

ORIGINAL

Decision No. 74755

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 sand,)
rock, gravel and related items)
(commodities for which rates are)
provided in Minimum Rate Tariff 17).)

Case No. 5437

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. 17 should be amended by a separate order in this proceeding.

IT IS ORDERED that:

1. Minimum Rate Tariff 17 (Appendix B of Decision No. 69469, 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 said Decision No. 69469, 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 Symons Jr.
President

Ed. E. [unclear]

William W. [unclear]

Augusta [unclear]

Paul P. Monissey
Commissioners

APPENDIX A TO DECISION NO. ~~74755~~

List of Revised Pages to Minimum Rate
Tariff 17 Authorized by Said Decision

Supplement 8

Third Revised Title Page

Twenty-fifth Revised Page 1-2

Third Revised Page 1-5

Fifth Revised Page 1-6

Fourth Revised Page 1-8

First Revised Page 1-13

(END OF APPENDIX A LIST)

SUPPLEMENT 8

(CANCELS SUPPLEMENTS 4, 5 AND 7)

(SUPPLEMENT 8 CONTAINS ALL CHANGES)

TO

MINIMUM RATE TARIFF 17

NAMING

MINIMUM ZONE AND

AREA-TO-POINT

RATES, RULES AND

REGULATIONS

FOR THE

TRANSPORTATION OF PROPERTY

IN DUMP TRUCK EQUIPMENT FROM

DEFINED PRODUCTION AREAS TO DESIGNATED DELIVERY

ZONES AND POINTS IN SOUTHERN CALIFORNIA

BY

RADIAL HIGHWAY COMMON CARRIERS

AND

HIGHWAY CONTRACT CARRIERS

**

*VACATING NOTICE

The suspension notice contained in Supplement 6 was vacated and the tariff pages listed below became effective JULY 13, 1968:

Fourth Revised Page 1-3.1

Original Page 1-13.1

Third Revised Page 1-7

Original Page 1-13.2

*VACATING NOTICE

The suspension notice contained in Supplement 2 was vacated and the tariff pages listed below became effective DECEMBER 11, 1967:

Second Revised Page 1-5

Original Page 17

First Revised Page 1-10

Original Page 18

Original Page 14

Original Page 19

Original Page 15

Original Page 20

Original Page 16

Original Page 21

* Change

** Reference to "City Carriers" eliminated)

Decision No.

74755

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 17

NAMING

MINIMUM ZONE AND AREA-TO-POINT

RATES, RULES AND REGULATIONS

FOR THE

TRANSPORTATION OF PROPERTY

IN DUMP TRUCK EQUIPMENT FROM

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**

The original tariff contains rates, rules and regulations established in Decision No. 69469 in Case No. 5437. Changes will be made by issuing revised or added pages or by issuing supplements.

** REFERENCE TO "CITY CARRIERS" ELIMINATED

EFFECTIVE NOVEMBER 13, 1968

(Original Tariff effective October 1, 1965)

CORRECTION 954

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

SECTION 1--RULES AND REGULATIONS (CONTINUED)

*TARIFF PAGES CHECK SHEET

ORIGINAL AND REVISED PAGES AS NAMED BELOW AND SUPPLEMENT 8 CONTAIN ALL CHANGES FROM THE ORIGINAL TARIFF IN EFFECT ON THE DATES SHOWN THEREON. DECISION NUMBERS AND DATES ARE NOT SHOWN OPPOSITE PAGE REVISIONS BELOW WHICH WERE IN EFFECT PRIOR TO APRIL 20, 1968. THE DECISION NUMBERS AND DATES WILL BE SHOWN ON FURTHER REVISIONS OF SUCH PAGES.

PAGE NUMBER	REVISION NUMBER	DECISION NUMBER	DATE	PAGE NUMBER	REVISION NUMBER	DECISION NUMBER	DATE
TITLE	*3RD			1-19	ORIGINAL		
1	ORIGINAL			1-20	ORIGINAL		
1-1	3RD	73999	4/16/68	1-21	4TH		
1-2	*25TH			1-22	2ND		
1-2.1	4TH	74654	9/11/68	1-23	1ST	73653	1/23/68
1-2.2	2ND	74654	9/11/68	2	2ND		
1-2.3	2ND	74654	9/11/68	2-1	ORIGINAL		
1-2.4	2ND	74654	9/11/68	2-2	ORIGINAL		
1-3	4TH			2-3	1ST		
1-3.1	4TH	73999	4/16/68	2-4	ORIGINAL		
1-4	3RD			2-5	ORIGINAL		
1-4.1	1ST			2-6	ORIGINAL		
1-5	*3RD			2-7	ORIGINAL		
1-6	*5TH			2-8	ORIGINAL		
1-7	3RD	73999	4/16/68	2-9	ORIGINAL		
1-8	*4TH			2-10	ORIGINAL		
1-8.1	ORIGINAL			2-11	ORIGINAL		
1-9	2ND			3	ORIGINAL		
1-10	1ST			4	2ND		
1-11	ORIGINAL			4-A	4TH	74654	9/11/68
1-12	ORIGINAL			4-A-1	4TH	74654	9/11/68
1-13	*1ST			4-A-2	4TH	74654	9/11/68
1-13.1	ORIGINAL	73999	4/16/68	4-B	4TH	74654	9/11/68
1-13.2	ORIGINAL	73999	4/16/68	4-B-1	4TH	74654	9/11/68
1-14	3RD			4-B-2	4TH	74654	9/11/68
1-14.1	ORIGINAL			4-CC	4TH	74654	9/11/68
1-15	3RD			4-CC-1	4TH	74654	9/11/68
1-15.1	ORIGINAL			4-E	4TH	74654	9/11/68
1-16	4TH			4-E-1	4TH	74654	9/11/68
1-17	ORIGINAL			4-E-2	4TH	74654	9/11/68
1-18	ORIGINAL			4-F	4TH	74654	9/11/68
				4-F-1	4TH	74654	9/11/68
				4-F-2	4TH	74654	9/11/68

* CHANGE

EFFECTIVE NOVEMBER 13, 1968

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,
SAN FRANCISCO, CALIFORNIA.

CORRECTION 955

SECTION 1 - RULES AND REGULATIONS (CONTINUED)	ITEM
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Items 20, 21 and 22)</p> <p>ASPHALTIC CONCRETE is a mixture of liquid or penetration type asphalt and rock, sand, gravel and/or similar material. The term is inclusive of products known as "hot stuff," "plant mix," "cold road oil mixture" and "cold liquid asphalt, in containers".</p> <p>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>*CARRIER means a radial highway common carrier or a highway contract carrier, as defined in the Highway Carriers' Act **.</p> <p>GOLD ROAD OIL MIXTURE -- See asphaltic concrete.</p> <p>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>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 203b(8) of Part II of the Interstate Commerce Act.</p> <p>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>CONSIGNEE means the person, firm, or corporation to whom the property is to be physically delivered by the carrier.</p> <p>CONSIGNOR means the person, firm or corporation from whom the property was physically received by the carrier for transportation.</p> <p style="text-align: center;">(Continued in Item 21)</p>	<p style="text-align: center;">*20</p>
<p>* Change ** Reference to "City Carriers' Act" eliminated</p>	
<p>EFFECTIVE NOVEMBER 13, 1968</p>	
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>CORRECTION 956</p>	

SECTION 1--RULES AND REGULATIONS (CONTINUED)	ITEM
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Continued) (Items 20, 21 and 22)</p> <p>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>DECOMPOSED GRANITE is disintegrated granite which crumbles readily when removed from its normal geographic location.</p> <p>DRY MIXTURE 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>*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>MULTIPLE LOT SHIPMENT means a shipment transported in accordance with the provisions of Items 230 and 231.</p> <p>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>NOTE.--The term "Overlying Carrier" also includes an underlying carrier which employs another carrier to perform transportation service.</p> <p>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> <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.</p> <p style="text-align: center;">(Continued in Item 22)</p>	<p style="text-align: center;">*21</p>
<p>* CHANGE ** REFERENCE TO "CITY CARRIERS' ACT" ELIMINATED</p>	
<p style="text-align: center;">EFFECTIVE NOVEMBER 13, 1968</p>	
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>CORRECTION 957</p>	

SECTION 1 - RULES AND REGULATIONS (CONTINUED)	ITEM
<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>	* 40
<p style="text-align: center;">APPLICATION OF TARIFF - COMMODITIES</p> <p>Rates in this tariff making specific reference to this item apply for the transportation of the following commodities:</p> <p>Rock, natural, crushed, chips, waste or dust (Subject to Notes 1 and 2), Sand, Gravel, Cement, in dry mixtures with the above commodities, in batches (Subject to Note 3).</p> <p>NOTE 1.--The term "rock", as used herein, includes stone. NOTE 2.--The term "rock", as used herein, does not include any rock or rocks, having a combined length and girth in excess of 65 inches per single rock. NOTE 3.--Rates in this tariff apply for the transportation of cement only when the volume of the cement does not exceed one-third of the volume of the shipment.</p>	60
<p style="text-align: center;">APPLICATION OF TARIFF - COMMODITIES</p> <p>Rates in this tariff making specific reference to this item apply for the transportation of the following commodities when transported in trucks without trailing equipment. (See Exception)</p> <p>Asphaltic concrete, Cold road oil mixture, Cold liquid asphalt in containers not exceeding 5 gallons capacity per container (Subject to Note 1).</p> <p>NOTE 1.--Cold liquid asphalt will be transported under the provisions of this tariff, at rates which apply for the transportation of asphaltic concrete; when tendered for transportation with, and as part of, a shipment of asphaltic concrete, and when the quantity so tendered does not exceed 15 gallons per shipment.</p> <p>EXCEPTION: For rates applicable to the transportation of these commodities when transported in trucks with trailing equipment or in tractor-and-trailer equipment, see Section No. 4 of Minimum Rate Tariff No. 7.</p>	65
<p>* Change ** Reference to "City Carriers' Act" eliminated</p>	
<p>EFFECTIVE NOVEMBER 13, 1968</p>	
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA. CORRECTION 958</p>	

SECTION 1 - RULES AND REGULATIONS (Continued)	Item
<p>COLLECT ON DELIVERY (C.O.D.) SHIPMENTS (Concluded) (Items 220 and 221)</p> <p>(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.</p> <p>(1)(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 nondelivery, and pursuant to the consignor's instructions, the shipment shall either be returned to the consignor or delivered to another consignee (see Item 240 - Diverted or Returned Shipments - for charges to be assessed for the diverted or returned shipments).</p> <p>3. The charges for collecting and remitting the amount of C.O.D. bills collected on C.O.D. shipments shall be \$2.00 for each C.O.D. shipping document collected.</p> <p>*4. 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 17; 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>*221</p>
<p>(1) Exception to General Order No. 84-F and reissues thereof.</p> <p>* Change ...)</p> <p>** Reference to "City Carriers") Decision No. 74755 eliminated)</p>	
<p>EFFECTIVE NOVEMBER 13, 1968</p>	
<p>Issued by the Public Utilities Commission of the State of California, San Francisco, California.</p> <p>Correction 959</p>	