

ORIGINAL

Decision No. 77496

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 (commodi-
ties for which rates are provided
in Minimum Rate Tariff No. 7).

Case No. 5437
Order Setting Hearing No. 193
(Filed November 12, 1969)

OPINION AND ORDER

Decision No. 77493, entered today in Case No. 5432 (Order Setting Hearing No. 564) et al., established revised tariff provisions governing split pickup and split delivery shipments, including the alternative use of common carrier rates, in Minimum Rate Tariff No. 2 and found that comparable amendments should also be made in the like provisions of Minimum Rate Tariff No. 7. The decision also provided that, in order to avoid duplication of tariff distribution, Minimum Rate Tariff No. 7 should be amended by separate order.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 7 (Appendix A of Decision No. 32566, as amended) is further amended by incorporating therein, to become effective August 22, 1970, the revised pages attached hereto and made a part hereof by this reference, said pages being specifically identified as:

First Revised Page 4-D
Eleventh Revised Page 5
Eighth Revised Page 5-A
Original Page 5-AA

2. In all other respects Decision No. 32566, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 14th
day of JULY, 1970.

Chairman

William J. ...

[Signature]

Vernon L. Stungen
Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner A. W. Gatov, being necessarily absent, did not participate in the disposition of this proceeding.

SECTION 1--RULES (Continued)	(1) ITEM
<p style="text-align: center;">SHIPMENTS TRANSPORTED IN MULTIPLE LOTS (Concluded) (Items 49 and 49.1)</p> <p style="text-align: center;">(Applicable only in connection with Items 70, 85 and 90 of this tariff.)</p> <p>3. In addition to the single multiple lot document, a shipping document shall be issued to the shipper by the carrier for each pickup, including the first. Each such shipping document shall show the date and number of the single multiple lot document and such other information necessary to clear identification of the single multiple lot document.</p> <p>4. The entire shipment shall be picked up by the carrier within a period of five calendar days computed from 12:01 a.m. of the date on which the first lot is picked up, excluding Saturdays, Sundays and legal holidays.</p> <p>5. The rate for a multiple lot shipment shall be the rate in effect on the date of the first pickup for the transportation of a shipment of like kind and quantity of property picked up or transported on a single vehicle or connected train of vehicles.</p> <p>6. If any of the property described in the single multiple lot document is picked up without complying with the foregoing provisions, each such pickup shall be rated as a separate shipment. The property picked up in accordance with the provisions of paragraph 1 or paragraph 2 shall constitute the multiple lot shipment.</p>	49.1
<p style="text-align: center;">MINIMUM CHARGE</p> <p>Except as otherwise provided, the minimum charge per shipment shall be the charge for 8 tons at the applicable rate. (See Note)</p> <p>NOTE.--Between points in San Diego County the minimum charge per shipment shall be the charge for 6 tons at the applicable rate.</p>	50
<p style="text-align: center;">METHOD OF DETERMINING WEIGHT OF SHIPMENT</p> <p>Actual weight of the shipment shall be used when furnished by the shipper or when obtained by the carrier at the shipper's direction and expense.</p> <p>Otherwise charges shall be computed upon the basis of the following estimated weights per cubic yard when loaded in the dump truck equipment:</p> <p>(a) In Southern Territory, 2800 pounds;</p> <p>(b) In Northern Territory: Sand, other than burnt shale sand, 2800 pounds; Commodities described in Item 146, 1200 pounds; Other commodities, 3000 pounds.</p>	60
<p>(1) Items 50 and 60 transferred from) Decision No. 77496 Tenth Revised Page 5)</p>	
EFFECTIVE	
<p>Correction 1332</p> <p style="text-align: right;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA</p>	

SECTION 1--RULES (Continued)	(1) ITEM
<p align="center">ALTERNATIVE APPLICATION OF COMMON CARRIER RATES</p> <p>Common carrier rates may be applied in lieu of the rates provided in this tariff, when such common carrier rates produce a lower aggregate charge for the same transportation, from the same point of origin to the same point of destination, than results from the application of the rates herein provided. (See Note 1) For charges for loading and unloading in connection with shipments originating in Southern Territory, see Note 1, Item 90; in connection with shipments originating in Northern Territory, see Note 1, Item 85. (See Notes 2 and 3)</p> <p>NOTE 1.--(Applies only in Northern Territory.) When the point of origin is on an industrial railroad connecting with a common carrier railroad, the common carrier rate shall be deemed to apply from the point of origin.</p> <p>NOTE 2.--When a rail carload rate is subject to varying minimum weights, dependent upon the size of the car ordered or used, the lowest minimum weight obtainable under such minimum weight provisions may be used in applying the basis provided in this item.</p> <p>NOTE 3.--In applying the provisions of this item, a rate no lower than the common carrier rate and a weight no lower than the actual weight or published minimum weight (whichever is the higher) applicable in connection with the common carrier rate shall be used.</p>	70
<p align="center">BRIDGE AND FERRY TOLLS</p> <p>Except as provided in Item 294, and except on shipments transported under distance rates determined by use of the Distance Table, the actual bridge or ferry tolls shall be added to the transportation charge when such facilities are used by the carrier.</p>	80
<p align="center">ALTERNATIVE APPLICATION OF COMBINATIONS WITH COMMON CARRIER RATES (APPLICABLE ONLY WITHIN NORTHERN TERRITORY OR FROM NORTHERN TERRITORY TO SOUTHERN TERRITORY) (Items 85 and 86)</p> <p>When lower aggregate charges result, tonnage rates provided in this tariff may be used in combination with the published rates of common carriers by land filed with the Commission for the transportation of shipments of the same kind of property between the same points, subject to the following conditions:</p> <p>(a) When the point of origin is located beyond a railhead and the point of destination is located at a railhead, add to the common carrier rate applying from any (1) team track or (2) private railhead which is owned or leased by the party who contracts with the carrier for the performance of the transportation service, to point of destination the tonnage rate provided in this tariff, applicable to the weight of the entire shipment, from the point of origin to any such team track or private railhead from which the common carrier rate used applies. (See Notes 1, 2 and 3)</p> <p>(b) When the point of origin is located at a railhead and the point of destination is located beyond a railhead, add to the common carrier rate applying from point of origin to any (1) team track or (2) private railhead which is owned or leased by the party who contracts with the carrier for the performance of the transportation service, the tonnage rate provided in this tariff, applicable to the weight of the entire shipment, from any such team track or private railhead to point of destination. (See Notes 1, 2 and 3)</p> <p>(c) When both the point of origin and the point of destination are located beyond railhead, add to the common carrier rate applying between any railheads, the tonnage rate provided in this tariff, applicable to the weight of the entire shipment, from point of origin to any (1) team track or (2) private railhead which is owned or leased by the party who contracts with the carrier for the performance of the transportation service, from which the common carrier rate used applies, plus the tonnage rate provided in this tariff, applicable to the weight of the entire shipment, from any (1) team track or (2) private railhead which is owned or leased by the party who contracts with the carrier for the performance of the transportation service, to which the common carrier rate used applies to point of destination. (See Notes 1, 2 and 3)</p> <p align="center">(Continued in Item 86)</p>	85
<p>(1) Items 50 and 60 transferred to First Revised Page 4-D.</p> <p>Change, Decision No. 77496</p>	
EFFECTIVE	
<p align="center">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction 1333</p>	

SECTION 1--RULES (Continued)	(1) ITEM
<p style="text-align: center;">ALTERNATIVE APPLICATION OF COMBINATIONS WITH COMMON CARRIER RATES (APPLICABLE ONLY WITHIN NORTHERN TERRITORY OR FROM NORTHERN TERRITORY TO SOUTHERN TERRITORY) (Concluded) (Items 85 and 86)</p> <p>NOTE 1.--If loading and unloading are not included in the rate of a common carrier which is applied or used to construct a rate for highway transportation, 3 cents per ton shall be added to the common carrier rate for loading and 3 cents per ton shall be added to the common carrier rate for unloading. If the common carrier rate includes either loading or unloading, but not both, 3 cents per ton shall be added to the common carrier rate. (See Exceptions 1 and 2)</p> <p>EXCEPTION 1.--The additional charge for loading will not apply when the railhead from which a common carrier rate applies has a facility by which rail cars can be loaded by gravity directly from a unit of dump truck equipment.</p> <p>EXCEPTION 2.--The additional charge for unloading will not apply when the railhead to which a common carrier rate applies has a facility by which a unit of dump truck equipment can be loaded by gravity directly from a rail car.</p> <p>NOTE 2.--When a rail carload rate is subject to varying minimum weights, dependent upon the size of the car ordered or used, the lowest minimum weight obtainable under such minimum weight provisions may be used in applying the basis provided in this item, except that when no specific minimum weight is shown for a carload rate, it shall be not less than 30,000 pounds.</p> <p>NOTE 3.--In applying the provisions of this item, a rate no lower than the common carrier rate and a weight no lower than the actual weight or published minimum weight (whichever is the higher) applicable in connection with the common carrier rate shall be used.</p>	(2) *86
<p style="text-align: center;">ALTERNATIVE APPLICATION OF COMBINATIONS WITH COMMON CARRIER RATES (APPLICABLE ONLY WITHIN SOUTHERN TERRITORY OR FROM SOUTHERN TERRITORY TO NORTHERN TERRITORY) (Items 90 and 91)</p> <p>When lower aggregate charges result, rates provided in this tariff may be used in combination with common carrier rates for the same transportation as follows:</p> <p>(a) When point of origin is located beyond railhead and point of destination is located at railhead, add to the common carrier rate applying from any (1) team track or (2) private railhead which is owned or leased by the party who contracts with the carrier for the performance of the transportation service, to point of destination the rate provided in this tariff, applicable to the weight of the entire shipment, for the distance from point of origin to any such team track or private railhead from which the common carrier rate used applies. (See Notes 1, 2, 3 and 4)</p> <p>(b) When point of origin is located at railhead and point of destination is located beyond railhead, add to the common carrier rate applying from point of origin to any (1) team track or (2) private railhead which is owned or leased by the party who contracts with the carrier for the performance of the transportation service, the rate provided in this tariff, applicable to the weight of the entire shipment, for the distance from any such team track or private railhead to which the common carrier rate used applies to point of destination. (See Notes 1, 3 and 4)</p> <p style="text-align: center;">(Continued in Item 91)</p>	#90
<p>(1) Item 93 transferred to Original Page 5-AA. (2) Provisions transferred from Tenth Revised Page 5.</p> <p>Change) * Addition) Decision No. 77496</p>	
EFFECTIVE	
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA</p> <p>Correction 1334</p>	

SECTION 1--RULES (Continued)

(1)
ITEM

ALTERNATIVE APPLICATION OF COMBINATIONS WITH COMMON
CARRIER RATES (APPLICABLE ONLY WITHIN SOUTHERN
TERRITORY OR FROM SOUTHERN TERRITORY
TO NORTHERN TERRITORY) (Concluded)
(Items 90 and 91)

6(c) When both point of origin and point of destination are located beyond railhead, add to the common carrier rate applying between any railheads the rate provided in this tariff, applicable to the weight of the entire shipment, for the distance from point of origin to any (1) team track or (2) private railhead which is owned or leased by the party who contracts with the carrier for the performance of the transportation service, from which the common carrier rate used applies, plus the rate provided in this tariff, applicable to the entire weight of the shipment, for the distance from any (1) team track or (2) private railhead which is owned or leased by the party who contracts with the carrier for the performance of the transportation service, to which the common carrier rate used applies to point of destination. (See Notes 1, 2, 3 and 4)

NOTE 1.--In the event, under the provisions of Items 70 and 90 series, a rate of a common carrier is used in constructing a rate for highway transportation and such common carrier rate does not include accessorial services performed by the highway carrier, the following charge for such accessorial services shall be added:
For loading and unloading, 12 cents per ton.

*691

NOTE 2.--When the point of origin located beyond railhead is a commercial producing plant located within any of the production areas described in Section 3, in which the railhead is located and the point of destination is outside such production area, the combination rate may be constructed by adding to the common carrier rate specified in this item series, the rate of 6 cents per ton in lieu of the rate provided in this tariff for the distances from the point of origin to the railhead from which said common carrier rate applies.

NOTE 3.--When the rail carload rate is subject to varying minimum weights, dependent upon the size of the car ordered or used, the lowest minimum weight obtainable under such minimum weight provisions may be used in applying the basis provided in this item.

NOTE 4.--In applying the provisions of this item, a rate no lower than the common carrier rate and a weight no lower than the actual weight or published minimum weight (whichever is the higher) applicable in connection with the common carrier rate shall be used.

ISSUANCE OF SHIPPING DOCUMENT
(Items 93, 93.1 and 93.2)

(a) A Distance Rate Notice shall be issued by the shipper to the carrier prior to any transportation under Section 2 rates, except transportation performed under the provisions of Item 138. This notice shall show the following information:

- (1) Date of notice and identifying number.
- (2) Name of carrier.
- (3) Name of shipper.
- (4) Point of origin.
- (5) Point of destination.
- (6) Date and time notice begins.
- (7) Date and time notice ends.
- (8) Signature of shipper (or agent).
- (9) Signature of carrier (or agent).

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(b) The Distance Rate Notice may be in the form of a rubber stamp, provided that all the required information is completed prior to the initial transportation thereunder.

(Continued in Item 93.1)

(1) Provisions transferred from Seventh Revised Page 5-A.

6 Change
* Addition

) Decision No.

77496

EFFECTIVE

Correction 1335

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SAN FRANCISCO, CALIFORNIA.