

Decision No. 74752

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation )  
into the rates, rules, regulations, )  
charges, allowances and practices )  
of all common carriers, highway )  
carriers and city carriers, relat- )  
ing 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 Modi-  
fication No. 109)  
(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. 5 should be amended by a separate order in this proceeding.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 5 (Appendix A of Decision No. 32504, 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. 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 regulation governing the construction and filing of tariffs set forth in the Commission's General Order No. 80-A.

3. Common carriers, in establishing and maintaining the amendments authorized hereinabove, are hereby authorize 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.

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 twenty-four days after the date hereof.

Dated at San Francisco, California, this 12<sup>th</sup> day of October, 1968.

William Lyman B.  
President

William L. Bennett

Augustus

Paul P. Manssey  
Commissioners

APPENDIX A TO DECISION NO. \_\_\_\_\_

List of Supplement and Revised Pages to  
Minimum Rate Tariff No. 5  
Authorized by Said Decision

Supplement No. 5

Sixth Revised Title Page

Twenty-fourth Revised Page 7

Ninth Revised Page 8

Fifteenth Revised Page 18

(END OF APPENDIX A LIST)

SUPPLEMENT NO. 5  
(CANCELS SUPPLEMENT NO. 4)  
(SUPPLEMENT NO. 5 CONTAINS ALL CHANGES)

TO

MINIMUM RATE TARIFF NO. 5

NAMING

MINIMUM RATES, RULES AND REGULATIONS

OF GENERAL APPLICATION

FOR THE

TRANSPORTATION OF PROPERTY OVER THE

PUBLIC HIGHWAYS WITHIN

DEFINED TERRITORY IN LOS ANGELES COUNTY

AND

MINIMUM VEHICLE UNIT RATES, RULES AND REGULATIONS

APPLICABLE UNDER SPECIFIED CONDITIONS

FOR

TRANSPORTATION WITHIN LOS ANGELES

AND ORANGE COUNTIES

BY

\*\*

RADIAL HIGHWAY COMMON CARRIERS

HIGHWAY CONTRACT CARRIERS

AND

CEMENT CONTRACT CARRIERS

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

EFFECTIVE NOVEMBER 13, 1968

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

Sixth Revised Title Page  
Cancels  
Fifth Revised Title Page

MINIMUM RATE TARIFF NO. 5

(Formerly City Carriers' Tariff No. 4 -

Highway Carriers' Tariff No. 5)

Naming

Minimum Rates, Rules and Regulations

of General Application

for the

Transportation of Property Over the

Public Highways Within

Defined Territory in Los Angeles County

and

Minimum Vehicle Unit Rates, Rules and Regulations

Applicable Under Specified Conditions

for

Transportation Within Los Angeles and Orange Counties

by

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RADIAL HIGHWAY COMMON CARRIERS

HIGHWAY CONTRACT CARRIERS

and

CEMENT CONTRACT CARRIERS

Importance Notice

Reference in this or other tariffs to City Carriers' Tariff No. 4 - Highway Carriers' Tariff No. 5 shall be construed as referring to Minimum Rate Tariff No. 5.

The tariff contains rates, rules and regulations established by Decision No. 32504, as amended, in Case No. 4121. 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.

EFFECTIVE NOVEMBER 13, 1968  
(Original Tariff Effective January 1, 1940)

Correction No. 574

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

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 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 13, Cal.P.U.C. 8, 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>EXCEPTION RATINGS TARIFF means Exception Ratings Tariff No. 1 issued by the Commission.</p> <p>GOVERNING CLASSIFICATION means 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)

∅ Change ** Reference to "City Carriers' Act" eliminated	) ) )	Decision No.
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EFFECTIVE NOVEMBER 13, 1968

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.  
Correction No. 575

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
11	<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Concluded) (Items Nos. 10 and 11)</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>SAME TRANSPORTATION means transportation of the same kind and quantity of property 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 freight tendered by one shipper on one shipping document at one point of origin at one time for one consignee at one point of destination. (See also Split Delivery Shipment.)</p> <p>SPLIT DELIVERY SHIPMENT means a shipment consisting of several component parts delivered to (a) one consignee at more than one point of destination, or (b) more than one consignee at one or more points of destination, the composite shipment weighing (or transportation charges computed upon a weight of) not less than 4,000 pounds, said shipment being shipped by one consignor at one point of origin and charges thereon being paid by the consignor when there is more than one consignee.</p> <p>TOW CAR means a motor vehicle which has been altered or designed and equipped for and exclusively used in the business of towing or is otherwise exclusively used to render assistance to other vehicles.</p>
ø20	<p style="text-align: center;">APPLICATION OF TARIFF - CARRIERS</p> <p>øRates provided in this tariff are minimum rates, established pursuant to ** the Highway Carriers' Act. They apply for the transportation of property by ** radial highway common carriers, highway contract carriers and cement contract carriers, as defined in said Highway Carriers' Act.</p> <p>Rates, rules and regulations named in this tariff shall not apply to transportation by independent-contractor sub-haulers 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 service.</p>



∅ Change )  
\*\* Reference to "City Carriers' Act" ) Decision No.  
eliminated )

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Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.  
Correction No. 576

Item  
No.

SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL  
APPLICATION (Continued)

COLLECT ON DELIVERY (C.O.D.) SHIPMENTS  
(Items Nos. 150, 151 and 152)

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.

ø150

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.

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.

8. 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. 151)

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

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State of California  
Correction No. 577