

Decision No. 76364

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 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. 2). )

Case No. 5432  
Petition for Modification  
No. 557  
(Filed October 8, 1969)

And Related Matters )

Cases Nos. 5435, 5437,  
5439 and 5441  
(Petitions for Modification  
Nos. 133, 191, 102 and  
176, respectively)  
(Filed October 8, 1969)

OPINION AND ORDER

By the above petitions, California Trucking Association seeks revision of various minimum rate tariffs to reflect amendments of the Highway Carriers' Act by the Legislature with respect to the establishment of a new class of highway carrier defined as a "dump truck carrier."<sup>1</sup>

The petitions were listed on the Commission's Daily Calendar of October 9, 1969. No objection to the granting of the petitions has been received.

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<sup>1</sup> The tariffs are Minimum Rate Tariffs Nos. 1-B, 2, 5, 7, 9-B, 17 and 19. Senate Bill No. 654 provides for amendment of Sections 3517 and 3575 of, and the addition of Sections 3520 and 3610 through 3615 to, Chapter 1 of Division 2 of the Public Utilities Code. This bill is set forth in detail in Exhibit A attached to the petitions.

In the circumstances, it appears, and the Commission finds, that amendment of Minimum Rate Tariffs Nos. 1-B, 2, 5, 7, 9-B, 17 and 19 to cover transportation by dump truck carriers is justified to the extent indicated in the following order and the separate orders hereinafter mentioned. A public hearing is not necessary. Minimum Rate Tariff No. 2 will be amended accordingly by the order herein. In order to avoid duplication of tariff distribution, the other minimum rate tariffs will be amended by separate orders.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 2 (Appendix "D" to Decision No. 31606, as amended) is further amended by incorporating therein, to become effective December 9, 1969, Ninth Revised Title Page, Thirty-seventh Revised Page 11 and Twelfth Revised Page 12-A attached hereto and by this reference made a part hereof.

2. The rates, charges and rules set forth in Minimum Rate Tariff No. 2 are established and approved as the just, reasonable and nondiscriminatory minimum rates and charges to be assessed, charged and collected, and the rules to be observed by all dump truck carriers as defined in the Highway Carriers' Act for the transportation of mining, building, paving and construction materials, except cement or liquids, in bulk in dump truck equipment between the points for which rates are provided in said tariff.

3. In all other respects, Decision No. 31606, 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 4th day of November, 1969.

William S. Brown, Jr.  
President

Augusta  
P. H. Brown

T. H. Brown

Vernon L. Stinson  
Commissioners

MINIMUM RATE TARIFF 2  
(FORMERLY HIGHWAY CARRIERS' TARIFF NO. 2)

NAMING  
MINIMUM 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  
CEMENT CONTRACT CARRIERS  
\*DUMP TRUCK CARRIERS  
AND  
HOUSEHOLD GOODS CARRIERS

IMPORTANT NOTICE

Reference in this or other tariffs to Highway Carriers' Tariff No. 2 shall be construed as referring to Minimum Rate Tariff 2.

The original tariff contains rates, rules and regulations established in Decision No. 31606 in Case No. 4246. Changes contained in subsequent orders will be made by reissuing the pages on which the changes occur or by issuing supplements showing the corrected items.

Governed by the Governing Classification and Exception Ratings Tariff, as described in Item 10, to the extent shown herein.

\* Addition, Decision No. **76364**

Correction 2176

EFFECTIVE  
(Original Tariff Effective August 7, 1939)

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

SECTION 1--RULES OF GENERAL APPLICATION	ITEM
<p style="text-align: center;"><b>DEFINITIONS OF TECHNICAL TERMS</b>                      (Items 10, 11 and 12)</p> <p><b>AIR-MILE</b> means a statute mile measured in a straight line without regard to terrain features or differences in elevation.</p> <p><b>ARMORED CAR</b> means any motor truck and/or other highway vehicle which has been armored with bullet resistant metal and/or bullet proof glass, and which is manned by an armed crew.</p> <p><b>CARRIER</b> means a radial highway common carrier, a highway contract carrier, a cement contract carrier or "a dump truck carrier as defined in the Highway Carriers' Act, or a household goods carrier as defined in the Household Goods Carriers Act.</p> <p><b>CARRIER'S EQUIPMENT</b> 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><b>COMMON CARRIER RATE</b> 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><b>CONSIGNOR</b> means the person, firm or corporation shown on the shipping document as the shipper of the property received by the carrier for transportation.</p> <p><b>DANGEROUS ARTICLES</b> means articles described in Motor Carriers' Explosives and Dangerous Articles Tariff 13, Cal.P.U.C. 8, of American Trucking Associations, Inc., Agent, and supplements thereto or reissues thereof.</p> <p><b>DEBTOR</b> means the person obligated to pay freight charges to the carrier, whether consignor, consignee or other party.</p> <p><b>DISTANCE TABLE</b> means Distance Table 7.</p> <p><b>ESCORT SERVICE</b> 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><b>ESTABLISHED DEPOT</b> means a freight terminal owned or leased and maintained by a carrier for the receipt and delivery of shipments.</p> <p><b>EXCEPTION RATINGS TARIFF</b> means Exception Ratings Tariff 1 issued by the Commission.</p> <p><b>GOVERNING CLASSIFICATION</b> means National Motor Freight Classification A-10.</p> <p><b>INDEPENDENT-CONTRACTOR SUBHAULER</b> 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 result of the work only and not as to the means by which such result is accomplished.</p> <p><b>MULTIPLE LOT SHIPMENT</b> means a shipment transported in accordance with the provisions of Item 85.</p> <p><b>PALLETIZED SHIPMENT</b> means a shipment tendered to and transported by the carrier on pallets (elevating-truck pallets or platforms or lift-truck skids, with or without standing sides or ends, but without tops).</p> <p><b>PERMIT SHIPMENT</b> 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><b>PICKUP AND DELIVERY CHARGE</b> means the full charge applicable without the deduction authorized by Item 110.</p> <p style="text-align: center;">(Continued in Item 11)</p>	610
Change ) Addition )      Decision No. <b>76364</b>	
<b>EFFECTIVE</b>	
<div style="display: flex; justify-content: space-between;"> <span>Correction 2177</span> <span>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</span> </div>	

MINIMUM RATE TARIFF 2

SECTION 1—RULES OF GENERAL APPLICATION (Continued)	ITEM
<p data-bbox="476 523 1060 580">DEFINITION OF TECHNICAL TERMS (Concluded) (Items 10, 11 and 12)</p> <p data-bbox="152 611 1419 755">SPLIT PICKUP SHIPMENT means a shipment consisting of two or more component parts picked up by a carrier within a period of two calendar days from one consignor at more than one point of origin, the composite shipment weighing (or transportation charges computed upon a weight of) not less than 5,000 pounds, said shipment being consigned and delivered to one consignee at one point of destination. (See Note)</p> <p data-bbox="152 789 1392 872">NOTE.—In addition to the component parts picked up by the carrier, a split pickup shipment will include other component parts delivered to carrier's established depot by the consignor or the consignor's agent.</p> <p data-bbox="152 906 1407 1049">SPLIT DELIVERY SHIPMENT means a shipment consisting of two or more component parts delivered to (a) one consignee at more than one point of destination, or (b) more than one consignee at one or more points of destination, the composite shipment weighing (or transportation charges computed upon a weight of) not less than 5,000 pounds, said shipment being shipped by one consignor from one point of origin. (See Note)</p> <p data-bbox="152 1080 1392 1137">NOTE.—All transportation charges must be prepaid and, except as provided in paragraph 3 of Item 255, charges shall be billed to and collected from only one debtor.</p> <p data-bbox="152 1169 1323 1221">STRINGING means the progressive delivery of a shipment at spaced intervals or designated points along a predetermined route.</p> <p data-bbox="152 1252 1340 1364">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 and tender shipments of property from and to common carriers by vessel.</p> <p data-bbox="152 1395 1426 1479">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>	12
<p data-bbox="568 1578 1014 1604">APPLICATION OF TARIFF—CARRIERS</p> <p data-bbox="158 1635 1468 1747">Rates provided in this tariff are minimum rates established pursuant to the Highway Carriers' Act and the Household Goods Carriers' Act and apply for transportation of property by radial highway common carriers, highway contract carriers, cement contract carriers, dump truck carriers and household goods carriers as defined in said Acts.</p> <p data-bbox="158 1778 1426 1861">When property in continuous through movement is transported by two or more such carriers, the rates (including minimum charges) provided herein shall be the minimum rates for the combined transportation.</p> <p data-bbox="158 1893 1455 1976">Rates, rules and regulations named in this tariff shall not apply to transportation by independent-contractor subhaulers when such transportation is performed for other carriers defined in this tariff or for common carriers defined in the Public Utilities Act.</p>	620
<p data-bbox="249 2064 833 2122">Change ) Addition ) Decision No. 76364</p>	
EFFECTIVE	
<p data-bbox="165 2398 377 2424">Correction 2178</p> <p data-bbox="761 2361 1549 2429">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA</p>	