

Decision No. 74757

**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 prop- )  
erty within San Diego County )  
(transportation for which rates )  
are provided in Minimum Rate Tariff )  
No. 9-B). )

Case No. 5439  
(Petition for Modification  
No. 78)  
(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. 9-B should be amended by a separate order in this proceeding.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 9-B (Appendix A of Decision No. 67766, 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 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 said Decision No. 67766, 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 10<sup>th</sup> day of October, 1968.

William Amos, Jr.  
President

William L. Burnett

Augusta

Fred P. Morrissey  
Commissioners

APPENDIX A TO DECISION NO. 74757

List of Supplement and Revised Pages to Minimum Rate Tariff No. 9-B

Authorized by Said Decision

Supplement No. 3

First Revised Title Page

Eighth Revised Page 7

First Revised Page 9

Third Revised Page 25

(END OF APPENDIX A LIST)

SUPPLEMENT NO. 3  
(CANCELS SUPPLEMENT NO. 2)  
(SUPPLEMENT NO. 3 CONTAINS ALL CHANGES)  
TO  
MINIMUM RATE TARIFF NO. 9-B

NAMING  
MINIMUM RATES, RULES AND REGULATIONS  
FOR THE  
TRANSPORTATION OF PROPERTY  
OVER THE PUBLIC HIGHWAYS  
WITHIN A  
DEFINED SAN DIEGO DRAYAGE AREA

BY  
\*\*  
HIGHWAY CONTRACT CARRIERS  
CEMENT CONTRACT CARRIERS  
AND  
RADIAL HIGHWAY COMMON CARRIERS

\*\* "City Carriers" eliminated, Decision No. 74757

EFFECTIVE NOVEMBER 13, 1968

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

First Revised Title Page  
Cancels  
Original Title Page

MINIMUM RATE TARIFF NO. 9-B

NAMING  
MINIMUM RATES, RULES, AND REGULATIONS  
FOR THE  
TRANSPORTATION OF PROPERTY  
OVER THE PUBLIC HIGHWAYS  
WITHIN A  
DEFINED SAN DIEGO DRAYAGE AREA  
BY  
\*\*  
HIGHWAY CONTRACT CARRIERS  
CEMENT CONTRACT CARRIERS  
AND  
RADIAL HIGHWAY COMMON CARRIERS

The original tariff contains rates, rules and regulations established in Decision No. 67766 in Case No. 5439. Changes will be made by issuing revised or added pages or by issuing supplements.

Governed, except as otherwise provided herein, by the Governing Classification referred to in Item No. 10 to the extent shown in Item No. 60.

\*\* "City Carriers" eliminated, Decision No. **74757**

EFFECTIVE NOVEMBER 13, 1968  
(Original Tariff Effective October 3, 1964)

Correction No. 90

Issued by the  
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San Francisco, California 94102

SECTION NO. 1 - RULES AND REGULATIONS	Item No.
<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 <span style="float: right;">**</span> 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, semitrailer, dolly or any combination of such highway vehicles operated by the carrier.</p> <p>COMMISSION means the Public Utilities Commission of the State of California.</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 for transportation by land; 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>DEBTOR means the person obligated to pay the freight charges to the carrier, whether consignor, consignee or other party.</p> <p>DISTANCE TABLE means Distance Table 6.</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>ESTABLISHED DEPOT means a freight terminal owned or leased and maintained by a carrier for the receipt and delivery of shipments.</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 means 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 style="text-align: right;">10</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.

PERMIT SHIPMENT means a shipment which because of its width, length, height, weight or size requires 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.

(Continued in Item No. 11)

∅ Change )  
\*\* Reference to "City Carriers" Act) Decision No. 74757  
eliminated )

EFFECTIVE NOVEMBER 13, 1968

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

Correction No. 91

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
<p style="text-align: center;">APPLICATION OF TARIFF</p> <p>ø(a) Rates provided in this tariff are minimum rates established pursuant to ** the Highway Carriers' Act. They apply for the transportation of property by carriers as described in Item No. 10, and include loading into and unloading from carriers' equipment except as provided in Items Nos. 110 and 500. The rates in this tariff include unloading from rail cars and trucks.</p> <p>(b) 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 as defined in this tariff or for common carriers as defined in the Public Utilities Act.</p>	ø20
<p>ø Change ) ** Reference to "City Carriers' ) Decision No. 74757 Act" eliminated )</p>	
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SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
<p>COLLECT ON DELIVERY (C.O.D.) SHIPMENTS (Continued) (Items Nos. 180, 181 and 182)</p>	
<p>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.</p>	
<p>9. Every carrier handling C.O.D. shipments shall:</p>	
<p>(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.</p>	
<p>(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:</p>	
<p>(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.</p>	<p>181</p>
<p>(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.</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>	

(e) Notify the consignor immediately if a C.O.D. shipment is refused or cannot be delivered on the carrier's initial attempt. Upon instructions from the consignor the carrier may attempt subsequent deliveries, the charge for each such delivery, or attempted delivery, being determined by the applicable freight charges from carrier's terminal to the point of destination. The carrier may also return the shipment to the consignor upon his request, subject to a charge equal to the applicable freight charges on the original outbound movement.

(f) Not make a C.O.D. shipment part of a split delivery shipment.

10. If, in any particular case, exemption or deviation from any of the requirements herein is deemed necessary by the carrier concerned, the Commission will consider the application of such carrier for such exemption or deviation when accompanied by a full statement of the conditions existing and the reasons why such exemption or deviation is considered necessary.

11. A carrier not electing to undertake transportation of C.O.D. shipments shall be deemed to have given notice of such election by not filing the bond provided for herein for carriers handling such shipments.

12. The charges for collecting and remitting the amount of C.O.D. bills collected on C.O.D. shipments weighing less than 100 pounds shall be 50 cents without regard to the amount collected.

(Continued in Item No. 182)

Change  
\*\* Reference to "city" eliminated } Decision No. 74757

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