

ORIGINAL

Decision No. 74754

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)
(commodities for which rates are pro-)
vided in Minimum Rate Tariff No. 7).)

Case No. 5437
(Petition for Modification
No. 168)
(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. 7 should be amended by a separate order in this proceeding.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 7 (Appendix A to Decision No. 32566, as amended) is hereby 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. 32566, 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 15th day of October, 1968.

William Synons Jr.
President

John L. Mitchell

William C. Bennett

Augustine

James P. M. Messinger
Commissioners

APPENDIX A TO DECISION NO. 74754

List of Revised Pages and Supplement to Minimum Rate

Tariff No. 7 Authorized by Said Decision

Supplement No. 26

Second Revised Title Page

Eleventh Revised Page 3-A

Ninth Revised Page 3-B

Seventeenth Revised Page 4

Fourth Revised Page 4-B

(END OF APPENDIX A LIST)

SUPPLEMENT NO. 26
(Cancels Supplements Nos. 23 and 25)
(Supplement No. 26 Contains All Changes)

TO
MINIMUM RATE TARIFF NO. 7
NAMING
MINIMUM RATES, RULES AND REGULATIONS
FOR THE
TRANSPORTATION OF PROPERTY IN DUMP TRUCK
EQUIPMENT BETWEEN POINTS IN CALIFORNIA
BY
RADIAL HIGHWAY COMMON CARRIERS
AND
HIGHWAY CONTRACT CARRIERS

**

ØVACATING NOTICE

The suspension notice contained in Supplement No. 24 was vacated and the tariff pages listed below became effective JULY 13, 1968:

Twenty-first Revised Page...2	Original Page 4-C
Third Revised Page 3-C	Original Page 4-D

ØVACATING NOTICE

The suspension notice contained in Supplement No. 22 was vacated and the tariff pages listed below became effective DECEMBER 11, 1967:

Third Revised Page 11	Nineteenth Revised Page 34
First Revised Page 20-L	Seventh Revised Page 38-C
Second Revised Page 21-H	Tenth Revised Page 38-P
Second Revised Page 22	Thirteenth Revised Page 38-Q
Third Revised Page 28	

Ø Change)
** "City Carriers") Decision No. 74754
eliminated)

EFFECTIVE NOVEMBER 13, 1968

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

Second Revised Title Page
Cancels
First Revised Title Page

MINIMUM RATE TARIFF NO. 7

(Formerly City Carriers' Tariff No. 6--
Highway Carriers' Tariff No. 7)

NAMING

MINIMUM RATES, RULES AND REGULATIONS

FOR THE

TRANSPORTATION OF PROPERTY IN DUMP TRUCK

EQUIPMENT BETWEEN POINTS IN CALIFORNIA

BY

RADIAL HIGHWAY COMMON CARRIERS

AND

HIGHWAY CONTRACT CARRIERS

**

IMPORTANT NOTICE

Reference in this or other tariffs to City Carriers' Tariff No. 6--Highway Carriers' Tariff No. 7 shall be construed as referring to Minimum Rate Tariff No. 7.

The original tariff contains rates, rules and regulations established in Decision No. 32566, in Cases Nos. 4246 and 4434. 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. 74754

EFFECTIVE NOVEMBER 13, 1968
(Original Tariff effective January 3, 1940)

Correction No. 1273

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 REGULATIONS
10	<p data-bbox="685 377 1131 445">DEFINITION OF TECHNICAL TERMS (Items Nos. 10, 11 and 12)</p> <p data-bbox="322 504 1362 637">BATCHING PLANT means an installation (structure and appurtenant storage area) at which the ingredients for the production of concrete are received, stored, weighed, batched and subsequently transported therefrom.</p> <p data-bbox="322 662 1428 733">CARRIER means a radial highway common carrier or a highway contract carrier, as defined in the Highway Carriers' Act **.</p> <p data-bbox="322 789 1379 891">COMMERCIAL PRODUCING PLANT means an installation (structure and appurtenant storage area) at which rock, sand, and/or gravel are processed as to size and/or grade and placed in stockpiles or bunkers.</p> <p data-bbox="322 917 1428 1274">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="322 1299 1462 1426">CONCRETE ARTICLE FACTORY means an installation (structure and appurtenant storage area) at which the ingredients of concrete are received, stored, weighed and batched, and concrete articles are manufactured therefrom on the premises.</p> <p data-bbox="322 1452 1379 1528">CONSIGNEE means the person, firm or corporation to whom the property is to be physically delivered by the carrier.</p> <p data-bbox="322 1554 1412 1630">CONSIGNOR means the person, firm or corporation from whom the property was physically received by the carrier for transportation.</p> <p data-bbox="322 1656 1462 1758">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 data-bbox="322 1783 1379 1847">DIRECTORY means Southern California Production Area and Delivery Zone Directory 1.</p> <p data-bbox="396 1872 982 1911">DISTANCE TABLE means Distance Table 6.</p> <p data-bbox="322 1936 1412 2038">DISTRIBUTING YARD means an area for storage of rock, sand, gravel, or cold road oil mixture (commonly called "plant mix") in piles, bins, silos or bunkers.</p> <p data-bbox="702 2076 1106 2114">(Continued in Item No. 11)</p>

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

74754

EFFECTIVE NOVEMBER 13, 1968

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

Correction No. 1274

Item No.	SECTION NO. 1 - RULES AND REGULATIONS
	<p data-bbox="431 535 1179 600">DEFINITION OF TECHNICAL TERMS (Continued) (Items Nos. 10, 11 and 12)</p> <p data-bbox="323 631 1438 821">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="323 852 1455 1205">DUMP TRUCK EQUIPMENT means any motor vehicle (including component trailing equipment) as defined in the Highway Carriers' Act *» which discharges its load by gravity either (a) in conjunction with mechanical *or pneumatic (induction of air used to speed gravitation) 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 or equipment which is unloaded by air pressure in defiance of gravity.</p> <p data-bbox="199 1269 257 1303">§11 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="323 1432 1430 1573">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="323 1604 1450 1767">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 data-bbox="323 1798 1400 1888">NOTE.--The term Overlying Carrier also includes an underlying carrier which employs another carrier to perform transportation service.</p> <p data-bbox="323 1919 1397 2081">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)
** Reference to "City Carriers') Decision No. 74754
Act" eliminated)

EFFECTIVE NOVEMBER 13, 1968

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

Correction No. 1275

Item No.	SECTION NO. 1 - RULES AND REGULATIONS (Continued)
§20	<p style="text-align: center;">APPLICATION OF TARIFF - CARRIERS</p> <p>Rates provided in this tariff are minimum rates, established pursuant to the Highway Carriers' Act ** They apply for transportation of property by radial highway common carriers and highway contract carriers, as defined in said Highway Carriers' Act, ** in bulk in dump truck equipment.</p> <p>The rates and rules contained in this tariff shall apply to transportation by underlying carriers (independent-contractor subhaulers) when such transportation is performed for other carriers, as provided in Item No. 94.</p>
§25	<p style="text-align: center;">APPLICATION OF TARIFF - GENERAL</p> <p>Rates in this tariff do not apply to the transportation of:</p> <p>(a) Property of the United States or property transported under an agreement whereby the United States contracted for the carrier's services.</p> <p>(b) Disaster Supplies, i.e., those commodities which are allocated to provide relief during a state of extreme emergency or state of disaster; and those commodities which are transported for a civil defense or disaster organization established and functioning in accordance with the California Disaster Act to ultimate point of storage or use prior to or during a state of disaster or state of extreme emergency.</p> <p>(c) Property for which rates are provided in Minimum Rate Tariff 17, when said property is transported under the provisions of such tariff.</p> <p>For rates for the transportation of commodities in dump truck equipment, other than as provided in this tariff, see ** Minimum Rate Tariff No. 1-B, 2, 5, 9-B, 17 or *19, as the case may be.</p>
30	<p style="text-align: center;">APPLICATION OF TARIFF - TERRITORIAL</p> <p>Rates in this tariff apply for transportation between all points within the State of California.</p>

REFERENCES TO ITEMS AND OTHER TARIFFS

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Unless otherwise provided, references herein to item numbers in this or other tariffs include references to such numbers with letter suffix, and references to other tariffs include references to amendments and successive issues of such other tariffs.

COMPUTATION OF DISTANCES

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Distances to be used in connection with distance rates named herein shall be:

- (a) For all shipments other than those described in paragraph (b) of this item: the actual mileages traversed, including any detour to and from scales to obtain weight of shipment.
- (b) For shipments of lightweight aggregates when moving within the Northern Territory under rates named in Item No. 138: the shortest resulting mileage, computed in accordance with the method provided in the Distance Table.

∅ Change)
* Addition) Decision
** Reference to "City Carriers' Act") No. 74754
and "City Carriers' Tariff No. 1-A" eliminated)

EFFECTIVE NOVEMBER 13, 1968

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

Correction No. 1276

Item
No.

SECTION NO. 1 - RULES AND REGULATIONS (Continued)

COLLECT ON DELIVERY (C.O.D.) SHIPMENTS

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. Every carrier handling C.O.D. shipments shall:

- (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.
- (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:
- (1) Number and date of freight bill.
 - (2) Name and address of consignor or other person designated as payee.
 - (3) Name and address of consignee.
 - (4) Date shipment delivered.
 - (5) Amount of C.O.D. moneys collected.
 - (6) Date C.O.D. moneys remitted.
 - (7) Check number or other identification of remittance to payee.
- (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.
- (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.
- (e) Notify the consignor immediately if a C.O.D. shipment is refused or cannot be delivered because of circumstances beyond the carrier's control. In the event of such non-delivery, and pursuant to the consignor's instructions, the shipment shall either be returned to the consignor subject to double the outbound freight charges for the round-trip movement, or delivered to another consignee subject to the applicable distance rate, in addition to the original rate, from the point of non-delivery to the new destination.
(See Note)

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NOTE.-If hourly rates are applicable on deliveries involving C.O.D. shipments, such hourly rates shall supersede the rates otherwise provided for in this subparagraph.

3. The bond prescribed in General Order No. 84-F shall not be required of carriers while engaged as independent-contractor subhaulers; carriers while engaged in transporting property for which rates are provided in Minimum Rate Tariff No. 7; 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.

o Change .
** Reference to "city" eliminated) Decision No. **74754**

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Correction No. 1277