

ORIGINAL

Decision No. 75249

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 sand, rock, gravel and related items
(commodities for which rates are provided
in Minimum Rate Tariffs Nos. 7 and 17).

Case No. 5437
(Petitions for Modification
Nos. 158, 159, 160 and 163)

E. O. Blackman, for California Dump Truck Owners
Association, petitioner in Petition No. 158;
Karl K. Roos and Harry C. Phelan, Jr., for
California Asphalt Pavement Association,
petitioner in Petition No. 159; G. Ralph Grago,
for Association Independent Owner-Operators, Inc.,
petitioner in Petition No. 160; Richard W. Smith,
H. F. Kollmyer and A. D. Poe, for California
Trucking Association, petitioner in Petition No. 163.
Fred O'Nan, Trinidad Aranda and John B. Evans, respondents.
C. Fred Imhoff, for Industrial Asphalt, Scott J. Wilcott
for Southern California Rock Products Assn.,
interested parties.
R. J. Staunton, William H. Well and Robert C. Labbe, for
the Commission's staff.

O P I N I O N

By Decisions Nos. 71874 and 71875 of January 17, 1967, in
Case No. 5437, the Commission made substantial revisions to the zone
rates for transportation of asphaltic concrete by 2-and 3-axle trucks.
The Commission in Finding No. 6 of Decision No. 71874 found that within
the geographical area embraced by Minimum Rate Tariff 17 (MRT-17),
minimum rates for 4- and 5-axle equipment transporting asphaltic
concrete should be the hourly rates in Section 4 of Minimum Rate
Tariff No. 7 (MRT-7). Previously zone rates in Section 3 and the
hourly rates in Section 4 of MRT-7 had applied. The mileage rates

in Section 2 of MRT-7 previously did not apply to the transportation of asphaltic concrete within the zoned areas of MRT-7. The tariff pages appended to and made a part of the two decisions left some question whether the use of mileage tonnage rates for asphaltic concrete in 4- and 5-axle equipment under distance rate notice within the geographic area of MRT-17 had been authorized concurrently.

On December 14, 1967, staff Informal Ruling No. 190 was issued expressing the view that under Decision No. 71874 the hourly rates in Section 4 of MRT-7 are the only rates applicable to the transportation in question by 4- and 5-axle equipment.

The above actions resulted in considerable confusion in the industry and resulted in the filing of the four petitions here involved. They are briefly described below.

Petition No. 158, filed January 15, 1968 and amended February 5, 1968, by California Dump Truck Owners Association (CDTOA), asks that Informal Ruling No. 190 be clearly incorporated into MRT-17, and that several other tariff provisions relating to returned or diverted shipments, to delivery beyond a zone, and to delay time be clarified.

Petition No. 159, filed January 17, 1968, by the California Asphalt & Pavement Association (CAPA), seeks cancellation of Informal Ruling No. 190. It offers no substitute provisions.

Petition No. 160, filed February 13, 1968, and amended April 3, 1968, by Associated Independent Owner-Operators, Inc. (AIOO), seeks tariff amendments relating to delay time and to alternation of rates.

Petition No. 163, filed March 28, 1968, by California Trucking Association (CTA), sets forth CTA's proposals for tariff revisions made necessary by the other three petitions.

As the four petitions are interrelated, they were consolidated for hearing and decision. Since two of the petitions were filed after the start of the hearings, the complete record was made, by reference, applicable to all four petitions.

Public hearings were held before Examiner Turpen, at Los Angeles, on February 13 and 14, March 11, 12 and 13, April 8 and 9, 1968. The petitions were submitted May 1, 1968 on receipt of written closing arguments.

A major issue in these proceedings is the question of the applicable rates to be assessed for the transportation of asphaltic concrete in various sizes of dump-truck equipment. As stated previously, Decisions Nos. 71874 and 71875 found that for transportation by 4-and 5-axle trucks, hourly rates should apply.^{1/} The record in this proceeding shows that the tariff pages attached to those decisions were not clear, and resulted in the issuance of Informal Ruling No. 190, which did not correctly reflect the Commission's intent.^{2/} In Decision No. 71874, as previously mentioned, extensive revisions were made in the zone rates for 2-and 3-axle trucks. These were based on extensive cost studies and found to be reasonable minimum rates. As

1/ Finding 6 of Decision No. 71874 reads as follows;

"6. The minimum rates for the movement of asphaltic concrete and cold road oil mixture in 4- and 5-axle dump truck equipment (end-dump equipment consisting of truck and transfer trailer units, truck and pup-trailer units and tractor and semitrailer units; and hopper-bottom equipment consisting of tractor, semitrailer and full trailer units) within the geographical area embraced by MRT-17, pending receipt of additional evidence in this proceeding, should be the hourly rates set forth in MRT 7."

2/ Informal Ruling No. 190 is reproduced in Appendix A.

to 4-and 5-axle trucks, that decision recognized that such equipment could be operated more economically, but lacking definite cost figures, reached the result stated in Finding No. 6, so as to recognize the lower costs of the larger equipment. The evidence in this proceeding contains nothing to change those findings and conclusions set forth in Decision No. 71874. It thus appears that on this subject, the necessary action is to amend MRT-7 and MRT-17 to accurately reflect the findings set forth in Decision No. 71874. The CDTOA, the CTA and the Commission staff presented proposed tariff revisions to correct the tariffs. Those of CTA and the staff are more definite than those of CDTOA. The staff's proposal is simpler, as CTA's proposal involves setting up a complete new section in MRT-17 naming the hourly rates. This would avoid cross-reference between the two tariffs and sets out the definite rates without the user having to refer to the other tariff. It thus appears that the CTA's proposed tariff revisions to implement Finding No. 6 should be adopted. Concurrently, Informal Ruling No. 190 should be canceled. Petition No. 159, of CAPA, sought only the cancellation of Informal Ruling No. 190, and offered nothing as a substitute therefore. Adoption of the CTA proposal would make Petition No. 159 moot.

As a closely related matter, Petition No. 160 of AIOO, seeks tariff revisions to permit 2-and 3-axle trucks to utilize hourly rates as an alternative to the zone rates named in MRT-17. Testimony in support of this position was given by a number of carriers. The substance of their testimony was that they were losing business because 4-and 5-axle trucks enjoyed lower rates. However, none of the testimony contradicted the findings made previously that the larger equipment should have lower rates. We have found that the

presently prescribed zone rates are reasonable for the 2-and 3-axle equipment. We have repeatedly held against alternation of rates when a definite system of rates has been found to be reasonable. No evidence has been presented here that would change our previous views that definite zone rates should apply to the 2-and 3-axle trucks.

The record discloses that the main reason for a request of alternation of rates is a condition over which the Commission has no control. It definitely has been shown that the costs of transportation in 4-and 5-axle trucks are lower than those for 2-and 3-axle trucks, and thus that lower rates are warranted for the larger trucks. This has, obviously, caused a diversion of business from the smaller trucks to the larger trucks. However, this is a factor of economic life that must be recognized. We cannot permit the small truck operators to assess rates less than their costs to meet competition, as it would lead to their failing to meet expenses and possibly eventually going out of business. Similarly, it would not be right not to permit shippers to take undue advantage of the lower costs of transportation performed by the larger equipment. It is thus obvious that AIOO's request for alternation of rates must be denied.

Another major issue in these proceedings is the question of the so-called delay time, that time under zone or distance rates after the carrier arrives at the job site and before compensation for time spent there begins. Decision No. 71874 established a "free time" of 60 minutes, and according to the record in this proceeding, there apparently has been considerable abuse of this factor by consignees requiring undue lengths of waiting time.

The various parties proposed rules to solve this problem. The CDTOA proposed a 30-minute period before assessing charges. The

AI00 and the CTA proposed 20 minutes for 2-and 3-axle trucks, and 40 minutes for 4-and 5-axle units. The times proposed by AI00 and CTA are based on past practices. A previous exhibit was incorporated into the record by reference which showed unloading times of 1081 shipments, with times up to 155 minutes. It was well established that the present rates (distance and zone) include 16 minutes for unloading time. The witness for the CDTOA averaged the unloading times, considering all those over 30 minutes as being 30 minutes. By this method he developed an average unloading time of 15.6 minutes. It is thus obvious that 30 minutes is the proper length of "free time" that should be allowed. The form of the tariff provisions as proposed by the CTA appears clearer and less subject to misinterpretation than those proposed by the other petitioners. The charges to be assessed after the "free time", as set forth in the CTA proposal, conform to practices followed generally prior to the establishment of the present tariff provisions and appear reasonable.

The CDTOA and the CTA both propose changes in the tariff rules relating to returned and diverted shipments. These changes are to clarify the provisions and remove some areas of misunderstanding that have developed. The CTA's proposed tariff revisions should be adopted.

The CTA proposes revisions in the documentation requirements in both tariffs. The changes are designed to arrange the various requirements in a more logical order and to clear up some minor discrepancies. Also, the proposal would permit the use of a weight ticket as a shipping document, a practice that is widely observed. These changes will be adopted.

The CDTOA seeks an increase in the rate per mile provided in Item No. 270 of MRT 17 from 9 cents to 13 cents, as a change inadvertently not made previously. This change will be made.

CAPA, by means of an exhibit, made a proposal to change the definition of "Point of Destination", but the evidence is too inconclusive to warrant making the proposed change at this time.

CAPA petitioned for issuance of an examiner's proposed report. This petition will be denied.

The Commission finds that:

1. Findings Nos. 4 and 6 of Decision No. 71874 are affirmed and adopted as findings herein.
2. The tariff pages attached to Decisions Nos. 71874 and 71875, and Informal Ruling No. 190, did not correctly implement the Commission's intent expressed in Decision No. 71874.
3. The tariff changes discussed hereinabove will implement Finding No. 6 of Decision No. 71874.
4. In regard to "free time" an allowance of 30 minutes is justified and is reasonable.
5. Other tariff provisions discussed hereinabove and recommended to be adopted will result in reasonable rates and rules.
6. Increases resulting from adoption of tariff changes made herein are justified.

The Commission concludes that MRT-17 should be amended by the order which follows; that for convenience in tariff distribution, MRT-7 should be amended by separate order; that those portions of Petitions Nos. 158, 159, 160 and 163 not granted herein should be denied; and that Informal Ruling No. 190 should be canceled.

O R D E R

IT IS ORDERED that:

1. Minimum Rate Tariff 17 (Appendix B to Decision No. 69469, as amended) is hereby further amended by incorporating therein to become effective March 8, 1969, the revised pages attached hereto and listed in Appendix B, also attached hereto, which pages and appendix are made a part hereof.

2. In all other respects said Decision No. 69469, as amended, shall remain in full force and effect.

3. Except to the extent herein granted, Petitions Nos. 158, 159, 160 and 163, in Case No. 5437, are hereby denied.

The effective date of this order shall be twenty-four days after the date hereof.

Dated at San Francisco, California, this 28th
day of JANUARY, 1969.

William Symons, Jr.
President
Augusta
John P. Monissey
William A. -
Thomas M. -
Commissioners

APPENDIX A

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

INFORMAL RULING NO. 190

December 14, 1967

Subject: Minimum Rate Tariffs Nos. 7 and 17.
Application of rates for shipments
of asphaltic concrete in trucks with
trailing equipment or in tractor-and-
trailer equipment.

It has been asked whether the transportation of asphaltic concrete in trucks with trailing equipment or in tractor-and-trailer equipment is subject only to the hourly rates in Section No. 4 of Minimum Rate Tariff No. 7 or if the hourly rates set forth therein alternate with rates contained elsewhere in that tariff under the provisions of page 39 of Minimum Rate Tariff No. 7.

In discussing this question in Decision No. 71874, dated January 17, 1967, in Case No. 5437 (Order Setting Hearing dated March 24, 1959, and Petitions Nos. 48, 65, 80 and 90), the Commission said "... that (issue) having the greatest importance is the contention of CAPA that rates based on costs for 3-axle vehicles are too high for 5-axle equipment. CAPA suggests, in the alternative that zone rates alternate fully with hourly rates, or that hourly rates be made applicable to movements of asphalt in 5-axle equipment. The latter alternative has merit as an interim basis for assessment of rates pending completion of the record on rehearing."

Finding 6 of Decision No. 71874 provides that "The minimum rates for the movement of asphaltic concrete in 4- and 5-axle dump truck equipment (end-dump equipment consisting of truck and transfer trailer units, truck and pup-trailer units and tractor and semitrailer units; and hopper-bottom equipment consisting of tractor semitrailer and full trailer units) should be the hourly rates set forth in MRT 7."

Item 65, Exception, of Minimum Rate Tariff 17 provides "For rates applicable to the transportation of (asphaltic concrete) when transported in trucks with trailing equipment or in tractor-and-trailer equipment, see Section No. 4 of Minimum Rate Tariff No. 7."

Based on the foregoing, the hourly rates in Section No. 4 of Minimum Rate Tariff No. 7 are applicable to the transportation in question and alternation of such rates with rates in other sections of Minimum Rate Tariff No. 7 is not authorized.

J. W. Mulgrew
Director of Transportation

N O T I C E

The ruling set forth above is an informal ruling of the Transportation Division of the Public Utilities Commission of the State of California made in response to questions propounded by the public, indicating what is deemed by the Division to be the correct application and interpretation of the particular tariffs involved. This ruling is tentative and provisional and is made in the absence of formal decisions upon the subject by the Commission.

APPENDIX B TO DECISION NO. 75249

LIST OF REVISED PAGES TO MINIMUM RATE TARIFF 17
AUTHORIZED BY SAID DECISION

Twenty-eighth Revised Page 1-2

Fourth Revised Page 1-2.4

Fifth Revised Page 1-3

Fifth Revised Page 1-3.1

Second Revised Page 1-4.1

Fourth Revised Page 1-7

Fifth Revised Page 1-8

Fourth Revised Page 1-14

Fourth Revised Page 1-15

First Revised Page 1-15.1

Fifth Revised Page 1-21

Third Revised Page 1-22

Second Revised Page 22

Second Revised Page 22-1

Second Revised Page 22-2

Original Page 23

Original Page 23-1

(END OF APPENDIX B)

SECTION 1--RULES AND REGULATIONS (Continued)

*TARIFF PAGES CHECK SHEET

Original And Revised Pages As Named Below and Supplement 8 Contain All Changes From The Original Tariff In Effect On The Dates Shown Thereon. Decision Numbers And Dates Are Not Shown Opposite Page Revisions Below Which Were In Effect Prior To April 20, 1968. The Decision Numbers And Dates Will Be Shown On Further Revisions Of Such Pages.

PAGE NUMBER	REVISION NUMBER	DECISION NUMBER	DATE	PAGE NUMBER	REVISION NUMBER	DECISION NUMBER	DATE
Title	3rd	74755	10/1/68	1-20	Original		
1	Original			1-21	*5th		
1-1	5th	75149	12/27/68	1-22	*3rd		
1-2	*28th			1-23	1st	73653	1/23/68
1-2.1	5th	75149	12/27/68	2	2nd		
1-2.2	3rd	75149	12/27/68	2-1	Original		
1-2.3	3rd	75149	12/27/68	2-2	Original		
1-2.4	*4th			2-3	1st		
1-3	*5th			2-4	Original		
1-3.1	*5th			2-5	Original		
1-4	3rd			2-6	Original		
1-4.1	*2nd			2-7	Original		
1-5	3rd	74755	10/1/68	2-8	Original		
1-6	5th	74755	10/1/68	2-9	Original		
1-7	*4th			2-10	Original		
1-8	*5th			2-11	Original		
1-8.1	1st			3	Original		
1-9	2nd			4	2nd		
1-10	1st			4-A	5th	75149	12/27/68
1-11	Original			4-A-1	5th	75149	12/27/68
1-12	Original			4-A-2	5th	75149	12/27/68
1-13	1st	74755	10/1/68	4-B	5th	75149	12/27/68
1-13.1	Original	73999	4/16/68	4-B-1	5th	75149	12/27/68
1-13.2	Original	73999	4/16/68	4-B-2	5th	75149	12/27/68
1-14	*4th			4-CC	5th	75149	12/27/68
1-14.1	Original			4-CC-1	5th	75149	12/27/68
1-15	*4th			4-E	5th	75149	12/27/68
1-15.1	*1st			4-E-1	5th	75149	12/27/68
1-16	4th			4-E-2	5th	75149	12/27/68
1-17	Original			4-F	5th	75149	12/27/68
1-18	Original			4-F-1	5th	75149	12/27/68
1-19	Original			4-F-2	5th	75149	12/27/68

* Change

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Correction 1188

SECTION 1--RULES AND REGULATIONS (Continued)

*TARIFF PAGES CHECK SHEET (Concluded)

Original And Revised Pages As Named Below And Supplement 8 Contain All Changes From The Original Tariff In Effect On The Dates Shown Thereon. Decision Numbers And Dates Are Not Shown Opposite Page Revisions Below Which Were In Effect Prior to April 20, 1968. The Decision Numbers And Dates Will Be Shown On Future Revisions Of Such Pages.

PAGE NUMBER	REVISION NUMBER	DECISION NUMBER	DATE	PAGE NUMBER	REVISION NUMBER	DECISION NUMBER	DATE
17-D	4th	75149	12/27/68	21-EE-1	4th	75149	12/27/68
17-D-1	3rd	75149	12/27/68	21-EE-2	4th	75149	12/27/68
17-DD	4th	75149	12/27/68	21-L	4th	75149	12/27/68
17-DD-1	4th	75149	12/27/68	21-L-1	4th	75149	12/27/68
17-DD-2	4th	75149	12/27/68	21-L-2	4th	75149	12/27/68
17-E	4th	75149	12/27/68	21-L-3	2nd	75149	12/27/68
17-E-1	3rd	75149	12/27/68	21-Q	4th	75149	12/27/68
17-H	4th	75149	12/27/68	21-Q-1	4th	75149	12/27/68
17-H-1	4th	75149	12/27/68	21-Q-2	4th	75149	12/27/68
17-H-2	4th	75149	12/27/68	21-QA	4th	75149	12/27/68
18	Original			21-QA-1	4th	75149	12/27/68
19	Original			21-QA-2	4th	75149	12/27/68
20	Original			21-QB	4th	75149	12/27/68
20-B	3rd	75149	12/27/68	21-QB-1	4th	75149	12/27/68
20-C	3rd	75149	12/27/68	21-QB-2	4th	75149	12/27/68
20-E	3rd	75149	12/27/68	21-R	4th	75149	12/27/68
20-G	3rd	75149	12/27/68	21-R-1	4th	75149	12/27/68
20-I	3rd	75149	12/27/68	21-R-2	4th	75149	12/27/68
20-J	3rd	75149	12/27/68	21-Z	4th	75149	12/27/68
20-K	3rd	75149	12/27/68	21-Z-1	4th	75149	12/27/68
20-L	3rd	75149	12/27/68	21-Z-2	4th	75149	12/27/68
20-M	3rd	75149	12/27/68	22	*2nd		
21	Original			22-1	*2nd		
21-EE	4th	75149	12/27/68	22-2	*2nd		
				23	Original		
				23-1	Original		

* Change

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Correction 1189

SECTION 1--RULES AND REGULATIONS (CONTINUED)	ITEM NUMBER EXCEPT AS SHOWN
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ø Change	
* Addition	
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Correction 1190	

SECTION 1--RULES AND REGULATIONS (Continued)	Item Number Except As Shown
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<p>Ø Change</p> <p>* Addition</p> <p>** Delay Time redesignated as Accessorial charges.</p>	
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<p>Issued by the Public Utilities Commission of the State of California, San Francisco, California.</p> <p>Correction 1191</p>	

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SECTION 15 - Contains Zone Rates for the Transportation of Asphaltic Concrete and Cold Road Oil Mixture from Orange County Production Areas to Delivery Zones

SECTION 16 - Contains Zone Rates for the Transportation of Asphaltic Concrete and Cold Road Oil Mixture from Riverside County Production Areas to Delivery Zones

SECTION 17 - Contains Zone Rates for the Transportation of Asphaltic Concrete and Cold Road Oil Mixture from San Bernardino County Production Areas to Delivery Zones

SECTION 18 - (Reserved)

SECTION 19 - (Reserved)

SECTION 20 - Contains Zone Rates for the Transportation of Asphaltic Concrete and Cold Road Oil Mixture from Ventura County Production Areas to Delivery Zones

SECTION 21 - Contains Zone Rates for the Transportation of Decomposed Granite from Los Angeles County Production Areas to Delivery Zones

SECTION 22 - Hourly Rates

*SECTION 23 - Contains Form of Shipping Document

o Change
 * Addition

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 Correction 1192

SECTION 1--RULES AND REGULATIONS (Continued)	Item
<p data-bbox="513 370 1136 440">DEFINITION OF TECHNICAL TERMS (Concluded) (Items 20, 21 and 22)</p> <p data-bbox="208 499 1339 633">RAILHEAD means a point at which facilities are maintained for the loading of property into or upon, or the unloading of property from rail cars or vessels. It also includes truck loading facilities of plants or industries located at such rail or vessel loading or unloading point.</p> <p data-bbox="208 664 1278 759">RATE includes charge, and also the ratings, minimum weight, rules and regulations governing, and the accessorial charges applying in connection therewith.</p> <p data-bbox="208 790 1311 924">SAME TRANSPORTATION means transportation of the same kind and quantity of property and subject to the same limitations, conditions and privileges, although not necessarily transported in an identical type of equipment.</p> <p data-bbox="208 955 1281 1115">SHIPMENT means a quantity of freight tendered by one consignor on one shipping document at one point of origin for one consignee at one point of destination and transported at one time in one unit of equipment. (See also exceptions in rule and definition for multiple lot shipment.)</p> <p data-bbox="208 1146 1328 1215">SHIPPER means the person, firm or corporation (other than a carrier) who arranges with the carrier for the transportation of the property.</p> <p data-bbox="208 1246 1285 1406">TEAM TRACK means a point at which property may be loaded into or upon, or unloaded from rail cars by the public generally; it also includes wharves, docks and landings at which the public generally may receive or tender shipments of property from and to common carriers by vessel.</p> <p data-bbox="287 1437 637 1470">TON means 2,000 pounds.</p> <p data-bbox="208 1501 1311 1661">UNDERLYING CARRIER (independent-contractor subhauler) means any carrier who renders service for an overlying carrier (principal carrier) for a specified recompense, for a specified result, under the control of the overlying carrier as to the result of the work only and not as to the means by which such result is accomplished.</p> <p data-bbox="208 1692 1235 1761">UNIT OF EQUIPMENT means a truck, a tractor, a trailer, a semi-trailer, or any combination of the foregoing operated in a train.</p> <p data-bbox="208 1792 1298 1888">*WAITING TIME means the time from the arrival of the unit of equipment at the point of destination to completion of the initial dump or spread.</p> <p data-bbox="208 1919 1255 2014">*WEIGHT TICKET means the shipper's scale weight ticket supplied to the carrier by the consignor at the point of origin and completed by the consignee at the point of destination.</p> <p data-bbox="208 2045 1268 2205">*WORKING TIME means the time from completion of the initial dump or spread to the release of the unit of equipment by the consignee or his agent (including time spent in patching, multiple dumping, debris cleanup or other similar service requested by the consignee or his agent).</p>	<p data-bbox="1394 1169 1443 1202">622</p>

ø Change
* Addition

EFFECTIVE MARCH 8, 1969

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San Francisco, California.
Correction 1193

- 1-7 -

SECTION 1- RULES AND REGULATIONS (Continued)	Item
<p style="text-align: center;">APPLICATION OF TARIFF - CARRIERS</p> <p>Rates provided in this tariff are minimum rates, established pursuant to the Highway Carriers' Act. They apply for transportation of property by radial highway common carriers and highway contract carriers, as defined in said Highway Carriers' Act, in bulk in dump truck equipment.</p>	40
<p style="text-align: center;">APPLICATION OF TARIFF - COMMODITIES</p> <p>Rates in this tariff making specific reference to this item apply for the transportation of the following commodities:</p> <p>Rock, natural, crushed, chips, waste or dust (Subject to Notes 1 and 2), Sand, Gravel, Cement, in dry mixtures with the above commodities, in batches (Subject to Note 3).</p> <p>NOTE 1.--The term "rock", as used herein, includes stone.</p> <p>NOTE 2.--The term "rock", as used herein, does not include any rock or rocks, having a combined length and girth in excess of 65 inches per single rock.</p> <p>NOTE 3.--Rates in this tariff apply for the transportation of cement only when the volume of the cement does not exceed one-third of the volume of the shipment.</p>	60
<p style="text-align: center;">APPLICATION OF TARIFF - COMMODITIES - *EQUIPMENT</p> <p>Rates in this tariff making specific reference to this item apply for the transportation of the following commodities (Subject to Notes 2 and 3):</p> <p>Asphaltic concrete, Cold road oil mixture, Cold liquid asphalt in containers not exceeding 5 gallons capacity per container (Subject to Note 1).</p> <p>NOTE 1.-- Cold liquid asphalt will be transported under the provisions of this tariff, at rates which apply for the transportation of asphaltic concrete, when tendered for transportation with, and as part of a shipment of asphaltic concrete, and when the quantity so tendered does not exceed 15 gallons per shipment.</p>	ø65

*NOTE 2.--When these commodities are transported in trucks without trailing equipment the rates in Sections 14, 15, 16, 17 and 20 will apply.

*NOTE 3.--When these commodities are transported in trucks with trailing equipment or tractors with trailers, the rates in Section 22 will apply.

Ø Change
* Addition
** (Exception eliminated)

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San Francisco, California.
Correction 1194

SECTION 1--RULES AND REGULATIONS (Continued)	Item
<p style="text-align: center;">COMPUTATION OF CHARGES--RETURNED OR DIVERTED SHIPMENTS (Items 240 and 241)</p> <p>ØIf a shipment which has been transported to the point of destination shown on the Shipping Document specified in Section 23 may not be delivered at said point of destination, and if, pursuant to instructions from the consignor, the carrier either returns the shipment to point of origin or transports the shipment to another point of destination, the following charges shall apply for the total transportation performed:</p> <p>Ø(a) When the shipment is returned to point of origin, the *total charge shall be computed at the outbound rate plus 20 cents per ton, *minimum charge \$2.40.</p> <p>(b) Applies when a shipment of commodity or commodities named in Item 60 is diverted to point of destination within same system of zones as that in which the original point of destination is located. The applicable charge shall be computed at the rate from point of origin to the original point of destination shown on the Shipping Document plus 5 cents per ton for each mile (or fraction thereof) traversed from original point of destination to the point of destination where physical delivery of the shipment is accomplished.</p> <p>(c) Applies when a shipment of commodity or commodities named in Item 60 is diverted to point of destination outside of the system of zones in which the original point of destination is located. The applicable charge shall be computed at the rate from point of origin to the original point of destination shown on the shipping document, plus 5 cents per ton for each mile (or fraction thereof) from original point of destination via the shortest legal route to the point of departure from the system of zones, plus 10 cents per ton for each mile (or fraction thereof) via the shortest legal route from said point of departure to final point of destination.</p> <p style="text-align: center;">(Continued in Item 241)</p>	<p style="text-align: center;">Ø240</p>
<p>Ø Change * Addition ◊ Increase</p>	
EFFECTIVE MARCH 8, 1969	
<p>Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction 1195</p>	

SECTION 1--RULES AND REGULATIONS (CONTINUED)	Item
<p data-bbox="320 407 1314 479">COMPUTATION OF CHARGES FOR SHIPMENTS TO DELIVERY ZONES FOR WHICH SPECIFIC ZONE RATES ARE NOT PROVIDED</p> <p data-bbox="194 502 1314 664">When a shipment is transported from a production area to a delivery zone, both of which are located within a same system of delivery zones, and when a specific zone rate is not provided for the transportation performed, the applicable rate shall be calculated as follows:</p> <ol data-bbox="287 690 1338 1205" style="list-style-type: none"> <li data-bbox="287 690 1338 826">a. Determine the delivery zone (along route of movement) which is nearest to point of destination and to which a zone rate from the same production area is provided in the tariff. <li data-bbox="287 852 1338 1014">b. Add to the rate to said delivery zone from said production area an additional 5 cents per ton for each mile or fraction thereof traversed from point of departure from said delivery zone to point of destination. (Subject to Note 1.) <li data-bbox="287 1040 1338 1205">c. Add to the rate to said delivery zone from said production area a rate of 8 cents per ton for each mile or fraction thereof traversed from point of departure from said delivery zone to point of destination. (Subject to Note 2.) <p data-bbox="194 1231 1301 1303">NOTE 1.--Applies in computation of rate for commodities named in Item 60.</p> <p data-bbox="194 1329 1301 1401">NOTE 2.--Applies in computation of rate for commodities named in Items 65 and 70.</p>	260
<p data-bbox="327 1470 1285 1543">COMPUTATION OF CHARGES FOR SHIPMENTS TO DESTINATIONS OUTSIDE OF A SYSTEM OF DELIVERY ZONES</p> <p data-bbox="459 1568 1196 1640">(For limitation on applicability of this item, see Note 1.)</p> <p data-bbox="194 1666 1324 1800">When a shipment is transported from a production area to a point of destination outside of a system of zones, the zone rates shall be used as a basis for computing charges as follows:</p> <ol data-bbox="204 1826 1311 2264" style="list-style-type: none"> <li data-bbox="204 1826 1311 2032"> <p data-bbox="204 1826 1311 1993">ø(a) Add to the zone rate from the same production area to the last delivery zone passed through on the route of movement a rate of 9 cents per ton for each mile or fraction thereof traversed from point of departure from the last delivery zone to point of destination.</p> <p data-bbox="294 1993 678 2032">*(Subject to Note 2.)</p> <li data-bbox="204 2071 1311 2264"> <p data-bbox="204 2071 1311 2238">*(b) Add to the zone rate from the same production area to the last delivery zone passed through on the route of movement a rate of 13 cents per ton for each mile or fraction thereof traversed from point of departure from the last delivery zone to point of destination.</p> <p data-bbox="294 2238 662 2264">(Subject to Note 3.)</p> 	ø270

NOTE 1.--The provisions of this item do not apply:

- a. to shipments delivered to destinations 10 or more miles, by route of movement, from point of departure from system of delivery zones, or
- b. to shipments to destinations in unzoned areas in Riverside or San Bernardino Counties.

Charges for the transportation of shipments specified in this Note shall be computed in accordance with the provisions of Minimum Rate Tariff No. 7.

*NOTE 2.--Applies in computation of rate for commodities named in Items 60, 70 and 75.

*NOTE 3.--Applies in computation of rate for commodities named in Item 65.

φ Change
* Addition

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Correction 1196

SECTION I--RULES AND REGULATIONS (Continued)	Item
<p style="text-align: center;">COMPUTATION OF DISTANCES</p> <p>Except as is otherwise provided, distances to be used in connection with distance rates in this tariff shall be the actual mileages traversed, including any detour to and from scales to obtain weight of shipment.</p>	280
<p style="text-align: center;">DEBRIS CLEANUP</p> <p>When debris cleanup is performed by a carrier at the hourly rates in Section 22, and when said service is performed at a job site as an incidental service to the carrier's transporting asphaltic concrete to said job site under the zone rates elsewhere provided herein, the minimum charge shall be that for one-half hour at the applicable hourly rate.</p>	ø290
<p style="text-align: center;">DEFINITION OF SYSTEM OF DELIVERY ZONES</p> <p>The following delivery zones, in total, shall be deemed as comprising a single system of delivery zones:</p> <p>All zones in Los Angeles County except zones numbered 19-800 to 19-948 inclusive; all zones in Orange County; all zones in Riverside County; all zones in San Bernardino County except zones numbered 36-500 to 36-510, inclusive; San Diego County Zones numbered 29 to 89, inclusive; all zones in Santa Barbara County, and all zones in Ventura County.</p>	300
<p style="text-align: center;">ACCESSORIAL CHARGES</p> <p>In addition to the charges provided under Sections 14, 15, 16, 17 and 20, accessorial charges shall be assessed as follows:</p> <p>Working Time: The applicable hourly rate provided in Section 22, Item 2210, Column C.</p> <p>Waiting Time: The applicable hourly rate provided in Section 22, Item 2210, Column D.</p> <p>There shall be a free time allowance of thirty (30) minutes to be first applied to Waiting Time and any excess to be applied to Working Time.</p> <p>In computing Working and Waiting Time under this rule, time shall commence when the carrier arrives at point of destination, and chargeable time shall be computed to the nearest six (6) minutes, minimum charge six (6) minutes.</p> <p>The provisions of this item apply only to transportation of commodities in Item 65.</p>	ø310
ø Change	
EFFECTIVE MARCH 8, 1969	
Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction 1197	

SECTION 1 - RULES AND REGULATIONS (CONTINUED)	Item
<p data-bbox="508 437 951 499" style="text-align: center;">ISSUANCE OF SHIPPING DOCUMENT (Items 480 and 490)</p> <p data-bbox="246 531 1352 666">(a) A Combined Shipping Order and Freight Bill (or other document) shall be issued by the carrier to the shipper for each shipment received for transportation under zone rates. Such document may be issued in individual or manifest form and shall show the following information:</p> <ol data-bbox="384 697 1116 1057" style="list-style-type: none"> (1) Name of carrier. (2) Date of shipment. (3) Equipment number. (4) Name of consignor. (5) Address of consignor. (6) Name of debtor if other than consignor. (7) Address of debtor if other than consignor. (8) Name of consignee. (9) Address of consignee. (10) Name of underlying carrier (if any). (11) Signature of driver. <p data-bbox="246 1088 1338 1150">A Distance or Zone Rate Freight Bill shall show the following information:</p> <ol data-bbox="398 1182 1088 1484" style="list-style-type: none"> (1) Point of origin. (2) Point of destination. (3) Production area letter. (4) Delivery zone number. (5) Commodity description. (6) Weight or other unit of measurement upon which charges are based. (7) Rate and charges assessed. (8) Accessorial, helpers or other charges. <p data-bbox="242 1515 1352 1640">(b) A Combined Shipping Order and Freight Bill (or other document) shall be prepared by the carrier each day for each unit of equipment supplied under the provisions of Section 23 and shall show the following information:</p> <ol data-bbox="381 1671 1113 2036" style="list-style-type: none"> (1) Name of carrier. (2) Date of shipment. (3) Equipment number. (4) Name of consignor. (5) Address of consignor. (6) Name of debtor if other than consignor. (7) Address of debtor if other than consignor. (8) Name of consignee. (9) Address of consignee. (10) Name of underlying carrier (if any). (11) Signature of driver. 	<p data-bbox="1377 1255 1443 1286" style="text-align: center;">#480</p>

An Hourly Service Freight Bill shall show the following information:

- (1) Time and location driver reported for work.
- (2) Commodity transported.
- (3) Type of loading at origin.
- (4) Number of axles, and for 5 axle equipment whether the distance between the first and last axles is 56 feet or over.
- (5) Starting, ending and elapsed time of the running time of the last trip.
- (6) Starting, ending and elapsed time of the unloading time of the last trip.
- (7) Overall time: From time reporting for work to start of last trip plus double the running time of last trip (elapsed time under paragraph 5) plus unloading time of last load (elapsed time under paragraph 6).
- (8) Any deductions for meals or failure of carrier equipment.
- (9) Net chargeable time (7 minus 8),
- (10) Applicable hourly rate.
- (11) Charges due.

(Continued in Item 490)

Change

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Correction 1198

SECTION 1 - RULES AND REGULATIONS (Continued)	Item
<p data-bbox="492 424 1116 489" style="text-align: center;">ISSUANCE OF SHIPPING DOCUMENT (Concluded) (Items 480 and 490)</p> <p data-bbox="204 523 1334 619">(c) When accessorial charges are to be assessed under the provisions of Item 310 to any shipment received under paragraph (a) of Item 480, additional information shall be supplied as follows:</p> <ul data-bbox="360 653 981 815" style="list-style-type: none">(1) Number of axles.(2) Chargeable time.(3) Rate to be assessed.(4) Charges to be assessed.(5) Signature of consignee or his agent. <p data-bbox="204 848 1308 1012">(d) In the event that transportation is performed by an underlying carrier, a Combined Shipping Order and Freight Bill (or other document) shall be issued by such underlying carrier to the overlying carrier. Such document must contain all of the above information except the following:</p> <ul data-bbox="360 1046 1075 1145" style="list-style-type: none">(1) Name of debtor if other than consignor.(2) Address of debtor if other than consignor.(3) Rate and charges assessed. <p data-bbox="204 1179 1278 1343">Two or more copies of the document shall be presented by the underlying carrier to the overlying carrier within seven calendar days of the date transportation is performed, except that they shall be presented no later than three days after the last calendar day of the month. (See Note 1)</p> <p data-bbox="204 1377 1311 1507">The information not required to be shown by the underlying carrier must be completed on two copies of a Combined Shipping Order and Freight Bill (or other document) by the overlying carrier prior to submission to the debtor for collection.</p> <p data-bbox="204 1541 1298 1606">NOTE 1.--When United State mail service is used, the postmark shall be deemed to be the time of presentation of the document.</p> <p data-bbox="204 1640 1281 1736">(e) A Weight Ticket may be substituted for the Combined Shipping Order and Freight Bill, provided that all the necessary information is supplied by the Weight Ticket or annotated thereon.</p> <p data-bbox="204 1770 1295 2093">(f) The documents issued shall be prepared in two or more copies. A copy of each shall be furnished to the shipper, and a copy of each shipping document, freight bill, accessorial service document, weigh-master's certificate, written instructions, written agreement, written request or any other written document which supports the rates and charges assessed and which the carrier is required to issue, receive or obtain by this tariff for any transportation or accessorial service shall be retained and preserved by the carrier, at a location within the State of California, subject to the Commission's inspection, for a period of not less than three years from the date of issue.</p>	

490

(g) Abbreviations or code numbers, letters or other similar designations may be used to record information required to be shown on the document by paragraphs (a) and (b) provided that all abbreviations or codes are clearly defined on the document or on a separate explanatory sheet. If the definitions are on a separate explanatory sheet, a copy thereof shall be furnished to all parties receiving copies of documents on which said abbreviations and codes are used, and a copy shall be retained with the carrier's copy of the documents relating thereto in accordance with the provisions of paragraph (f). The term carrier as used herein includes both overlying and underlying carriers.

(h) The form of shipping document in Section 23 will be suitable and proper. Other forms may be utilized provided that the requirements of this item are completely fulfilled.

Change

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Correction 1199

SECTION 22

ø*HOURLY RATES

(1) Provisions published on this page transferred to
Original Page 23.

ø Change
* Addition

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Correction 1200

SECTION 22--HOURLY RATES			Item
HOURLY RATES			
(For Application of Rates, see Item 2220)			
(1) Rates in Cents Per Hour (See Notes 1 and 2 in Item 2220)			
Number of Axles Per Unit of Equipment	Column C	Column D	
2	1072	858	
3	1156	925	
4	1282	1026	
5 (2)	1388	1110	
5 or more (3)	1469	1175	
(1) Minimum Charge shall be the rate for one hour, except as otherwise provided in this tariff.			*2210
(2) Applies to units of equipment not complying with the legal requirements for the maximum allowed load.			
(3) Applies to units of equipment complying with the legal requirements for the maximum allowed load.			
(4) Item 2200 canceled and provisions published on this page transferred to Original Page 23-1.			
Ø Change * Addition			
EFFECTIVE MARCH 8, 1969			
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Correction 1201			

SECTION 22--HOURLY RATES	Item
<p data-bbox="464 410 1191 448">*APPLICATION OF HOURLY RATES NAMED IN ITEM 2210</p> <p data-bbox="211 473 1339 652">The hourly rates in Item 2210 apply to the territories described in Item 140 and to the commodities described in Items 65 and 290. They also apply to the accessorial charges provided in Item 310. Hourly rates include driver's wages and apply to the transportation of property for one shipper in one unit of dump truck equipment.</p> <p data-bbox="274 677 624 715">COLUMN "C" rates apply:</p> <ul data-bbox="307 703 1182 805" style="list-style-type: none"> (a) to transportation of commodities subject to Note 3 of Item 65, and/or (b) as provided in Item 310 (Accessorial Charges). <p data-bbox="216 830 1290 907">COLUMN "D" rates apply only when specific reference is made hereto (see Item 310).</p> <p data-bbox="211 958 1290 1085">NOTE 1.--(a) For transportation service furnished under Item 2210 on Sundays and/or New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day, add to the applicable hourly rate in Item 2210: \$6.61 per hour.</p> <p data-bbox="211 1110 1306 1416">(b) Except as otherwise provided in paragraph (a) of this note and in the Exception set forth below, for transportation service furnished under Item 2210 on Saturdays or during periods in excess of 8 hours in any one shift, add to the applicable hourly rate shown in Item 2210: \$3.88 per hour. "Periods in excess of 8 hours in any one shift" means the time which exceeds 8 hours from the time the driver with dump truck equipment reports for service, during which time said driver is continuously engaged by one shipper or overlying carrier, irrespective of the number of loads transported within the period.</p> <p data-bbox="216 1442 1281 1569">EXCEPTION.--The additional rates set forth in paragraph (b) shall not apply to transportation service performed on days, other than Saturdays, except when service is performed by one driver with dump truck equipment for a period in excess of 8 hours in any one shift.</p> <p data-bbox="224 1595 1224 1696">NOTE 2.--The application of hourly rates for transportation performed under the provisions of Note 3 of Item 65 is subject to the following conditions:</p> <ul data-bbox="282 1722 1273 2079" style="list-style-type: none"> (a) In determining chargeable time, the over-all time shall be: From time reporting for work to start of last trip plus double the running time of last trip plus unloading time of last load. (b) In determining chargeable time, allowances may be made only for delays caused by failure of carrier equipment or time taken out for meals. Time to be charged shall include time for transportation in both directions, time for loading and unloading and waiting or stand-by time at origin or destination. 	<p data-bbox="1364 1034 1447 1072">62220</p>

(c) In the event that a carrier is released by the shipper from further service and is re-engaged by the same shipper at a point other than the point of such release within the same 24-hour period (computed from 12:01 a.m. on the date the unit of equipment initially reports for service), hourly rates shall be assessed for the traveling time from the point of release to the subsequent origin point.

(1) Provisions published on this page transferred to Original Page 23-1.

Ø Change
* Addition

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Correction 1202

* SECTION 23

(1) FORM OF SHIPPING DOCUMENT
TO WHICH REFERENCE IS
MADE IN ITEM 480

(1) Transferred from First Revised Page 22.

* Addition

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Correction 1203

SECTION 23--FORM OF SHIPPING DOCUMENT					
*Item 2310					
COMBINED SHIPPING ORDER AND FREIGHT BILL					
P.U.C. No.	Carrier Name		Date	Freight Bill	
B.E. No.	Address		Eqpt. No.	Number	
Consignor	Debtor if Other Than Consignor	Consignee	Underlying Carrier (If Any)		
Address	Address	Address	Address		
Distance or Zone Rate Freight Bill					
Point of Origin	Point of Destination	DRN No. & Date	Miles	Prod.Area	Dely.Zone
Commodity	Tag No.	Weight	Rate	Charges	
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
Total Weight	Rate	Charges	Accessorial Charges	Total Charges	
Hourly Service Freight Bill					
Reporting Location	Reporting Time	Commodity	Type of Loading		
Starting Time Last Trip	Ending Time Last Trip	Running Time Last Trip	Number of Axles		
Starting Time Last Unloading	Ending Time Last Unloading	Unloading Time Last Trip	If Distance Between First and Last Axles is 56 Feet or Over. Check Here <input type="checkbox"/>		
Overall Time (1)	Meal Deductions	Breakdown Deductions			
Chargeable Time	Rate	Charges	Capacity in Cubic Yards		
(1) From Reporting Time To Starting Time Last Trip Plus Double Running Time Last Trip Plus Unloading Time Last Trip		Signature Section			
		Consignee		Driver	
END OF TARIFF					
(1) Provisions published on this page transferred from First Revised Page 22-1.					
* Addition					
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Correction 1204					