211 479 1278 607">CARRIER means ** a radial highway common carrier or a highway contract carrier as defined in the Highway Carriers' Act, or a household goods carrier as defined in the Household Goods Carriers Act.</p> <p data-bbox="211 638 1262 726">COMMISSION means the Public Utilities Commission of the State of California.</p> <p data-bbox="211 752 1341 1102">COMMON CARRIER RATE means any intrastate rate or rates of any common carrier or common carriers, as defined in the Public Utilities Act, lawfully on file with the Commission and in effect at time of shipment; any interstate or foreign rate or rates of any common carrier railroad or railroads applying between points in California by an interstate or foreign route, lawfully in effect at time of shipment; also any interstate or foreign rate or rates of any common carrier or common carriers, as defined in the Public Utilities Act, applying between points in California and in effect at time of shipment and covering transportation exempt from rate regulation of the Interstate Commerce Commission under Section 203(b)(8) of Part II of the Interstate Commerce Act.</p> <p data-bbox="211 1128 1341 1324">CRATED PROPERTY means property securely packed in salesmen's hand sample cases, suitcases, overnight or boston bags, brief cases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags (jute, cotton, burlap or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard, or straw matting).</p> <p data-bbox="287 1349 865 1385">DISTANCE TABLE means Distance Table 6.</p> <p data-bbox="211 1447 1328 1705">FLIGHT means (1) a series of over 7 but not over 20 steps, except in a single dwelling; (2) each series of not more than 20 steps in excess of the first 20 steps, except in a single dwelling; (3) elevator service other than vehicular elevator service; (4) each 50 feet or portion thereof in excess of the first 50 feet when, through no fault of the carrier, its unit of equipment cannot be placed 50 feet or closer to a stairway or other entrance of the building or dwelling at which shipment is to be picked up or delivered.</p> <p data-bbox="211 1731 1328 1901">GROUND FLOOR means (1) all floors of a single dwelling; (2) a series of not more than the first 7 steps of other buildings; (3) all floors reached by a vehicular elevator or vehicular ramp; (4) the first 50 feet from carrier's unit of equipment to a stairway or other entrance of a building or dwelling at which pickup or delivery is to be made.</p> <p data-bbox="211 1926 1374 2055">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 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="211 2081 1341 2184">MOTOR VEHICLE means any motor truck, tractor or other self-propelled highway vehicle used for transportation of property over the public highways, and any trailer, semi-trailer, dolly or other vehicle drawn thereby.</p>	<p data-bbox="1400 1349 1433 1385">65</p>

PACKING means any accessorial service performed in preparing a shipment or any portion thereof for transportation prior to loading, except services for which rates and charges are otherwise provided in this tariff.

POINT OF DESTINATION means the precise location at which property is tendered for physical delivery into the custody of the consignee or his agent, except that (1) all locations within a radius of 50 feet from a single point, and (2) all locations within a radius of 300 feet on a single piece of property of a single consignee will be considered as one point of destination.

(Continued in Item No. 10)

∅ Change
** Reference to "City Carriers' Act" eliminated. } Decision No. **74750**

EFFECTIVE NOVEMBER 13, 1968

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 105

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Concluded)</p> <p>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, except that (1) all locations within a radius of 50 feet from a single point, and (2) all locations within a radius of 300 feet on a single piece of property of a single consignor will be considered as one point of origin.</p> <p>RATE includes charge and, also, the ratings, minimum weight, rules and regulations governing, and the accessorial charges applying in connection therewith.</p> <p>REGION means one of the regions described in Section No. 2.</p> <p>SAME TRANSPORTATION means transportation of the same kind and quantity of property between the same points, and subject to the same limitations, conditions and privileges, although not necessarily in an identical type of equipment.</p> <p>SHIPMENT means a quantity of property tendered for transportation to one carrier at one time on one shipping document by:</p> <ol style="list-style-type: none"> (1) One shipper at one point of origin for one consignee at one point of destination; or (2) One shipper at more than one point of origin, or more than one shipper at one or more points of origin, for one consignee at one point of destination (split pickup); or (3) One shipper at one point of origin for one consignee at more than one point of destination, or for more than one consignee at one or more points of destination (split delivery). (4) Shipment as defined in subparagraphs 1, 2 or 3 above to and from one point of storage in transit. <p>STATE ROUTE means the numbered highway route designated by California State Highway sign number.</p> <p>STORAGE IN TRANSIT means storage of a shipment at request of consignor or consignee at one point between point of origin and point of destination for a period not in excess of 60 days.</p> <p>TERRITORY means one of the territories described in Section No. 2.</p> <p>UNCRATED PROPERTY means property not packed in accordance with the crated property requirements set forth in Item No. 5.</p> <p>UNIT OF EQUIPMENT means one or more motor vehicles physically connected so as to form a complete unit.</p> <p>UNPACKING means any accessorial service performed in connection with delivery of a shipment or portion thereof, subsequent to unloading, except services for which rates and charges are otherwise provided in this tariff.</p>	10

APPLICATION OF TARIFF - CARRIERS

∅ Rates provided in this tariff are minimum rates, established pursuant to the ** Highway Carriers' Act and the Household Goods Carriers Act. They apply for the transportation of commodities described in Item No. 20 by carriers as defined in Item No. 5.

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Rates, rules and regulations named in this tariff shall not apply to transportation by independent-contractor subhaulers when such transportation is performed for other carriers. This exception shall not be construed to exempt from the tariff provisions carriers for whom the independent contractors are performing transportation services.

∅ Change
** Reference to "City Carriers' Act" eliminated. } Decision No. 74750

EFFECTIVE NOVEMBER 13, 1968

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

Correction No. 106

SECTION NO. 1 - RULES AND REGULATIONS (Continued)

Item
No.COLLECT ON DELIVERY (C.O.D.) SHIPMENTS
(Items Nos. 185, 186 and 187)

1. A collect on delivery shipment, hereinafter referred to as a C.O.D. shipment, means a shipment upon which the consignor has attached, as a condition of delivery, the collection of a specific sum or sums of moneys by the carrier making delivery thereon and the return of said moneys to the consignor or other payee designated by the consignor.

2. No carrier shall handle C.O.D. shipments unless and until it has on file with the Commission a good and sufficient bond in such form as the Commission may deem proper, in a sum of not less than Two Thousand Dollars (\$2,000). The principal amount of the bond of any particular carrier may be increased from time to time where the Commission finds that the public interest so requires.

3. The bond required by paragraph 2 hereof shall be filed by the carrier as principal and by a qualified surety insurer, authorized to do business in the State of California, as surety, payable to any person or persons to whom any amount may be due on any C.O.D. shipment transported by the carrier and not remitted to the person or persons to whom it is due within 10 days after delivery of any such C.O.D. shipment; that each bond filed pursuant to the foregoing shall specify the extent to which the carrier's operations are covered thereby; that such a bond may cover more than one operative authority held by the same carrier; that when a carrier with such a bond on file with the Commission obtains additional operative authority, said bond shall be revised or reissued to show whether or not the additional operative authority is covered thereby; and that the name of the carrier's surety company in any bond filed pursuant hereto will be made public by the Commission upon reasonable request therefor.

4. The term of the bond shall include: that any person or persons to whom an amount may be due on any C.O.D. shipment transported by a carrier and not remitted within 10 days after delivery of said shipment may file a claim therefor with the surety; that upon the filing of the claim, the surety shall notify the Commission and the carrier in writing of such filing; that such notification to the Commission shall be addressed to the Public Utilities Commission of the State of California at its office in San Francisco; that suit against the surety shall be commenced within one year after the date the shipment was tendered to the carrier; and that the surety waives any rights it may have under Section 2845 of the Civil Code of the State of California.

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5. The bond required herein may be canceled by the surety by written notice to the Public Utilities Commission of the State of California at its office in San Francisco, such cancellation to become effective thirty days after receipt of said notice by the Commission.

6. Claims arising from failure to remit C.O.D. moneys may be filed by any person or persons to whom an amount may be due directly against the surety company and any suits against the surety must be commenced within one year from the date the shipment was tendered.

7. The name and address of the surety company may be obtained from the Public Utilities Commission, State Building, San Francisco, California 94102.

ø§. 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.

(Continued in Item No. 186)

ø Change
** Reference to "city" eliminated.) } Decision No. 74750

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San Francisco, California.
Correction No. 107