

Decision No. 74762

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 motor vehicles and related items)
(commodities for which rates are pro-)
vided in Minimum Rate Tariff No. 12).)

Case No. 5604
(Petition for Modification
No. 18)
(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. 12 should be amended by a separate order in this proceeding.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 12 (Appendix A to Decision No. 50218, as amended) is hereby further amended by incorporating therein, to become effective November 13, 1968, the Revised Pages attached hereto and listed in Appendix A, also attached hereto, which 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 rule 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 rule 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. 50218, 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
Robert E. Mitchell
Stallman W. Bennett
Augusta
Sheel P. Monissey
Commissioners

APPENDIX A TO DECISION NO. ~~74762~~

List of Revised Pages to Minimum Rate Tariff No. 12

Authorized by Said Decision

First Revised Title Page

Sixth Revised Page 4

Fourth Revised Page 6

Second Revised Page 13-A

(END OF APPENDIX A LIST)

MINIMUM RATE TARIFF NO. 12
NAMING
MINIMUM RATES, RULES AND REGULATIONS
FOR THE
TRANSPORTATION OF MOTOR VEHICLES
(As described herein)
IN SECONDARY MOVEMENT
BY
TRUCKAWAY SERVICE
OVER THE PUBLIC HIGHWAYS WITHIN THE
STATE OF CALIFORNIA
BY
RADIAL HIGHWAY COMMON CARRIERS
HIGHWAY CONTRACT CARRIERS

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The original tariff contains rates, rules, and regulations established in Decision No. 50218 in Case No. 4808. Changes will be made by issuing revised or added pages or by issuing supplements.

** "City Carriers" eliminated, Decision No. 74762

EFFECTIVE NOVEMBER 13, 1968
(Original Tariff effective August 1, 1954)
Correction No. 53

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 data-bbox="508 362 1037 423" style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Items Nos. 10 and 15)</p> <p data-bbox="227 458 1344 549">CARRIER means ** a radial highway common carrier or highway contract carrier, as defined in the Highway Carriers' Act.</p> <p data-bbox="227 579 1255 705">CARRIER'S EQUIPMENT means any motor truck, tractor, or other self-propelled highway vehicle, used for the transportation of property over the public highways and any other vehicle drawn thereby.</p> <p data-bbox="227 735 1262 796">COMMISSION means the Public Utilities Commission of the State of California.</p> <p data-bbox="227 826 1318 1265">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; 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 203(b) (8) of Part II of the Interstate Commerce Act.</p> <p data-bbox="327 1295 1020 1330">DISTANCE TABLE means Distance Table 6.</p> <p data-bbox="227 1360 1262 1456">ESTABLISHED DEPOT means a freight terminal owned or leased and maintained by a carrier for the receipt and delivery of shipments.</p> <p data-bbox="227 1486 1318 1643">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.</p> <p data-bbox="227 1673 1285 1925">MOTOR VEHICLE means any self-propelled vehicle designed for the transportation of persons or property or persons and property (other than upon fixed rails or tracks), whether or not in operating condition, including any such vehicle without one or more parts which may have been damaged, removed, broken off or torn away; also any auto show motor vehicle with one or more integral parts useful for exhibit purposes only.</p>	<p data-bbox="1371 1013 1427 1043" style="text-align: center;">Ø10</p>

POINT OF DESTINATION means the precise location at which property is tendered for physical delivery into the custody of the consignee or his agent. All points within a single industrial plant or receiving area of one consignee shall be considered as one point of destination. An industrial plant or receiving area of one consignee shall include only contiguous property which shall not be deemed separate if intersected only by public street or thoroughfare.

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. All points within a single industrial plant or shipping area of one consignor shall be considered as one point of origin. An industrial plant or shipping area of one consignor shall include only contiguous property which shall not be deemed separate if intersected only by public street or thoroughfare.

RAILHEAD means a railroad or industrial facility from or to which common carrier railroad rates apply for the transportation of motor vehicles.

RATE includes a charge and, also, the rules and regulations governing and the accessorial charges applying in connection therewith.

SAME TRANSPORTATION means transportation of the same kind and quantity of property between the same points, and subject to the same limitations, conditions, and privileges, but not necessarily in an identical type of equipment.

(Continued in Item No. 15)

ø Change)	
** Reference to "City Carriers' Act")	Decision No. 74762
eliminated)	

EFFECTIVE NOVEMBER 13, 1968

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 54

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
<p style="text-align: center;">APPLICATION OF TARIFF - CARRIERS</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 commodities described in paragraph (a) of Item No. 50, by carriers as defined in Item No. 10.</p> <p>Ø(b) Rates, rules and regulations provided 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>	Ø20
<p style="text-align: center;">APPLICATION OF TARIFF - TERRITORIAL</p> <p>ØRates in this tariff apply to transportation of shipments between all points within the State of California **.</p>	Ø30
<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 include references to amendments and successive issues of such other tariffs.</p>	40
<p style="text-align: center;">APPLICATION OF TARIFF - COMMODITIES</p> <p>Ø(a) Except as otherwise provided in paragraph (b), rates in this tariff apply to the secondary movement of commodities described below by truckaway service:</p> <ol style="list-style-type: none"> 1. Motor vehicles and motor vehicle chassis. 2. Parts, spare parts, extra parts, or accessories for a motor vehicle when accompanying the vehicle to which they belong or for which they are intended. 3. Personal effects or other commodities aggregating 300 pounds or less when tendered for transportation with a motor vehicle or motor vehicle chassis. Such personal effects or other commodities shall not be subject to rates provided in any other minimum rate tariff issued by the Commission 	50

(b) Rates in this tariff do not apply to the following:

1. Motor vehicles weighing less than 1,000 pounds, each.
2. Motor vehicles weighing in excess of 5,000 pounds, each.
3. Property of the United States, state, county or municipal governments or property transported under an agreement whereby the governments contracted for the carrier's services.
4. Motor vehicles drawn under their own power or towed wholly upon their own wheels.
5. Trailers, semitrailers, and dollies.
6. Special mobile equipment as described in Item No. 15.
7. Motor vehicles when towed by a tow car except when the tow car movement is part of a continuous through movement involving use of other transport equipment by the same carrier.
8. 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.

Ø Change)	
** Reference to "City Carriers' Act")	Decision No.
eliminated)	74762

EFFECTIVE NOVEMBER 13, 1968

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 55

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
<p data-bbox="348 476 1050 541">COLLECT ON DELIVERY (C.O.D.) SHIPMENTS (Items Nos. 225 and 226)</p> <p data-bbox="242 604 1272 833">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 data-bbox="242 861 1311 1091">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 data-bbox="242 1119 1331 1716">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 data-bbox="242 1744 1305 2200">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>	<p data-bbox="1367 1208 1443 1242">Ø225</p>

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.

ø8. 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. 226)

ø Change)	Decision No. 74762
** Reference to "city" eliminated		

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San Francisco, California.
Correction No. 56