

ORIGINAL

Decision No. 74759

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 property in the City and County of)
San Francisco, and the Counties of)
Alameda, Contra Costa, Lake, Marin,)
Mendocino, Monterey, Napa, San Benito,)
San Mateo, Santa Clara, Santa Cruz,)
Solano and Sonoma.)

Case No. 5441
(Petition for Modification
No. 148)
(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. 1-B should be amended by a separate order in this proceeding.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 1-B (Appendix B of Decision No. 65834, 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. 65834, 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 S. ...
President

E. P. ...

Stallman ...

Morgan ...

John P. ...
Commissioners

APPENDIX A TO DECISION NO. 74759

List of Supplement and Revised Pages to
Minimum Rate Tariff No. 1-B
Authorized by Said Decision

Supplement No. 3
Third Revised Title Page
First Revised Page 12-A
Second Revised Page 20

(END OF APPENDIX A LIST)

SUPPLEMENT NO. 3
(CANCELS SUPPLEMENT NO. 2)
(SUPPLEMENT NO. 3 CONTAINS ALL CHANGES)

TO
MINIMUM RATE TARIFF NO. 1-B
NAMING
MINIMUM RATES,
RULES AND REGULATIONS
FOR THE
TRANSPORTATION OF PROPERTY OVER THE
PUBLIC HIGHWAYS WITHIN AND
BETWEEN THE CITIES OF

ALAMEDA
EMERYVILLE

ALBANY
OAKLAND

BERKELEY
PIEDMONT

BY

**

RADIAL HIGHWAY COMMON CARRIERS
HIGHWAY CONTRACT CARRIERS
AND
CEMENT CONTRACT CARRIERS

** "City Carriers" eliminated, Decision No. **74759**

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 NO. 1-B

NAMING
MINIMUM RATES,
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FOR THE
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ALAMEDA ALBANY BERKELEY
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RADIAL HIGHWAY COMMON CARRIERS
HIGHWAY CONTRACT CARRIERS
AND
CEMENT CONTRACT CARRIERS

The original tariff contains rates, rules and regulations established in Decision No. 65834 in Case No. 5441. Changes will be made by issuing revised or added pages or by issuing supplements.

Governed by the Governing Classification, as described in Item No. 10, to the extent shown herein.

** "City Carriers" eliminated, Decision No.

74759

EFFECTIVE NOVEMBER 13, 1968
(Original Tariff Effective October 12, 1963)

Correction No. 215

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 (Continued)	Item No.
<p style="text-align: center;">APPLICATION OF TARIFF--CARRIERS</p> <p>∅ Rates, rules, regulations and classification named in this tariff are minimum rates, rules, regulations and classification and apply to the transportation of property over the public highways within and between the cities of Alameda, Albany, Berkeley, Emeryville, Oakland and Piedmont, by Highway Contract Carriers, Cement Contract Carriers and Radial Highway Common Carriers as defined in the Highway Carriers' Act.</p> <p>Rates, rules and regulations named in this tariff shall not apply to transportation by independent-contractor sub-haulers 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>	∅20
<p>∅ Change, Decision No. 74759</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 No. 216</p>	

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
COLLECT ON DELIVERY (C.O.D.) SHIPMENTS (Items Nos. 150, 151 and 152)	
<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>	150

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 sub-haulers; 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. 151)

ø Change
** Reference to "city" eliminated) Decision No. 74759

EFFECTIVE NOVEMBER 13, 1968

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 217