

Decision No. 77634**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)
 within San Diego County (including)
 transportation for which rates are)
 provided in Minimum Rate Tariff)
 No. 9-B).

Case No. 5439
 Petition for Modification
 No. 104
 (Filed October 31, 1969)

OPINION AND ORDER

Decision No. 77632, entered today in Case No. 5432 (Petition for Modification No. 561) et al., established revised provisions governing the transportation of dangerous articles (hazardous materials) in Minimum Rate Tariff No. 2 and found that comparable amendments should also be made in the like provisions of Minimum Rate Tariff No. 9-B. The decision also provided that, in order to avoid duplication of tariff distribution, Minimum Rate Tariff No. 9-2 should be amended by separate order.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 9-B (Appendix A to Decision No. 67766, as amended) is further amended by incorporating therein, to become effective September 26, 1970, the revised pages attached hereto and listed in Appendix A, also attached hereto, which pages and appendix by this reference are made a part hereof.
2. Common carriers subject to the Public Utilities Act, to the extent that they are subject also to Decision No. 67766, as amended, are hereby directed to establish in their tariffs the increases necessary to conform with the further adjustments ordered herein.

3. Common carriers maintaining rates on a level other than the minimum rates for transportation for which rates are prescribed in Minimum Rate Tariff No. 9-B are authorized to increase such rates by the same amounts authorized for Minimum Rate Tariff No. 9-B rates herein.

4. Common carriers maintaining rates on the same level as Minimum Rate Tariff No. 9-B rates for the transportation of commodities and/or for transportation not subject to Minimum Rate Tariff No. 9-B are authorized to increase said rates by the same amounts authorized for Minimum Rate Tariff No. 9-B rates herein.

5. Common carriers maintaining rates at levels other than the minimum rates for the transportation of commodities and/or for transportation not subject to Minimum Rate Tariff No. 9-B are authorized to increase said rates by the same amounts authorized for Minimum Rate Tariff No. 9-B rates herein.

6. Tariff publications required or authorized to be made by common carriers as a result of the order herein shall be filed not earlier than the effective date of this order and may be made effective not earlier than the tenth day after the effective date of this order, on not less than ten days' notice to the Commission and to the public; such tariff publications as are required shall be made effective not later than September 26, 1970; and as to tariff publications which are authorized but not required, the authority herein granted shall expire unless exercised within sixty days after the effective date hereof.

7. Common carriers, in establishing and maintaining the rates 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 rates 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. 67766, 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 18th
day of AUGUST, 1970.

[Signature]
Chairman
[Signature]
[Signature]
[Signature]
Commissioners

APPENDIX A TO DECISION NO. 77634

LIST OF ORIGINAL AND REVISED PAGES TO MINIMUM RATE TARIFF 9-B
AUTHORIZED BY SAID DECISION

FOURTH REVISED TITLE PAGE

FOURTH REVISED PAGE 3

TWELFTH REVISED PAGE 7

SIXTH REVISED PAGE 18

ORIGINAL PAGE 22-A

FIRST REVISED PAGE 27

TENTH REVISED PAGE 47

(END OF APPENDIX A LIST)

MINIMUM RATE TARIFF 9-B

NAMING
MINIMUM RATES AND RULES
FOR THE
TRANSPORTATION OF PROPERTY
OVER THE PUBLIC HIGHWAYS
WITHIN A
DEFINED SAN DIEGO DRAYAGE AREA
BY
HIGHWAY CONTRACT CARRIERS
CEMENT CONTRACT CARRIERS
RADIAL HIGHWAY COMMON CARRIERS
AND
DUMP TRUCK CARRIERS

The original tariff contains rates and rules established in Decision No. 67766 in Case No. 5439. Changes will be made by issuing revised or added pages or by issuing supplements.

This tariff is governed by the publications described in Item 80 to the extent shown herein.

Change, Decision No.

77634

Correction 144

EFFECTIVE
(Original Tariff Effective October 3, 1964)

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

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* Addition, Decision No.

77634

EFFECTIVE

Correction 138

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,
 SAN FRANCISCO, CALIFORNIA.

SECTION 1--RULES	ITDA
<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 bullet proof 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, dolly or any combination of such highway vehicles operated by the carrier.</p> <p>COMMISSION means the Public Utilities Commission of the State of California.</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 for transportation by land; 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>*DANGEROUS ARTICLES TARIFF means 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>DEBTOR means the person obligated to pay the freight charges to the carrier, whether consignor, consignee or other party.</p> <p>DISTANCE TABLE means Distance Table 7.</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>ESTABLISHED DEPOT means a freight terminal owned or leased and maintained by a carrier for the receipt and delivery of shipments.</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>PERMIT SHIPMENT 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 style="text-align: center;">(Continued in Item 11)</p>	<p>§10</p>
<p> § Change) Decision No. 77634 * Addition) </p>	
<p>EFFECTIVE</p>	
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA</p> <p>Correction 139</p>	

SECTION 1--RULES (Continued)	ITEM																
<p style="text-align: center;">APPLICATION OF CLASS RATINGS AND MINIMUM WEIGHTS</p> <p>Except as otherwise provided in this tariff, shipments subject to truckload ratings in the Governing Classification or Section 2-B or 2-C of the Exception Ratings Tariff lower than Class 50 will be subject to rates provided for Class 50.</p> <p>When truckload minimum weight as provided in the Governing Classification or Section 2-B or 2-C of the Exception Ratings Tariff exceeds 40,000 pounds, the minimum weight shall be 40,000 pounds.</p> <p>Except as otherwise provided in this tariff, class rates contained in this tariff are subject to any quantity or less-truckload and truckload ratings as shown in:</p> <p>(a) The Governing Classification. (b) Sections 2-A, 2-B, 2-C and 2-D of the Exception Ratings Tariff.</p>	60																
<p style="text-align: center;">APPLICATION OF CLASS RATES THAT ARE PERCENTAGES, MULTIPLES OR PROPORTIONS OF SPECIFIC CLASS RATINGS</p> <p>Class ratings which are based on percentages, multiples or proportions of Class 100 or other specified class ratings are not restricted in their application solely to the minimum class rates in the any quantity weight brackets but will apply in connection with the minimum weight brackets set forth in this tariff applicable to the shipment transported.</p>	70																
<p style="text-align: center;">APPLICATION OF GOVERNING PUBLICATIONS</p> <p>¶ This tariff is governed to the extent shown herein by:</p> <p>(a) The Governing Classification, except the rules in the following items only will apply:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 60%;">110 (Sections 4(b), 7, 9, 11, 12, 13, 14, 15 and 16 only)</td> <td style="width: 40%; text-align: right;">*520</td> </tr> <tr> <td>310</td> <td style="text-align: right;">*540</td> </tr> <tr> <td>360 (Sections 2(c), 2(d) and 3 only)</td> <td style="text-align: right;">565</td> </tr> <tr> <td>420</td> <td style="text-align: right;">595</td> </tr> <tr> <td>421</td> <td style="text-align: right;">640</td> </tr> <tr> <td>422</td> <td style="text-align: right;">*780 (Section 2 only)</td> </tr> <tr> <td>424</td> <td style="text-align: right;">845</td> </tr> <tr> <td></td> <td style="text-align: right;">997 (Table A)</td> </tr> </table> <p>(b) The Exception Ratings Tariff, Sections 2-A, 2-B, 2-C and 2-D only. *(c) The Dangerous Articles Tariff (California Regulations). *(d) The Distance Table.</p> <p>Where the ratings and rules or other provisions or conditions provided in the governing publications described in paragraphs (a), (b) and (d) hereof are in conflict with those provided in this tariff, the provisions of this tariff will apply. *Except as otherwise specifically provided in this tariff, where the provisions of the Dangerous Articles Tariff are in conflict with provisions set forth in this tariff or the otherwise governing publications referred to in paragraphs (a), (b) and (d) hereof, the provisions of the Dangerous Articles Tariff will apply.</p>	110 (Sections 4(b), 7, 9, 11, 12, 13, 14, 15 and 16 only)	*520	310	*540	360 (Sections 2(c), 2(d) and 3 only)	565	420	595	421	640	422	*780 (Section 2 only)	424	845		997 (Table A)	480
110 (Sections 4(b), 7, 9, 11, 12, 13, 14, 15 and 16 only)	*520																
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<p>¶ Change } Decision No. 77634 * Addition }</p>																	
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Correction 140	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.																

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">DANGEROUS ARTICLES</p> <p>Dangerous Articles include those articles described in and subject to the provisions of the Dangerous Articles Tariff.</p> <p>Dangerous articles must not be accepted for transportation unless at the time of or prior to the initial pickup the consignor has furnished to the carrier written information as required under the regulations of the Dangerous Articles Tariff.</p> <p>To the extent hereinafter provided, the following provisions of this tariff will not apply to shipments of dangerous articles:</p> <ol style="list-style-type: none"> 1. Item 220 (Mixed Shipments) will not apply to shipments containing one or more commodities which the Dangerous Articles Tariff prohibits being transported at the same time on a single unit of carrier's equipment. 2. Items 180-182 (C.O.D. Shipments) and 300 (Split Delivery) will not apply to shipments, including any component parts thereof, containing explosives (Class A, B or C) and/or any other dangerous articles which may not be left unattended in the carrier's equipment under the regulations of the Dangerous Articles Tariff. 	*165
<p style="text-align: center;">FAILURE TO ACCOMPLISH DELIVERY (Applies only in connection with Item 165)</p> <p>Except as otherwise provided in the Dangerous Articles Tariff, if the carrier, through no fault of its own, is unable to effect delivery of any shipment within 48 hours, excluding Saturdays, Sundays and holidays, after receipt of the shipment, notice will be sent or given to consignor or consignee that the shipment is being placed in storage. Thereafter the shipment will be stored at carrier's terminal subject to the rates and charges set forth below, or at carrier's option may be placed in public warehouse.</p> <p style="padding-left: 40px;">For each of the first five days, 5½ cents per 100 pounds. For the sixth and each succeeding day, 8 cents per 100 pounds.</p> <p>Minimum storage charge per shipment on freight held beyond 48 hours, 5 days or less, 77 cents; 6 days or more, \$1.18. In computing time, any fractional part of 24 hours will be counted as one day. In computing charges, any fractional part of 100 pounds will be computed as 100 pounds.</p> <p>Shipments unloaded from vehicle and reloaded on vehicle will be subject to a charge of \$2.95 per ton in addition to all other charges.</p> <p>Subsequent delivery from point of storage will be charged as a new shipment.</p>	*167
<p>* Addition, Decision No. 77634</p>	
EFFECTIVE	
Correction 141	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">GROSS WEIGHT</p> <p>(a) Except as provided in Item 380, charges shall be assessed on the gross weight of the shipment. No allowance shall be made for the weight of the container.</p> <p>(b) When shipments are transported on pallets, the weight of the pallets shall not be used in determining the weight of the shipment nor the charges thereon. (See Notes 1 and 2)</p> <p>NOTE 1.--Not applicable to shipments of empty pallets.</p> <p>NOTE 2.--The term "pallets" includes elevating truck pallets or platforms or lift truck skids.</p>	190
<p style="text-align: center;">ISSUANCE OF SHIPPING DOCUMENTS (Items 200 and 201)</p> <p>1. Except as otherwise provided in Paragraphs 2 and 3 shown in Item 201, a freight bill shall be issued by the carrier to the shipper for each shipment received for transportation. A freight bill in manifest form may be issued for more than one shipment received from one consignor at one point of origin. Each freight bill shall show the following information for each shipment:</p> <ul style="list-style-type: none"> (a) Date of issuance. (b) Name and address of party against whom charges are assessed. (c) Date of tender of the shipment. (d) Name of consignor. (e) Point of origin. (f) Name of consignee. (g) Point of destination. δ(h) Description of the shipment *(in terms of the Governing Classification, Exception Ratings Tariff, Dangerous Articles Tariff or as provided in this tariff). (i) Weight of shipment. (j) Rate and charge assessed. (k) Time at point of loading or point of unloading in excess of free time as set forth in this tariff and the cause therefor. (l) When services of unloading or segregating of pool cars or stacking and assorting of shipments or any other accessorial service is performed by the carrier, the nature of the services performed and the extent thereof, and the rates and charges assessed for such services. δ(m) For the transportation of (1) permit shipments, (2) shipments requiring escort service, *(3) shipments requiring circuitous routing, or *(4) dangerous articles, the following information, whereby applicable, shall be shown on all shipping documents issued by the carrier in connection therewith and shall be in addition to all other information required to be shown thereon: <ul style="list-style-type: none"> (1) Permit identification of all permit shipments. (See Item 10) (2) Any escort service furnished and the authority therefor. (See Item 10) *(3) Any circuitous routing and the authority therefor. *(4) Any description of dangerous articles must be in terms prescribed in the Dangerous Articles Tariff, including reference to labeling requirements. A further description not inconsistent therewith may be included. <p style="text-align: center;">(Continued in Item 201)</p>	δ200
<p>δ Change) Decision No. 77634 * Addition)</p>	
<p>EFFECTIVE</p>	
<p>Correction 142</p>	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>

SECTION 3--EQUIPMENT RATES AND RULES	ITEM
<p style="text-align: center;">RULES</p> <p>(a) Rates named in this section are subject to Items 10 and 11, Definitions of Technical Terms; Item 20, Application of Tariff; Item 30, Application of Tariff--Territorial; Items 50 and 51, Application of Tariff--Commodities; Item 150, Charges for Escort Service; Item 160, Charges for Permit Shipments; *Item 165, Dangerous Articles; Item 170, Collection of Charges; Items 180, 181 and 182, Collect on Delivery (C.O.D.) Shipments; Items 200 and 201, Issuance of Shipping Documents; Item 250, References to Items and Other Tariffs; and Item 260, Units of Measurement To Be Observed. They are not subject to the other rules provided in Section 1.</p> <p>(b) Rates named in this section are subject to Items 110 and 565 of the Governing Classification. They are not subject to the other rules of the Governing Classification.</p> <p>(c) Rates named in this section apply only when the property is transported by one carrier for one shipper.</p> <p>(d) Prior to the transportation of the property, the shipper must enter into written agreement with the carrier to ship at rates no lower than those provided in this section, stating specifically the class of service desired. (See Item 510.) Except as herein provided, no single agreement shall cover shipments transported over a period in excess of 31 days. EXCEPTION: The agreement will not be necessary for transportation of overweight and/or oversize shipments for which a special permit has been issued pursuant to the provisions of Sections 35780 to 35784, inclusive, of the Vehicle Code, State of California, and attached to or identified on the shipping document.</p> <p>(e) Rates named in Item 520 are subject to an additional charge at the rate of \$7.80 per man, per hour, minimum charge one-half hour, when carrier furnishes help in addition to the driver. The time for computing the additional charge shall be not less than the actual time in minutes the helper or helpers are engaged in performing the services. The total time so computed shall be converted into hours and fractions thereof. Fractions of an hour shall be determined in accordance with the table provided in Note 1(c), Item 520.</p> <p>(f) When carrier's equipment is painted, lettered or marked, or when special equipment or accessories are furnished by the carrier, in connection with transportation which is performed subject to the rates named in Item 520, a charge not less than the cost of painting, lettering or marking or the costs applicable to the use of the special equipment or accessories shall be made.</p>	<p>6500</p>
<p> } Change * Addition </p> <p>Decision No. 77634</p>	
EFFECTIVE	
Correction 143	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA