

Decision No. 77176

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 relating to the transportation)
of property in Los Angeles and Orange)
Counties (transportation for which rates)
are provided in Minimum Rate Tariff No.)
5).

Case No. 5435
(Petition for Modification
No. 147)
(Filed April 1, 1970)

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 77175, entered today in Case No.

5432, et al. the Commission found that various minimum rate tariffs should be amended to reflect the adoption of National Motor Freight Classification A-11 in lieu of National Motor Freight Classification A-10. The decision also provided that Minimum Rate Tariff No. 5 should be amended by separate order to avoid duplication of tariff distribution.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 5 (Appendix A of Decision No. 32504, as amended) is hereby further amended by incorporating therein, to become effective June 11, 1970, Twenty-sixth Revised Page 7, Seventh Revised Page 14 and Third Revised Page 22-F attached hereto and by this reference made a part hereof.

2. Common carriers subject to the Public Utilities Act, to the extent that they are subject also to Decision No. 32504, as amended, are hereby directed to establish in their tariffs the amendments necessary to conform with the further adjustments ordered herein.

3. Tariff publications required to be made by common carriers as a result of the order herein shall be made effective

June 11, 1970, on not less than five 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 June 11, 1970, and may be made effective on not less than five days' notice to the Commission and to the public if filed not later than August 10, 1970.

4. Common carriers, in establishing and maintaining the amendments 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 amendments published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

5. In all other respects Decision No. 32504, as amended, shall remain in full force and effect.

The effective date of this order shall be thirty days after the date hereof.

Dated at San Francisco, California, this 5th day of May, 1970.

William S. Lyons, Jr.
President

Augustin

John P. ...

Vernon L. Stinson
Commissioners

SECTION 1--RULES OF GENERAL APPLICATION	ITEM
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Items 10 and 11)</p> <p>ARMORED CAR means any motor truck and/or other highway vehicle which has been armored with bullet resistant metal and/or bulletproof glass, and which is manned by an armed crew.</p> <p>CARRIER means a radial highway common carrier, a highway contract carrier, a dump truck carrier or a cement contract carrier, as defined in the Highway Carriers' Act.</p> <p>CARRIER'S EQUIPMENT means any motor truck or other self-propelled highway vehicle, trailer, semitrailer, 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; 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>Δ DANGEROUS ARTICLES means articles described in Motor Carriers' Explosives and Dangerous Articles Tariff 14, Cal.P.U.C. 9, of American Trucking Associations, Inc., Agent, and supplements thereto or reissues thereof.</p> <p>ESCORT SERVICE 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>EXCEPTION RATINGS TARIFF means Exception Ratings Tariff 1 issued by the Commission.</p> <p>GOVERNING CLASSIFICATION means National Motor Freight Classification A-11.</p> <p>HOLIDAYS means New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, December 24 and Christmas Day. When such holidays fall on Sunday, the following Monday shall be considered as a holiday.</p> <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.</p> <p>PALLETIZED SHIPMENT 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>PERMIT SHIPMENT means a shipment which because of its width, length, height, weight or size requires a 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>POINT OF DESTINATION means the precise location at which property is tendered for physical delivery into the custody of the consignee or his agent. All points within a single industrial plant or receiving area of one consignee shall be considered as one point of destination. An industrial 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.</p> <p>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. All points within a single industrial plant or shipping area of one consignor shall be considered as one point of origin. An industrial 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.</p> <p>POWER EQUIPMENT means any gasoline, diesel, electric or gas-driven equipment including electric powered cranes and lift truck equipment.</p> <p style="text-align: center;">(Continued in Item 11)</p>	<p>§10</p>
<p>o Change Δ Change, neither increase nor reduction</p>	<p>Decision No. 77176</p>
<p>EFFECTIVE</p>	
<p>Correction</p>	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>

MINIMUM RATE TARIFF 5

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF GOVERNING PUBLICATIONS</p> <p>(a) This tariff is governed to the extent shown herein by:</p> <p>(1) The Governing Classification. (2) Sections 2-A, ** 2-C and *2-D only of the Exception Ratings Tariff.</p> <p>(b) Where the ratings, rules and regulations or other provisions or conditions provided in the governing publications described in paragraph (a) are in conflict with those provided in this tariff, the provisions of this tariff will apply.</p>	650
<p style="text-align: center;">SHIPMENTS TO BE RATED SEPARATELY</p> <p>Each shipment shall be rated separately. Shipments shall not be consolidated or combined by the carrier. (Component parts of split delivery shipments, as defined in Item 11, may be combined under the provisions of Item 130.)</p>	60
<p style="text-align: center;">GROSS WEIGHT</p> <p>Charges shall be assessed on the gross weight of the shipment. No allowance shall be made for the weight of containers (See Exception).</p> <p>EXCEPTION.--When palletized shipments subject to minimum weights of 20,000 pounds or more are loaded or unloaded by power-loading device, the weight of the pallets (elevating-truck pallets or platforms or lift-truck skids) shall not be used in determining the weight of the shipments nor the charges thereon. This exception applies only in connection with rates contained in this tariff and is not applicable to shipments of empty pallets. When rail rates are used under the provisions of Item 140 of this tariff, the weight of the pallets shall be included or excluded in accordance with the provisions of the governing rail tariff.</p>	70
<p style="text-align: center;">RATES BASED ON VARYING MINIMUM WEIGHTS</p> <p>When the charges accruing on a shipment based upon actual weight exceed the charges computed upon a rate based upon a greater minimum weight, the latter shall apply. For the purpose of applying this item to a mixed shipment, deficiency between actual weight of the shipment and the greater minimum weight shall be computed at the rate applicable to the lowest rated commodity in the shipment.</p>	80
<p style="text-align: center;">UNITS OF MEASUREMENT TO BE OBSERVED</p> <p>Rates or accessorial charges shall not be quoted or assessed by carriers based upon a unit of measurement different from that in which the minimum rates and charges in this tariff are stated.</p>	85
<p> o Change) + Addition) Decision No. 77176 ** Deleted) </p>	
EFFECTIVE	
<p>Correction</p> <p style="text-align: right;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>	

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">COMMODITY DESCRIPTIONS</p> <p style="text-align: center;">(Items 293 and 294)</p> <p>CARRIERS (USED PACKAGES), SECONDHAND, EMPTY, subject to Notes 1 and 2, viz.: (All item references are to the GC.)</p> <p>(1) Bags, as described in Items 20480, 20510, 20520, 20530, 20540, 20600, 20620, 20640, 20660, 20680, 20700, 20710, 20720, 20780, 20800 Subs 1 and 2, 20830, 20850, 20890, 20910, 20930, 20950 or 21130, Barrels, loose, as described in Items 21730, 21740, 21760, 21770, 21780, 21840 or 219600, Blocks or Braces, wooden, viz.: Cable Reel, as described in Item 41292, Bottles, as described in Items 28660, 28680, 28700, 28703, 28920, 29207, 29760, 56520, 87700, 87720, 87740, 88520 or 156600 in boxes or crates, or in barrels, boxes or crates with or without covers, Boxes, fibreboard, as described in Items 29206, 29207 or 29110, KD or folded flat, with or without inside fillers, Boxes, wooden, as described in Items 28960, 28990, 29020, 29080, 29110, 29140, 29180, 29200, 29790, 29330, 29350, 29420, 29430, 29470, 29600, 29720 or 29800, Cans, tin, as described in Items 52755, 52820 or 52830, loose or in packages, Carboys, as described in Items 40990, 41000, 87700, 87720, 87740 or 87840, in boxes, with or without neck protection, Carriers, bakery goods wheeled, as described in Item 40800, Carriers, NOZ, as described in Item 40850, Cases, egg, as described in Items 41190, 41200 or 41210 with or without fillers, Casks, as described in Items 21730, 21740 or 21760, loose, Chests, fruit, as described in Items 29350, 29600 or 40950, loose, Containers, rubber bulk commodity shipping, as described in Item 21770, Coops, as described in Items 41090, 41100, 41110 or 41120, loose, Cores, as described in Items 41130, 41140 or 41290, in bags, bundles, boxes or crates, Crates, as described in Items 29800, 29880, 40883, 40885, 40890, 40900, 40910, 40920, 40930, 41090, 41100, 41110, 41120, 64830 or 146010, Cylinders, acid, ammonia, glycerine or gas, as described in Items 41150 or 41160, loose or in packages, Demi johns, as described in Items 87700, 87720 or 87740, in barrels, boxes or crates, with or without tops, Drums, as described in Items 21760, 21770, 21780, 21800, 21810, 21820, 21840 or 21860, loose, Hogsheads, as described in Items 21730, 21740, 21760 or 21880, loose, Jugs, as described in Item 107840, in barrels, boxes or crates, less truckload, in packages, named or packed in excelsior, hay straw or other similar material, Kegs, as described in Items 21730, 21740, 21760, 40830 or 52755, loose, Packing Cushions or Pads: Shipping, cotton or jute, as described in Item 149140, cloth covered, in bundles or packages,</p> <p style="text-align: center;">(Continued in Item 294)</p>	<p>293</p>
<p>Change, Decision No. 77176</p>	
<p>EFFECTIVE</p> <p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>	

Correction