

ORIGINAL

Decision No. 74756

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 fresh or green fruits and vegetables)
and related items (commodities for which)
rates are provided in Minimum Rate Tariff)
No. 8).)

Case No. 5438
(Petition for Modification
No. 67)
(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. 8 should be amended by a separate order in this proceeding.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 8 (Appendix C to Decision No. 33977, 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. 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 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.

4. In all other respects Decision No. 33977, 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 Lyons Jr.
President

Ed. M. Kelly

William La. Bennett

Augusta

Luc P. Moussey
Commissioners

APPENDIX A TO DECISION NO. 74756

List of Supplement and Revised Pages to
Minimum Rate Tariff No. 8
Authorized by Said Decision

Supplement No. 27
Second Revised Title Page
Thirteenth Revised Page 6
Tenth Revised Page 17
Third Revised Page 19
Third Revised Page 20
Eighth Revised Page 38
Fourth Revised Page 42-A

(END OF APPENDIX A LIST)

SPECIAL INCREASE SUPPLEMENT

SUPPLEMENT NO. 27

(Cancels Supplement No. 26)

(Supplement No. 27 Contains All Changes)

TO

MINIMUM RATE TARIFF NO. 8

NAMING

MINIMUM RATES, RULES AND REGULATIONS

FOR THE

TRANSPORTATION OF FRESH FRUITS,

FRESH VEGETABLES AND EMPTY

CONTAINERS OVER THE PUBLIC HIGHWAYS

BETWEEN POINTS IN THE STATE OF

CALIFORNIA AS DESCRIBED HEREIN

BY

**

RADIAL HIGHWAY COMMON CARRIERS

AND

HIGHWAY CONTRACT CARRIERS

APPLICATION OF SURCHARGES
(See Page 2 of This Supplement)

***"City Carriers" eliminated, Decision No. **74756**

EFFECTIVE NOVEMBER 13, 1968

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

APPLICATION OF SURCHARGES

The surcharges herein provided shall be in addition to all other rates, charges or surcharges provided by this tariff.

1. Compute the amount of charges in accordance with the provisions of this tariff, and increase the amount so computed by four percent. (See Exception) (See Note 3)
EXCEPTION: Does not apply on rates named in Items Nos. 120, 306, 307, 308 and 360.
2. The additional surcharges provided in this paragraph apply only to shipments, or component parts of split delivery shipments, having point of destination within the GOLDEN GATE PRODUCE TERMINAL located at South San Francisco or the SAN FRANCISCO PRODUCE TERMINAL located at San Francisco (see Item No. 290 for descriptions).

Compute the amount of charges in accordance with the provisions of this tariff and increase the amount so computed by the following amounts:

<u>Packages or Pieces Delivered</u>	<u>SURCHARGE (See Note 1)</u>	
	<u>At Golden Gate Prod. Term.</u>	<u>At S. F. Prod. Term.</u>
50 or less -----	No Charge	No Charge
More than 50 but not more than 150	\$1.00	\$1.00
More than 150 but not more than 250	\$2.00	\$2.00
More than 250 -----	\$1.00 per axle (see Note 2)	\$1.00 per axle (see Note 2)

NOTE 1.--In the case of a shipment transported in multiple lots under the provisions of Item No. 185, the surcharge herein provided shall be determined by applying the table above separately to each single vehicle or train of vehicles transporting the shipment.

NOTE 2.--All axles of the equipment on which the shipment, or portion of a multiple lot shipment, is transported are to be computed, whether said equipment consists of a single vehicle or of two or more vehicles operated as a single unit.

NOTE 3.--Fractions of less than one-half cent shall be dropped; fractions of one-half cent or greater shall be increased to next whole cent.

THE END

No change on this page, Decision No. 74756

MINIMUM RATE TARIFF NO. 8

(Formerly Highway Carriers' Tariff No. 8)

Naming

Minimum Rates, Rules and Regulations

for

Transportation of Fresh Fruits, Fresh Vegetables

and Empty Containers Over the Public Highways

Between Points in the State of California

As Described Herein

by

**

RADIAL HIGHWAY COMMON CARRIERS

and

HIGHWAY CONTRACT CARRIERS

IMPORTANT NOTICE

Reference in this or other tariffs to Highway Carriers' Tariff No. 8 shall be construed as referring to Minimum Rate Tariff No. 8.

This tariff contains rates, rules and regulations established by Decision No. 33977, as amended, in Case No. 4293. Changes contained in subsequent orders will be made by reissuing the pages on which the charges occur or by issuing supplements showing the corrected items.

** "City Carriers" eliminated, Decision No. **74756**

EFFECTIVE NOVEMBER 13, 1968
(Original Tariff Effective May 1, 1941)

Correction No. 502

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 OF GENERAL APPLICATION (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 the transportation of property by ** radial highway common carriers and highway contract carriers, as defined in said Highway Carriers' Act.</p> <p>When property in continuous through movement is transported by two or more such carriers, the rates (including minimum charges) provided herein shall be the minimum rates for the combined transportation.</p> <p>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 service.</p>
30	<p style="text-align: center;">APPLICATION OF TARIFF--TERRITORIAL</p> <p>Rates in this tariff apply between all points within the State of California, except:</p> <p>Shipments having both point of origin and point of destination within Metropolitan Zones 301, 302, 303, 304, 305, 306, 307 and 308 of the San Diego Drayage Area as described in Minimum Rate Tariff No. 9-B.</p>
<p style="text-align: center;"> Change ** Reference to "City Carriers Act" eliminated } Decision No. 74756 </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 No. 503</p>	

Item
No.SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL
APPLICATION (Continued)/COLLECT ON DELIVERY (C.O.D.) SHIPMENTS
(Items Nos. 190, 191 and 192)

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.

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. 191)

ø Change }
** Reference to "city" eliminated } Decision No. 74756

EFFECTIVE NOVEMBER 13, 1968

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 504

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
220	<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:</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 and 2.)</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 and 2.)</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 and 2.)</p> <p>NOTE 1.-If the route from point of origin to the team track or 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 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.</p> <p>NOTE 2.-In Applying the provisions of 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.</p>

∅ Change
** Reference to "City Carriers' Act" } Decision No. 74756
eliminated }

EFFECTIVE NOVEMBER 13, 1968

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 505

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
<p>230</p>	<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 Item No. 170 results:</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 Item No. 170) to any team track or established depot. (See Note.)</p> <p>(2) Add to such charge the charge applicable under Items Nos. 210 and 220 for the weight of the composite shipment from such team track or established depot to point of destination.</p> <p style="text-align: center;">**</p> <p>NOTE.-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 distances of 3 miles or less shall apply to the composite shipment, or rates established by the Commission for transportation ** within that city, whichever are lower, shall apply to such team track or established depot from such points of origin.</p>
<p>240</p>	<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 Item No. 180 results:</p> <p>(1) Compute the charge applicable under Items Nos. 210 and 220 of the weight of the composite shipment from point of origin to any team track or established depot.</p> <p>(2) Add to such charge the charges applicable under the rates named in this tariff for a split delivery shipment (see Item No. 180) from team track or established depot to the point or points of destination of the several component parts. (See Note.)</p> <p style="text-align: center;">**</p>

NOTE.-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 for distances of 3 miles or less shall apply to the composite shipment, or rates established by the Commission for transportation ** within that city, whichever are lower, shall apply from such team track or established depot to such points of destination.

∅ Change
** Reference to "City Carriers' } Decision No. 74756
Act" eliminated.

EFFECTIVE NOVEMBER 13, 1968

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 506

Item No.	SECTION NO. 3 - SPECIAL LOS ANGELES AREA RATES
Ø405	<p style="text-align: center;">APPLICATION OF RATES</p> <p>Except as otherwise provided, rates in this Section are subject to the rules in Section No. 1.</p> <p>Rates in Section No. 3 apply (1) for the transportation of fruits, nuts and vegetables specified in Item No. 40 from Los Angeles Local Produce Territory as described in Item No. 425 to the Los Angeles Market Area as described in Items Nos. 430 and 431 and for the empty containers described in Item No. 40 in the reverse directions; and (2) for the transportation of the fruits, nuts, vegetables and empty containers described in Item No. 40 within the Los Angeles Market Area.</p> <p>Rates in Item No. 450 do not apply on shipments to points not located within the Los Angeles Market Area.</p> <p>ØRates in Section No. 3 apply to transportation by ** Radial Highway Common Carriers and Highway Contract Carriers.</p>
415	<p style="text-align: center;">UNITS OF MEASUREMENT TO BE OBSERVED</p> <p style="text-align: center;">(Exception to Item No. 65)</p> <p>Rates or accessorial charges may be quoted or assessed by carriers based upon a unit of measurement different from that in which the minimum rates and charges in Section No. 3 are stated, provided:</p> <ol style="list-style-type: none"> (1) The freight charges assessed are not less than those which would have been assessed had the rates and accessorial charges stated in this section been applied; and (2) That the carrier's shipping documents contain all the information necessary to compute the freight charges on the basis of the unit of measurement provided in this section.

ø Change)
** "City Carriers" eliminated.) Decision No. 74756

EFFECTIVE NOVEMBER 13, 1968

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 507

Item No.	SECTION NO. 4 - SPECIAL SAN FRANCISCO AREA AND EAST BAY AREA RATES
Ø505	<p style="text-align: center;">APPLICATION OF RATES</p> <p>(a) Rates in Section No. 4 apply for the transportation of fruits, mushrooms, nuts, vegetables and empty containers, as described in the individual rate items, within or between the San Francisco Area zones described in Items Nos. 560 and 565; also within or between the East Bay Area zones described in Items Nos. 570, 575 and 580.</p> <p>(b) Rates in Section No. 4 are subject to the provisions of the following items in Section No. 1: Items Nos. 10 and 11, Definition of Technical Terms; Item No. 20, Application of Tariff--Carriers; Item No. 30, Application of Tariff--Territorial; Items Nos. 40 and 41, Application of Tariff--Commodities; Item No. 60, Gross Weight; Item No. 65--Units of Measurement in Quotation of Rates and Charges; Item No. 100, Mixed Shipments; Item No. 190, Collect on Delivery (C.O.D.) Shipments; Item No. 210, Alternative Application of Common Carrier Rates; Item No. 215, References to Items and Other Tariffs; Item No. 217, Accessorial Charges not to be offset by Transportation Charges; Item No. 250, Accessorial Services Not Included in Common Carrier Rates (except paragraphs 4 and 5 and paragraphs 1, 2, and 3 of Note therein); Item No. 255, Issuance of Shipping Documents; and Item No. 260, Collection of Charges. They are not subject to other rules and regulations provided in Section No. 1.</p> <p>(c) Rates in Section No. 4 include tailgate loading into and tailgate unloading from the carrier's equipment with the services of the driver only, subject to provisions of Item No. 515.</p> <p>Ø(d) Rates in Section No. 4 apply to transportation by ** radial highway common carriers and highway contract carriers.</p>
515	<p style="text-align: center;">ACCESSORIAL CHARGES</p> <p>For stacking, sorting, or other accessorial service which is not authorized to be performed under the rates provided in this Section, and for which a charge is not otherwise provided, an additional charge as provided in Item No. 150 shall be made.</p>

CHARGES FOR SERVICE AT OTHER THAN
REGULAR WORKING HOURS

520

Rates named in this Section apply for service performed during regular hours from 4:00 a.m. to 5:00 p.m. except Saturdays, Sundays and holidays as defined in Item No. 10.

For service performed at the request of the shipper or consignee at other than those hours specified above and on Saturdays, Sundays and holidays, a charge equal to the additional cost of overtime will be made.

∅ Change)
** "City carriers" eliminated) Decision No. 74756

EFFECTIVE NOVEMBER 13, 1968

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 508