

ORIGINAL

Decision No. 74765

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)	Case No. 7857
for the purpose of considering and)	(Petition for Modification
determining revisions in or reissues of Minimum Rate Tariff No. 14-A.)	No. 19)
	(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. 14-A should be amended by a separate order in this proceeding.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 14-A (Appendix A to Decision No. 67397, 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 rules and charges 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 rules and charges 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. 67397, 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 J. Lyons
President

Ed. J. McMillin

William B. Bennett

Augusta

Paul P. Monissey
Commissioner

APPENDIX A TO DECISION NO. ~~74765~~

List of Supplement and Revised Pages to
Minimum Rate Tariff No. 14-A
Authorized by Said Decision

Supplement No. 3

Third Revised Title Page

Fourth Revised Page 4

Second Revised Page 15

(END OF APPENDIX A LIST)

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

TO

MINIMUM RATE TARIFF NO. 14-A

NAMING

MINIMUM RATES, RULES AND REGULATIONS

FOR THE

TRANSPORTATION, IN BULK, OF AGRICULTURAL

COMMODITIES NAMED HEREIN

OVER THE PUBLIC HIGHWAYS WITHIN THE

STATE OF CALIFORNIA

BY

**

RADIAL HIGHWAY COMMON CARRIERS

AND

HIGHWAY CONTRACT CARRIERS

** "City Carriers" eliminated, Decision No. **74765**

EFFECTIVE NOVEMBER 13, 1968

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

Third Revised Title Page
Cancels
Second Revised Title Page

MINIMUM RATE TARIFF NO. 14-A

NAMING

MINIMUM RATES, RULES AND REGULATIONS

FOR THE

TRANSPORTATION, IN BULK, OF

AGRICULTURAL COMMODITIES

NAMED HEREIN

OVER THE PUBLIC HIGHWAYS WITHIN THE

STATE OF CALIFORNIA

BY

**

RADIAL HIGHWAY COMMON CARRIERS

AND

HIGHWAY CONTRACT CARRIERS

The original tariff contains rates, rules and regulations established in Decision No. 67397 in Case No. 7857. Changes will be made by issuing revised or added pages or by issuing supplements.

** "City Carriers" eliminated, Decision No. **74765**

EFFECTIVE NOVEMBER 13, 1968
(Original Tariff Effective July 25, 1964)

Correction No. 57

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 OF GENERAL APPLICATION	Item No.
<p data-bbox="396 415 1032 516">DEFINITION OF TECHNICAL TERMS NOT DEFINED IN INDIVIDUAL ITEMS (Items Nos. 10 and 11)</p> <p data-bbox="214 554 1313 667">CARRIER means ** a radial highway common carrier or a highway contract carrier as defined in the Highway Carriers' Act.</p> <p data-bbox="214 680 1313 793">CARRIER'S EQUIPMENT means any motor truck, motor trailer, trailer, semi-trailer, or any combination of such highway vehicles operated as a single unit.</p> <p data-bbox="289 806 702 844">COMMON CARRIER RATE means:</p> <ol data-bbox="322 869 1280 1423" style="list-style-type: none">1. 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;2. 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;3. 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 trans- portation exempt from rate regulation of the Interstate Commerce Commission under Section 203(b)(6) or 203(b)(8) of Part II of the Interstate Commerce Act. <p data-bbox="214 1449 1230 1549">CONSIGNEE means the person, firm or corporation shown on the shipping document as the party to whom the property is physically delivered by the carrier.</p> <p data-bbox="214 1575 1313 1675">CONSIGNOR means the person, firm or corporation shown on the ship- ping document as the party who physically delivers the property to the carrier for transportation.</p> <p data-bbox="214 1701 1280 1776">DEBTOR means the person obligated to pay the freight charges to the carrier, whether consignor, consignee, or other party.</p> <p data-bbox="289 1801 883 1839">DISTANCE TABLE means Distance Table 6.</p> <p data-bbox="214 1864 1280 1927">IN BULK means not in bags, sacks, packages, or other containers, except bins, or except containers otherwise specified.</p> <p data-bbox="214 1953 1263 2116">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 re- sult is accomplished.</p>	<p data-bbox="1379 1260 1437 1297">10</p>

POINT OF DESTINATION means the location at which property is delivered to the consignee or his agent. All points within a single storage yard or structure, or within a single plant or receiving area of one consignee shall be considered as one point of destination. A 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 location at which property is delivered by the consignor or his agent to the carrier for transportation. All locations at a single field or roadside stack, or within a single storage yard or storage structure, or within a single plant or shipping area of one consignor shall be considered as one point of origin. A 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. The point of origin of a field pickup shipment (see Item No. 180) shall be the point in a single field or farm site nearest the point of destination.

POWER EQUIPMENT means any gasoline, diesel, electric or gas driven equipment including electric powered cranes and lift truck equipment.

(Continued in Item No. 11)

∅ Change
** Reference to "City Carriers' Act" eliminated) Decision No. 74765

EFFECTIVE NOVEMBER 13, 1968

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

Correction No. 58

SECTION NO. 1 - RULES AND REGULATIONS OF
GENERAL APPLICATION (Continued)

Item
No.

COLLECT ON DELIVERY (C.O.D.) SHIPMENTS
(Items Nos. 230, 231 and 232)

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.

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. 231)

Change
** Reference to "city" eliminated) Decision No. 74765

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San Francisco, California.
Correction No. 59