

ORIGINAL

Decision No. 74800

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 fresh or green fruits and vegetables )  
and related items (commodities for )  
which rates are provided in Minimum )  
Rate Tariff No. 8). )

Case No. 5438

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 74532 dated August 13, 1968, the Commission found that Distance Table 7 and its separate Book of Maps contain the reasonable constructive miles and governing rules to be used in connection with the Commission's minimum rate tariffs. The Commission concluded that Distance Table 7 and its separate Book of Maps should be adopted to supersede Distance Tables Nos. 5 and 6 effective January 1, 1969, and that minimum rate tariffs now referring to Distance Table No. 5 or 6 should be amended accordingly. The necessary amendment to Minimum Rate Tariff No. 8 will be made by the order herein.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 8 (Appendix C of Decision No. 33977, as amended) is further amended by incorporating therein, to become effective January 1, 1969, Sixteenth Revised Page 4, attached hereto and by this reference made a part hereof.
2. The basis for constructively increasing highway mileages prescribed by the Commission in Decision No. 74532 dated August 13,

1968, in Case No. 7024, is hereby adopted, established and approved as the just, reasonable and nondiscriminatory basis for computing distances for use in applying distance rates in Minimum Rate Tariff No. 8.

3. The rates and charges set forth in Minimum Rate Tariff No. 8 determined under the provisions of Distance Table 7 and the rules governing such rates and charges are hereby established as the minimum reasonable and sufficient rates and charges to be published, assessed, charged, collected and observed by all common carriers as defined in the Public Utilities Act for the transportation of fresh fruits and vegetables and related items between the points for which rates are provided in the tariff.

4. Common carriers are hereby authorized to adopt Distance Table 7 as the basis for computing distances for use in applying distance rates in their common carrier tariffs for the transportation of:

- (a) commodities for which minimum rates have not been established, or
- (b) commodities which are subject to higher rates than, or more restrictive provisions than, the minimum rates or provisions otherwise applicable.

5. Common carriers need not file with this Commission a distance table for the transportation of fresh fruits and vegetables and related items but may instead publish in their tariffs the following provision to be made applicable only to distance rates for the transportation of said commodities:

"Distances to be used in connection with distance rates named herein shall be determined in accordance with Distance Table 7 issued by the Public Utilities Commission of the State of California."

6. Tariff publications required to be made by common carriers as a result of the order herein shall be made effective January 1, 1969, on not less than ten days' notice to the Commission and to the public; and tariff publications which are authorized but not required to be made by common carriers as a result of the order herein may be made effective not earlier than January 1, 1969, and may be made effective on not less than ten days' notice to the Commission and to the public if filed not later than March 1, 1969. Tariff publications required or authorized herein shall be filed not earlier than the effective date of this order.

7. Common carriers 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 provisions published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.


8. In all other respects Decision No. 33977, as amended, shall remain in full force and effect.

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

Dated at Los Angeles, California, this 8<sup>th</sup> day of October, 1968.

William J. Lyons, Jr.  
President  
Robert L. Mitchell  
William L. Berne  
Augusta  
Paul P. Monsey  
Commissioners

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION
	<p>DEFINITION OF TECHNICAL TERMS (Items Nos. 10 and 11)</p> <p>BUNKER ICING means placing ice in bunkers or compartments in carrier's equipment, separate or apart from the cargo area thereof, but not including the providing of mechanical means for distributing the cool air, such as fans.</p> <p>CARRIER'S EQUIPMENT means any motor truck or other self-propelled highway vehicle, trailer, semi-trailer, or any combination of such highway vehicles, operated by the carrier.</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 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)(6) or Section 203(b)(8) of Part II of the Interstate Commerce Act.</p> <p>COMPONENT PART means any part of a shipment separately received by the carrier whether or not such part is separately delivered by the carrier; and any part of a shipment separately delivered by the carrier whether or not such part is separately received by the carrier.</p> <p>CONTAINER ICING means placing ice within the package with the fruit or vegetable shipped.</p> <p>DISTANCE TABLE means Distance Table 7.</p> <p>DEBTOR means the person obligated to pay the freight charges to the carrier, whether consignor, consignee, or other party.</p> <p>ESTABLISHED DEPOT means a freight terminal owned or leased and maintained by a carrier for the receipt and delivery of shipments.</p> <p>HOLIDAYS means New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Admission Day, Thanksgiving Day and Christmas Day. When such holidays fall on Sunday, the following Monday shall be considered a holiday.</p>



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.

PICKUP AND DELIVERY CHARGE means the full charge applicable without the deduction authorized by Item No. 120.

POINT OF DESTINATION means the precise location at which property is tendered for physical delivery into the custody of the consignee or his agent. (See also Item No. 120, paragraph 2.)

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 all locations on or along a single packing or shipping shed, and all locations within a radius of 100 yards from a single point, within a single field will be considered as one point of origin. A single plant or shipping area shall include only contiguous property which shall not be deemed separate if intersected only by a public street or thoroughfare.

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

(Continued in Item No. 11)

Ø Change, Decision No. 74800

EFFECTIVE JANUARY 1, 1969

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.  
Correction No. 509