

Decision No. 74758

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 relating)
to the transportation of cement and)
related products (commodities for)
which rates are provided in)
Minimum Rate Tariff No. 10).)

Case No. 5440
(Petition for Modification
No. 59)
(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 there-
from 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. 10 should be amended
by a separate order in this proceeding.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 10 (Appendix A of Decision
No. 44633, as amended) is further amended by incorporating therein
to become effective November 13, 1968, the revised pages and
supplement 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. 44633, as amended, shall remain in full force and effect.

This order shall become effective twenty-four days after the date hereof.

Dated at San Francisco, California, this 15th day of October, 1968.

William Symons, Jr.
President
Robert E. Mitchell
William L. Bennett
Augusta
Jack P. Morassey
Commissioners

APPENDIX A TO DECISION NO. 74758

List of Supplement and Revised Pages to
Minimum Rate Tariff No. 10
Authorized by Said Decision

Supplement No. 13

Third Revised Title Page

Seventeenth Revised Page 4

Eighteenth Revised Page 5

Sixth Revised Page 8

(END OF APPENDIX A LIST)

SUPPLEMENT NO. 13
(Cancels Supplement No. 12)
(Supplement No. 13 Contains All Changes)

TO
MINIMUM RATE TARIFF NO. 10
NAMING
DISTANCE MINIMUM RATES
ALSO
RULES AND REGULATIONS
FOR THE
TRANSPORTATION OF CEMENT AND OTHER
COMMODITIES OVER THE
PUBLIC HIGHWAYS
WITHIN THE
STATE OF CALIFORNIA

BY

**

RADIAL HIGHWAY COMMON CARRIERS
HIGHWAY CONTRACT CARRIERS
AND
CEMENT CONTRACT CARRIERS

ØVACATING NOTICE

The suspension notice contained in Supplement No. 9 was vacated and the tariff pages listed below became effective March 1, 1968:

Eleventh Revised Page 2
Second Revised Page 5-A
Fifth Revised Page 5-B
First Revised Page 5-C
Original Page 5-D
First Revised Page 7-A

First Revised Page 8-C
Fourth Revised Page 9
First Revised Page 9-A
First Revised Page 9-B
Eighth Revised Page 12
Original Page 12-C
First Revised Page 14

ØVACATING NOTICE

The suspension notice contained in Supplement No. 4 was vacated and the following tariff page became effective February 4, 1967: Original Page 6-B

Ø Change)
**"City Carriers" Decision No. 74758 EFFECTIVE NOVEMBER 13, 1968
eliminated)

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

PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA

MINIMUM RATE TARIFF NO. 10
(Formerly City Carriers' Tariff No. 8
Highway Carriers' Tariff No. 10)

NAMING

DISTANCE MINIMUM RATES

ALSO

RULES AND REGULATIONS

FOR THE

TRANSPORTATION OF CEMENT AND OTHER

COMMODITIES OVER THE PUBLIC

HIGHWAYS WITHIN

THE STATE OF CALIFORNIA

BY

**

RADIAL HIGHWAY COMMON CARRIERS

HIGHWAY CONTRACT CARRIERS

AND

CEMENT CONTRACT CARRIERS

IMPORTANT NOTICE

Reference in this or other tariffs to City Carriers' Tariff No. 8-Highway Carriers' Tariff No. 10 shall be construed as referring to Minimum Rate Tariff No. 10.

The original tariff contains rates, rules and regulations established by Decision No. 44633 in Case No. 4808. Changes will be made by issuing revised or added pages, or by issuing supplements.

** "City Carriers" eliminated, Decision No. 74758

EFFECTIVE NOVEMBER 13, 1968
Correction No. 123 (Original Tariff Effective September 15, 1950)

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

SECTION NO. 1 - RULES AND REGULATIONS	Item No.
<p style="text-align: center;">DEFINITIONS (Items Nos. 10 and 11)</p> <p>ø 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>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; any interstate rate 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>DISTANCE TABLE means Distance Table 6.</p> <p>MOTOR VEHICLE means any motor truck, tractor or other self-propelled highway vehicle used for transportation of property over the public highways, and any trailer, semi-trailer, dolly or other vehicle drawn thereby.</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.</p> <p>PALLETIZED SHIPMENT means a shipment tendered to and transported by the carrier on pallets.</p> <p>PALLETS means (a) pallets, metal or wooden, shipping, including inside spaces or supports for palletized loads; (b) pallets, platforms or skids, for lift trucks, iron, steel or wood, separate or combined, with fixed bodies or enclosures or with standing ends, side, stakes or standards, loose or in packages; or without bodies, enclosures, standing ends, sides, stakes or standards, loose or in packages; or (c) pallets for lift trucks, paperboard, pulpboard or fiberboard.</p>	ø10

POINT OF DESTINATION means the precise location at which property is tendered for physical delivery into the custody of the consignee or his agent; except that (a) all locations within a radius of 50 feet from a single point, and (b) all locations on the property of a single consignee within a radius of 300 feet from a single point will be considered as one point of destination.

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; except that (a) all locations within a radius of 50 feet from a single point, and (b) all locations on the property of a single consignor within a radius of 300 feet from a single point will be considered as one point of origin.

(Continued in Item No. 11)

∅ Change
** Reference to "City Carriers' Act" eliminated) Decision No. 74758

EFFECTIVE NOVEMBER 13, 1968

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

Correction No. .124

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
<p style="text-align: center;">APPLICATION OF RATES</p> <p>Rates provided in this tariff apply for the transportation of shipments from point of origin to point of destination, and include the services of the driver only for loading into and unloading from carrier's motor vehicle. (See Note)</p> <p>NOTE.--Rates do not apply to the transportation of:</p> <ul style="list-style-type: none"> (a) Property of the United States or property transported under an agreement whereby the United States contracted for the carrier's services. (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. 	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, highway contract carriers and cement 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>	ø30
<p style="text-align: center;">APPLICATION OF TARIFF-COMMODITIES</p> <p>Rates in this tariff apply for the transportation of Cement, hydraulic, masonry, natural or Portland, in bulk or in packages. (Subject to Item No. 65.)</p> <p>Rates in this tariff also apply to the following commodities when shipped in mixed shipments with not less than fifty percent (50%), by weight, of cement in packages:</p> <p>Lime, common, including magnesium lime, hydrated or hydraulic, quick or slaked, in packages; Cement flue dust, in packages; and/or Limestone, powdered, in packages.</p>	40

Except as otherwise provided in Item No. 220, rates in this tariff do not apply to shipments of empty pallets.

COMPUTATION OF DISTANCES

Subject to the exceptions provided in Items Nos. 55, 56 and 58, distances to be used in connection with distance rates named herein shall be the shortest resulting mileage via any public highway route computed in accordance with the method provided in the Distance Table.

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∅ Change
** Reference to "City Carriers' Act")
eliminated) Decision No. 74758

EFFECTIVE NOVEMBER 13, 1968

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 125

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
<p style="text-align: center;">REFERENCES TO ITEMS AND OTHER TARIFFS</p> <p>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 or classifications include references to amendments and successive issues of such publications.</p>	135
<p style="text-align: center;">COLLECT ON DELIVERY (C.O.D.) SHIPMENTS (Items Nos. 140, 141 and 142)</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	140

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. 141)

ø Change
** Reference to "city" eliminated } Decision No. **74758**

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San Francisco, California.
Correction No. 126