

Decision No. 77668**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 sand, rock, gravel and related items )  
 (commodities for which rates are provided )  
 in Minimum Rate Tariff Nos. 7 and 17). )

Case No. 5437

OPINION AND ORDER

Minimum Rate Tariffs 7 and 17 name rates and rules for the transportation of property in dump truck equipment. It has come to the Commission's attention that problems have arisen with the collection of charges provisions in these tariffs. The problems occur primarily with transportation performed in connection with construction projects pursuant to contracts let by the Department of Public Works, State of California.

The tariffs currently provide that credit for transportation charges may be extended for a period not to exceed the 15th day following the last day of the calendar month in which transportation is performed. However, in connection with transportation performed on construction projects pursuant to contracts of the Department of Public Works a conflict occurs in that the prime contractor is paid by the Department of Public Works on a different time cycle than that which is provided in the Minimum Rate Tariffs. Such contracts generally provide for a billing period from the 21st of one month to the 20th of the next month.

In order to alleviate this problem the collection of charges provisions in these tariffs will be revised to permit the carrier to present freight bills to the debtor on or before the 25th day of the month for transportation performed within the period of time beginning with the 21st day of the previous month and ending

with the 20th day of the current month when the ultimate payor of freight charges is under contract with the Department of Public Works, State of California.

The necessary amendments in General Order 102-C with respect to payments of subhaulers will be made by separate order.

In the circumstances Minimum Rate Tariffs 7 and 17 will be amended to reflect the foregoing conclusions. The Commission finds that the amendments will be reasonable, and concludes that the resulting minimum rate provisions will be just, reasonable and nondiscriminatory. A public hearing is not necessary.

IT IS ORDERED that:

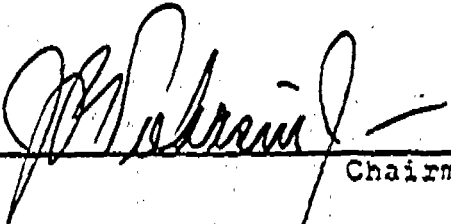
1. Minimum Rate Tariff 7 (Appendix A of Decision No. 32566, as amended) is hereby further amended by incorporating therein, to become effective September 19, 1970, the revised pages attached hereto, and listed in Appendix A also attached hereto, which pages and appendix by this reference are made a part hereof.

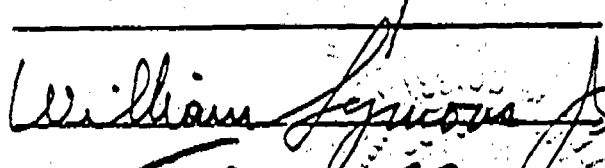
2. Minimum Rate Tariff 17 (Appendix B of Decision No. 69469, as amended) is hereby further amended by incorporating therein to become effective September 19, 1970, the revised pages attached hereto and listed in Appendix A also attached hereto, which pages and appendix by this reference are made a part hereof.

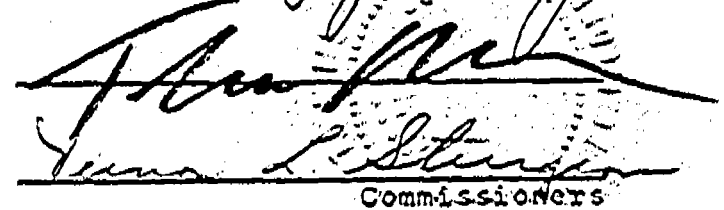
3. In all other respects said Decisions Nos. 32566 and 69469, as amended, shall remain in full force and effect.

The effective date of this order shall be 24 days after the date hereof.

Dated at San Francisco, California, this 25<sup>th</sup> day of August, 1970.

  
Chairman



  
Commissioners

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

APPENDIX A TO DECISION NO. 77668

LIST OF ORIGINAL AND REVISED PAGES TO MINIMUM RATE TARIFFS 7 AND 17

AUTHORIZED BY SAID DECISION

MINIMUM RATE TARIFF 7:

TENTH REVISED PAGE 4-A

ORIGINAL PAGE 4-AA

SECOND REVISED PAGE 5-D

ORIGINAL PAGE 5-E

MINIMUM RATE TARIFF 17:

FORTY-SIXTH REVISED PAGE 1-2

FIRST REVISED PAGE 1-11

ORIGINAL PAGE 1-11.1

(END OF APPENDIX A LIST)

SECTION 1--RULES (Continued)	(2) ITEM
<p data-bbox="587 369 954 398">(1) COLLECTION OF CHARGES</p> <p data-bbox="309 419 1236 473">(For other provisions concerning payments of overlying carriers to underlying carriers, see also Item 94.)</p> <p data-bbox="146 494 1446 598">(a) Except as otherwise provided in this item, transportation and accessorial charges shall be collected by the carriers prior to relinquishing possession of property entrusted to them for transportation; said charges shall be collected in cash or in the form of valid checks, drafts or money orders.</p> <p data-bbox="146 622 1446 752">(b) Upon taking precautions deemed by them to be sufficient to assure payment of charges within the credit period herein specified, carriers may relinquish possession of the freight in advance of payment of the charges thereon and may extend credit in the amount of such charges to debtors for a period not to exceed the 15th day following the last day of the calendar month in which the transportation was performed.</p> <p data-bbox="146 775 1446 932">(c) Where the carrier has relinquished possession of freight and collected the amount of charges represented in a freight bill presented by it as the total amount of such charges, and another freight bill for additional charges is thereafter presented to the debtor, the carrier may extend credit in the amount of such additional charges for a period of 30 calendar days to be computed from the first 12 o'clock midnight following the presentation of the subsequently presented freight bill.</p> <p data-bbox="146 953 1446 1031">(d) Freight bills for all transportation and accessorial charges shall be presented to the debtors within 5 days after the last calendar day of the month in which transportation was performed.</p> <p data-bbox="146 1054 1446 1158">(e) Debtors may elect to have their freight bills presented by means of the United States mail, and when the mail service is so used the time of mailing by the carrier, as evidenced by the postmark, shall be deemed to be the time of presentation of the freight bills.</p> <p data-bbox="146 1179 1446 1309">(f) The mailing by the debtor of valid checks, drafts, or money orders, which are satisfactory to the carrier, in payment of freight charges within the credit period allowed such debtor may be deemed to be the collection of the charges within the credit period for the purpose of these rules. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.</p> <p data-bbox="146 1333 1446 1463">§(1) Will not apply to the transportation of property for the United States, state, county or municipal governments, "nor when the transportation is performed pursuant to a contract let by the Department of Public Works, State of California, provided that said contract is specifically identified on each shipping order and freight bill. (See Item 46)</p>	45
<p data-bbox="247 1505 924 1533">(2) Item 47 transferred to Original Page 4-AA.</p> <p data-bbox="215 1557 826 1614">§ Change ) * Addition ) Decision No. 77668</p>	
EFFECTIVE	
<p data-bbox="163 2189 386 2218">Correction 1338</p> <p data-bbox="860 2163 1569 2223">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA</p>	

## SECTION 1--RULES (Continued)

ITEM

## COLLECTION OF CHARGES

(This item applies only when the transportation is performed pursuant to a contract let by the Department of Public Works, State of California, provided said contract is specifically identified on each shipping order and freight bill.)

(For other provisions concerning payments of overlying carriers to underlying carriers, see also Item 95.)

(a) Except as otherwise provided in this item, transportation and accessorial charges shall be collected by the carriers prior to relinquishing possession of property entrusted to them for transportation; said charges shall be collected in cash or in the form of valid checks, drafts or money orders.

(b) Upon taking precautions deemed by them to be sufficient to assure payment of charges within the credit period herein specified, carriers may relinquish possession of the freight in advance of payment of the charges thereon and may extend credit in the amount of such charges to debtors for a period not to exceed the 15th day following the last day of the month following presentation of the freight bills as provided in paragraph (d) herein.

(c) Where the carrier has relinquished possession of freight and collected the amount of charges represented in a freight bill presented by it as the total amount of such charges, and another freight bill for additional charges is thereafter presented to the debtor, the carrier may extend credit in the amount of such additional charges for a period of 30 calendar days to be computed from the first 12 o'clock midnight following the presentation of the subsequently presented freight bill. \*46

(d) Freight bills for all transportation and accessorial charges shall be presented to the debtors on or before the 25th day of the month for transportation performed within the period of time beginning with the 21st day of the previous month and ending with the 20th day of the current month.

(e) Debtors may elect to have their freight bills presented by means of the United States mail, and when the mail service is so used the time of mailing by the carrier, as evidenced by the postmark, shall be deemed to be the time of presentation of the freight bills.

(f) The mailing by the debtor of valid checks, drafts, or money orders, which are satisfactory to the carrier, in payment of freight charges within the credit period allowed such debtor may be deemed to be the collection of the charges within the credit period for the purpose of these rules. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.

## UNITS OF MEASUREMENT TO BE OBSERVED

(a) 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 rate and charges in this tariff are stated for the type of shipment being rated.

(b) Where rates in Section 3 are applicable, zone rates in cents per ton shall be quoted and assessed. (1) 47

(c) If there is no zone rate provided in Section 3, rates in Section 4 shall be quoted and assessed in cents per hour, except as provided in paragraph (d).

(d) If there is no rate provided in Section 3, and a distance rate notice as specified in Item 93 is entered into between the carrier or overlying carrier and the shipper to ship at mileage tonnage rates in Section 2, in lieu of hourly rates in Section 4, mileage tonnage rates no lower than those in Section 2 shall be quoted and assessed.

(1) Item 47 transferred from Ninth Revised Page 4-A.

\* Addition, Decision No. 77668

EFFECTIVE

Correction 1339

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

SECTION 1--RULES (Continued)	(2) ITEM
<p style="text-align: center;">*(1) PAYMENTS TO UNDERLYING CARRIERS</p> <p>Charges paid by any overlying carrier to an underlying carrier and collected by the latter carrier from the former for the service of said underlying carrier shall be not less than 95 percent of the charges applicable under the minimum rates prescribed in this tariff, less the gross revenue taxes applicable and required to be paid by the overlying carrier. (See Notes 1 and 2.) The underlying carrier may extend credit to the overlying carrier for a period not to exceed twenty days following the last day of the calendar month in which the transportation was performed, and payment to the underlying carrier must be made within that time. Freight bills for transportation and accessorial charges shall be presented by underlying carriers to overlying carriers within three days after the last calendar day of the month in which the transportation was performed.</p> <p>NOTE 1.--As used in this item the term gross revenue taxes means the California Transportation Tax payable to the California Board of Equalization and the tax payable to the California Public Utilities Commission under the Transportation Rate Fund Act.</p> <p>NOTE 2.--Nothing herein contained shall prevent an overlying carrier, in paying such charges, from deducting therefrom such liquidated amounts as may be due from the underlying carrier to the overlying carrier, providing such deductions have been authorized in writing by the underlying carrier. Any overlying carrier electing to employ this procedure shall itemize such amounts and maintain for the Commission's inspection all documents involved in the transaction.</p> <p>*(1) Does not apply when the transportation is performed pursuant to a contract let by the Department of Public Works, State of California, provided that said contract is specifically identified on each shipping order and freight bill. (See Item 95)</p>	<p style="text-align: center;">69+</p>
<p style="text-align: center;">PAYMENTS TO UNDERLYING CARRIERS</p> <p>(This item applies only when the transportation is performed pursuant to a contract let by the Department of Public Works, State of California, provided that said contract is specifically identified on each shipping document and freight bill.)</p> <p>Charges paid by any overlying carrier to an underlying carrier and collected by the latter carrier from the former for the service of said underlying carrier shall be not less than 95 percent of the charges applicable under the minimum rates prescribed in this tariff, less the gross revenue taxes applicable and required to be paid by the overlying carrier. (See Notes 1 and 2.) The underlying carrier may extend credit to the overlying carrier for a period not to exceed the 20th day of the month following presentation of the freight bill as provided in Item 46, and payment to the underlying carrier must be made within that time. Freight bills for transportation and accessorial charges shall be presented by underlying carriers to overlying carriers no later than the 23rd day of the month for transportation performed within the period of time beginning with the 21st day of the previous month and ending with the 20th day of the current month.</p> <p>NOTE 1.--As used in this item the term gross revenue taxes means the California Transportation Tax payable to the California Board of Equalization and the tax payable to the California Public Utilities Commission under the Transportation Rate Fund Act.</p> <p>NOTE 2.--Nothing herein contained shall prevent an overlying carrier, in paying such charges, from deducting therefrom such liquidated amounts as may be due from the underlying carrier to the overlying carrier, providing such deductions have been authorized in writing by the underlying carrier. Any overlying carrier electing to employ this procedure shall itemize such amounts and maintain for the Commission's inspection all documents involved in the transaction.</p>	<p style="text-align: center;">*95</p>
<p>(2) Items 96 and 98 transferred to Original Page 5-E.</p> <p> <span style="display: inline-block; vertical-align: middle;">                     x Change                      * Addition                 </span> <span style="display: inline-block; vertical-align: middle; font-size: 2em; margin: 0 10px;">}</span>                 Decision No. <span style="font-size: 1.5em;">77668</span> </p>	
EFFECTIVE	
<div style="display: flex; justify-content: space-between;"> <span>Correction 1340</span> <span>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</span> </div>	

SECTION 1--RULES (Concluded)		(1) ITEM
RATES BASED ON VARYING MINIMUM TRUCKLOAD WEIGHTS  (Applies only in connection with rates making reference to this item)  When charges on a shipment transported in one unit of dump truck equipment at one time based on actual weight exceed the charges which would accrue if charges were computed upon a rate based upon a higher minimum weight, the latter will apply.		96
ACCESSORIAL CHARGES  In addition to the charges provided under Item 135 of Section 2 and Items 288, 289, 295-A and 295-1 of Section 3, accessorial charges shall be assessed as follows:  Working Time: The applicable hourly rate provided in Section 4, Item 365, Column C.  Waiting Time: The applicable hourly rate provided in Section 4, Item 365, Column D.  There shall be a free time allowance, to be first applied to Waiting Time and any excess to be applied to Working Time:  For Trucks Without Trailing Equipment--Thirty (30) Minutes  For Trucks With Trailing Equipment or Tractors With Trailers--Thirty (30) Minutes  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.  The provisions of this item apply only to transportation of asphaltic concrete and cold road oil mixture.		98
(1) Items 96 and 98 transferred from First Revised Page 5-D, Decision No. 77668		
EFFECTIVE		
Correction 1341	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA	



## SECTION 1--RULES (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 SIGNED	PAGE NUMBER	REVISION NUMBER	DECISION NUMBER	DATE SIGNED
TITLE	4TH	76369	11/4/69	1-20	ORIGINAL		
1	ORIGINAL			1-21	5TH	75249	1/28/69
1-1	7TH	77522	7/21/70	1-22	3RD	75249	1/28/69
1-2	45TH	77522	7/21/70	1-23	1ST	73653	1/23/68
1-2.1	11TH	77522	7/21/70	2	2ND		
1-2.2	9TH	77522	7/21/70	2-1	2ND	76331	10/28/69
1-2.3	5TH			2-2	1ST	75317	2/11/69
1-2.4	12TH	77522	7/21/70	2-3	2ND	75317	2/11/69
1-3	6TH	77204	5/12/70	2-4	2ND	76331	10/28/69
1-3.1	6TH	77204	5/12/70	2-5	2ND	76331	10/28/69
1-4	4TH	77204	5/12/70	2-6	3RD	76943	3/17/70
1-4.1	2ND	75249	1/28/69	2-7	2ND	76331	10/28/69
1-5	4TH	76369	11/4/69	2-8	2ND	76331	10/28/69
1-6	5TH	74755	10/1/68	2-9	2ND	76331	10/28/69
1-7	4TH	75249	1/28/69	2-10	3RD	76943	3/17/70
1-8	6TH	76369	11/4/69	2-11	1ST	75317	2/11/69
1-8.1	1ST	74999	11/26/68	3	ORIGINAL		
1-9	3RD	77204	5/12/70	4	2ND		
1-10	2ND	77204	5/12/70	4-A	7TH	77522	7/21/70
1-11	*1ST			4-A-1	7TH	77522	7/21/70
*1-11.1	ORIGINAL						
1-12	ORIGINAL			4-A-2	8TH	77522	7/21/70
1-13	1ST	74755	10/1/68	4-B	7TH	77522	7/21/70
1-13.1	ORIGINAL	73999	4/16/68	4-B-1	7TH	77522	7/21/70
1-13.2	ORIGINAL	73999	4/16/68	4-B-2	8TH	77522	7/21/70
1-14	5TH	77204	5/12/70	4-CC	7TH	77522	7/21/70
1-14.1	ORIGINAL			4-CC-1	7TH	77522	7/21/70
1-15	5TH	77204	5/12/70	4-E	7TH	77522	7/21/70
1-15.1	2ND	77204	5/12/70	4-E-1	7TH	77522	7/21/70
1-15.2	ORIGINAL	77204	5/12/70	4-E-2	8TH	77522	7/21/70
1-16	4TH			4-F	7TH	77522	7/21/70
1-17	ORIGINAL			4-F-1	7TH	77522	7/21/70
1-18	1ST			4-F-2	8TH	77522	7/21/70
1-19	ORIGINAL						

\* CHANGE  
# ADDITION

EFFECTIVE

CORRECTION 1687

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

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;"># (1) COLLECTION OF CHARGES</p> <p>(a) Except as otherwise provided in this item, transportation and accessorial charges shall be collected by the carriers prior to relinquishing possession of property entrusted to them for transportation; said charges shall be collected in cash or in the form of valid checks, drafts or money orders (for exception concerning the amounts of payments by carriers to underlying carriers see Item 460).</p> <p>*(b) Upon taking precautions deemed by them to be sufficient to assure payment of charges within the credit period herein specified, carriers may relinquish possession of freight in advance of the payment of the charges thereon and may extend credit in the amount of such charges to those who undertake to pay them, such persons herein being called debtors, for a period not to exceed 15 days, excluding #Saturdays, Sundays and legal holidays following the last day of the calendar month in which the transportation was performed.</p> <p>(c) Where the carrier has relinquished possession of freight and collected the amount of charges represented in a freight bill presented by it as the total amount of such charges, and another freight bill for additional charges is thereafter presented to the debtor, the carrier may extend credit in the amount of such additional charges for a period of 20 calendar days to be computed from the first 12 o'clock midnight following the presentation of the subsequently presented freight bill.</p> <p>(d) Freight bills for all transportation and accessorial charges shall be presented to the debtors within 4 days after the last calendar day of the month in which transportation was performed.</p> <p>(e) Debtors may elect to have their freight bills presented by means of the United States mail, and when the mail service is so used the time of mailing by the carrier, as evidenced by the postmark, shall be deemed to be the time of presentation of the freight bills.</p> <p>(f) The mailing by the debtor of valid checks, drafts, or money orders, which are satisfactory to the carrier, in payment of freight charges within the credit period allowed such debtor may be deemed to be the collection of the charges within the credit period for the purpose of these rules. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.</p> <p>#(1) Will not apply to the transportation of property for the United States, State, County or municipal governments, nor when the transportation is performed pursuant to a contract let by the Department of Public Works, State of California, provided that said contract is specifically identified on each shipping order and freight bill. (See Item 201)</p>	<p style="text-align: center;">*200</p>
<p>* CHANGE # ADDITION</p>	
EFFECTIVE	
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA</p>	

CORRECTION 1688

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">COLLECTION OF CHARGES</p> <p>(Applies only when the transportation is performed pursuant to a contract let by the Department of Public Works, State of California, provided that said contract is specifically identified on each shipping document and freight bill.)</p> <p>(a) Except as otherwise provided in this item, transportation and accessorial charges shall be collected by the carriers prior to relinquishing possession of property entrusted to them for transportation; said charges shall be collected in cash or in the form of valid checks, drafts or money orders (for exception concerning the amounts of payments by carriers to underlying carriers see Item 460).</p> <p>(b) Upon taking precautions deemed by them to be sufficient to assure payment of charges within the credit period herein specified, carriers may relinquish possession of freight in advance of the payment of the charges thereon and may extend credit in the amount of such charges to those who undertake to pay them, such persons herein being called debtors, for a period not to exceed the 15th day of the month following presentation of the freight bill as provided in paragraph (d).</p> <p>(c) Where the carrier has relinquished possession of freight and collected the amount of charges represented in a freight bill presented by it as the total amount of such charges, and another freight bill for additional charges is thereafter presented to the debtor, the carrier may extend credit in the amount of such additional charges for a period of 20 calendar days to be computed from the first 12 o'clock midnight following the presentation of the subsequently presented freight bill.</p> <p>(d) Freight bills for all transportation and accessorial charges shall be presented to the debtors on or before the 25th day of the month for transportation performed within the period of time beginning with the 21st day of the previous month and ending with the 20th day of the current month.</p> <p>(e) Debtors may elect to have their freight bills presented by means of the United States mail, and when the mail service is so used the time of mailing by the carrier, as evidenced by the postmark, shall be deemed to be the time of presentation of the freight bills.</p> <p>(f) The mailing by the debtor of valid checks, drafts, or money orders, which are satisfactory to the carrier, in payment of freight charges within the credit period allowed such debtor may be deemed to be the collection of the charges within the credit period for the purpose of these rules. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.</p>	#201
# ADDITION	
EFFECTIVE	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA	

CORRECTION 1689