

ORIGINAL

Decision No. 74764

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 any)
and all commodities between and)
within all points and places in)
the State of California (including,)
but not limited to, transportation)
for which rates are provided in)
Minimum Rate Tariff No. 15).)

Case No. 7783
(Petition for Modification
No. 15)
(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. 15 should be amended by a separate order in this proceeding.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 15 (Appendix B of Decision No. 65072, as amended) is 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 rates 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 rates 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. 65072, 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 1st day of October, 1968.

William Synovus, Jr.
President

Ed. P. Morrissey

William L. Bennett

Augustus

Ed. P. Morrissey
Commissioners

APPENDIX A TO DECISION NO. ~~74764~~

List of Revised Pages to Minimum Rate Tariff No. 15

Authorized by Said Decision

Second Revised Title Page

Fourth Revised Page 4

Third Revised Page 5

Third Revised Page 11

(End of Appendix A List)

MINIMUM RATE TARIFF NO. 15

NAMING

MINIMUM YEARLY, MONTHLY AND WEEKLY VEHICLE UNIT

RATES, RULES AND REGULATIONS

FOR THE

TRANSPORTATION OF PROPERTY OVER THE

PUBLIC HIGHWAYS WITHIN THE

STATE OF CALIFORNIA

BY

**

RADIAL HIGHWAY COMMON CARRIERS

HIGHWAY CONTRACT CARRIERS

AND

CEMENT CONTRACT CARRIERS

The original tariff contains rates, rules and regulations established in Decision No. 65072 in Cases Nos. 5432, 5435, 5439, 5441 and 5603. Changes will be made by issuing revised or added pages or by issuing supplements.

** "City Carriers" eliminated, Decision No. 74764

EFFECTIVE NOVEMBER 13, 1968
(Original Tariff Effective May 1, 1963)

Correction No. 116

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;">DEFINITION OF TECHNICAL TERMS</p> <p>(a) AIR MILE means a statute mile measured in a straight line without regard to terrain features or differences in elevation.</p> <p>(b) BASE OF OPERATIONS means the single point described in the written agreement which shall be a point at which the shipper will regularly tender freight to the carrier or will regularly receive freight from the carrier.</p> <p>(c) 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>(d) CARRIER'S EQUIPMENT means any motor truck or other self-propelled highway vehicle, trailer, semi-trailer, or any combination of such highway vehicles operated as a single unit.</p> <p>(e) CHILLED TEMPERATURE CONTROL SERVICE means the service of providing protection against heat and maintaining the commodity at a temperature higher than 32 degrees Fahrenheit.</p> <p>(f) 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>(g) FROZEN TEMPERATURE CONTROL SERVICE means the service of providing protection against heat and maintaining the commodity at a temperature of 32 degrees Fahrenheit or lower.</p> <p>(h) HOLIDAYS referred to in this tariff mean New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Admission Day(1), Thanksgiving Day, December 24(2) and Christmas Day. When one of the above holidays falls on a Sunday, the following Monday will be considered a holiday.</p> <p style="margin-left: 40px;">(1) Applicable only in connection with Rate Bases "A" and "C" rates.</p> <p style="margin-left: 40px;">(2) Applicable only in connection with Rate Bases "B" and "D" rates.</p> <p>(i) 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.</p> <p>(j) RATE includes charge and also rules and regulations governing and the accessorial charges applying in connection therewith.</p> <p>(k) TEMPERATURE CONTROL SERVICE means the protection from heat by the use of ice (either water or solidified carbon dioxide), by mechanical refrigeration or by release of liquefied gases.</p>	10

Change
** Reference to "City Carriers' Act"
eliminated } Decision No. 74764

EFFECTIVE NOVEMBER 13, 1968

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 117

SECTION NO. 1--RULES AND REGULATIONS (Continued)	Item No.
<p style="text-align: center;">APPLICATION OF TARIFF - CARRIERS</p> <p>ØRates provided in this tariff are minimum rates, established pursuant to the ** Highway Carriers' Act, and apply for transportation of property by ** radial highway common carriers, highway contract carriers and cement contract carriers as defined in said Act.</p>	Ø20
<p style="text-align: center;">APPLICATION OF TARIFF - TERRITORIAL</p> <p>This tariff applies between all points within the State of California.</p>	30
<p style="text-align: center;">APPLICATION OF TARIFF - COMMODITIES</p> <p>This tariff applies for the transportation of all commodities except those for which rates are provided in Minimum Rate Tariffs Nos. 3-A, 4-B, 6-A, 7, 8, 10, 12, 13 and 17.</p>	40
<p style="text-align: center;">APPLICATION OF RATES (Items Nos. 50 and 51)</p> <p>(a) This tariff applies only when, prior to the transportation of the property, the shipper enters into a written agreement with the carrier as provided in Items Nos. 90 and 91 and only when the property is transported by one carrier for one shipper. When such agreement is executed, rates otherwise provided in the Commission's Minimum Rate Tariffs will not apply.</p> <p>(b) The rates shall be governed by the Rate Bases as described in Item No. 60.</p> <p>(c) The rates herein, except those contained in Section No. 4, Weekly Vehicle Unit Rates, are limited to service performed within a radius of 250 air miles from the base of operations designated in the written agreement provisions of Items Nos. 90 and 91. Written agreements may not be combined nor construed so as to permit one way operations in excess of 250 air miles.</p> <p>(d) The base yearly, monthly and weekly rates as set forth in Items Nos. 200 through 411 apply as follows:</p> <p>(1) The yearly rates in Items Nos. 200, 210 and 211 apply when the shipper enters into a written</p>	50

agreement with the carrier for a period of one year or more. The rates set forth are one-twelfth of the annual charge. The rates do not include service performed on Saturdays, Sundays or Holidays. For service performed on these days the additional charges provided in Item No. 520 are applicable.

- (2) The monthly rates in Items Nos. 300, 310 and 311 will apply for periods of 30 consecutive days. The rates do not include service performed on Saturdays, Sundays or Holidays. For service performed on these days the additional charges provided in Item No. 520 are applicable.
- (3) The weekly rates in Items Nos. 400, 410 and 411 will apply for a period of 5 consecutive days excluding Saturdays, Sundays or Holidays. The daily rates for Saturdays, Sundays and Holidays as set forth in Item No. 520 may be combined with the weekly rates when the days of service are continuous.

(Continued in Item No. 51)

∅ Change
** Reference to "City Carriers' Act" } Decision No. 74764
eliminated }

EFFECTIVE NOVEMBER 13, 1968

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 118

SECTION NO. 1--RULES AND REGULATIONS (Continued)

Item
No.COLLECT ON DELIVERY (C.O.D.) SHIPMENTS
(Items Nos. 110 and 111)

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.

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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.

ø8. 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. 111)

ø Change ** Reference to "city" eliminated)))	Decision No. 74764
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EFFECTIVE NOVEMBER 13, 1968

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San Francisco, California.
Correction No. 119
