

Decision No. 74802

ORIGINAL

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) Case No. 5440
carriers relating to the transportation)
of cement and related products (Commodi-)
ties for which rates are provided in)
Minimum Rate Tariff No. 10).)

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 in place of Distance Table 6 and that the resulting changes provide just and reasonable minimum rates and rules. The Commission concluded that Distance Table 7 and its separate Book of Maps should be adopted to supersede Distance Table 6 effective January 1, 1969, and that minimum rate tariffs now referring to Distance Table 6 should be amended accordingly. The necessary amendment to Minimum Rate Tariff No. 10 will be made by the order herein.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 10 (Appendix A to Decision No. 44633, as amended) is further amended by incorporating therein, to become effective January 1, 1969, Eighteenth 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. 10.

3. The rates and charges set forth in Minimum Rate Tariff No. 10 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 cement and related products 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 cement and related products 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. 44633, 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 8th day of October, 1968.

William J. Lyons
President
John E. Mitchell
William L. Bennett
Augustin
Fred P. Monahan
Commissioners

SECTION NO. 1 - RULES AND REGULATIONS	Item No.
<p data-bbox="591 405 984 473" style="text-align: center;">DEFINITIONS (Items Nos. 10 and 11)</p> <p data-bbox="223 531 1207 632">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 data-bbox="223 657 1248 725">COMMISSION means the Public Utilities Commission of the State of California.</p> <p data-bbox="223 750 1306 1186">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 rate 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="299 1217 1009 1254">ØDISTANCE TABLE means Distance Table 7.</p> <p data-bbox="223 1280 1285 1406">MOTOR VEHICLE means any motor truck, tractor or other self-propelled highway vehicle used for transportation of property over the public highways, and any trailer, semi-trailer, dolly or other vehicle drawn thereby.</p> <p data-bbox="223 1431 1285 1595">OVERLYING CARRIER (principal carrier) means a carrier which contracts with a shipper to provide transportation service for the latter, but which carrier in turn employs another carrier, known as the underlying carrier (independent-contractor subhauler), to perform that service.</p> <p data-bbox="223 1620 1268 1690">PALLETIZED SHIPMENT means a shipment tendered to and transported by the carrier on pallets.</p> <p data-bbox="223 1716 1318 1998">PALLETS means (a) pallets, metal or wooden, shipping, including inside spaces or supports for palletized loads; (b) pallets, platforms or skids, for lift trucks, iron, steel or wood, separate or combined, with fixed bodies or enclosures or with standing ends, side, stakes or standards, loose or in packages; or without bodies, enclosures, standing ends, sides, stakes or standards, loose or in packages; or (c) pallets for lift trucks, paperboard, pulpboard or fiberboard.</p>	<p data-bbox="1389 1174 1447 1212" 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; except that (a) all locations within a radius of 50 feet from a single point, and (b) all locations on the property of a single consignee within a radius of 300 feet from a single point will be considered as one point of destination.

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 (a) all locations within a radius of 50 feet from a single point, and (b) all locations on the property of a single consignor within a radius of 300 feet from a single point will be considered as one point of origin.

(Continued in Item No. 11)

Ø Change, Decision No. 74802

EFFECTIVE JANUARY 1, 1969

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

Correction No. 127