

ORIGINAL

Decision No. 80089

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 Tariffs Nos. 7 and 17).

Case No. 5437
Order Granting Rehearing
Decision No. 77776
(Dated September 29, 1970)

Investigation on the Commission's own motion to determine procedure and rules for administration of Public Utilities Code Sections 3575 and 1074, including amount, form and content of bond required thereby.

Case No. 5670
Order Granting Rehearing
Decision No. 77776
(Dated September 29, 1970)

SUPPLEMENTAL OPINION AND ORDER

Decision No. 80088, issued today in Case No. 5432 (OSH 601) et al., found that Decisions Nos. 77668 and 77669 (Order Granting Rehearing No. 77776) should be vacated and set aside and, thereafter, the credit rule changes proposed to be adopted by Decision No. 77668 in Minimum Rate Tariffs 7 and 17 should be canceled from said tariffs. The decision also provided that, in order to avoid duplication of tariff distribution, Minimum Rate Tariffs 7 and 17 should be amended by separate order.

IT IS ORDERED that:

1. Minimum Rate Tariff 7 (Appendix A of Decision No. 32566, as amended) is further amended by incorporating therein, to become effective May 31, 1972, 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 further amended by incorporating therein, to become effective May 31, 1972, 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 the date hereof.

Dated at San Francisco, California, this 18th
day of MAY, 1972.

William J. Quinn Chairman
[Signature]
Ernest L. Stinson
[Signature]
Commissioners

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

APPENDIX A

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

MINIMUM RATE TARIFF 7:

SUPPLEMENT 36

ELEVENTH REVISED PAGE 4-A

FIRST REVISED PAGE 4-AA

THIRD REVISED PAGE 5-D

FIRST REVISED PAGE 5-E

MINIMUM RATE TARIFF 17:

SUPPLEMENT 15

FIFTY-SECOND REVISED PAGE 1-2

SECOND REVISED PAGE 1-11

FIRST REVISED PAGE 1-11.1

(END OF APPENDIX A LIST)

VACATING SUPPLEMENT

SUPPLEMENT 36
(Cancels Supplement 30)

(Supplements 27, 29, 32, 33, 35 and 36 Contain All Changes)

TO
MINIMUM RATE TAXOFF 7

NAMING

MINIMUM RATES AND RULES

FOR THE

TRANSPORTATION OF PROPERTY IN DUMP TRUCK
EQUIPMENT BETWEEN POINTS IN CALIFORNIA

BY

RADIAL HIGHWAY COMMON CARRIERS

HIGHWAY CONTRACT CARRIERS

AND

DUMP TRUCK CARRIERS

VACATING NOTICE

The suspension notice contained in Supplement 30 is vacated.

Decision No. 80089

EFFECTIVE

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

SECTION 1--RULES (Continued)	(2) ITEM
<p style="text-align: center;">COLLECTION OF CHARGES (See Note)</p> <p style="text-align: center;">(For other provisions concerning payments of overlying carriers to underlying carriers, see also Item 94.)</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.</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 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>(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>(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>(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>NOTE.--Will not apply to the transportation of property for the United States, state, county or municipal governments.</p>	45
<p>(1) Tenth Revised Page 4-A was suspended by Supplement 30. (2) Item 47 transferred to First Revised Page 4-AA.</p> <p>Decision No. 80089</p>	
EFFECTIVE	
Correction	

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

SECTION 1--RULES (Continued)	ITEM
ITEM CANCELED	46
<p data-bbox="584 599 1021 629">UNITS OF MEASUREMENT TO BE OBSERVED</p> <p data-bbox="248 651 1347 728">(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.</p> <p data-bbox="248 750 1340 793">(b) Where rates in Section 3 are applicable, zone rates in cents per ton shall be quoted and assessed.</p> <p data-bbox="248 814 1313 866">(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).</p> <p data-bbox="248 888 1364 987">(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.</p>	47
<p data-bbox="255 1073 937 1103">(1) Original Page 4-AA was suspended by Supplement 30.</p> <p data-bbox="255 1116 910 1146">(2) Item 47 transferred from Ninth Revised Page 4-A.</p> <p data-bbox="255 1168 624 1211">Decision No. 80089</p>	
EFFECTIVE	
<p data-bbox="265 2000 389 2022">Correction</p> <p data-bbox="870 1966 1525 2022">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA</p>	

SECTION 1--RULES (Continued)	(2) ITEM
<p data-bbox="601 355 1016 377" style="text-align: center;">PAYMENTS TO UNDERLYING CARRIERS</p> <p data-bbox="273 470 1310 743">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 data-bbox="273 765 1296 851">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 data-bbox="273 873 1296 1030">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>	94
ITEM CANCELED	95
<p data-bbox="315 1621 1100 1642">(1) Second Revised Page 5-D was suspended by Supplement 30.</p> <p data-bbox="315 1655 1024 1677">(2) Items 96 and 98 transferred to Original Page 5-E.</p> <p data-bbox="324 1698 680 1746">Decision No. 80089</p>	
EFFECTIVE	
<p data-bbox="231 1979 369 2000">Correction</p> <p data-bbox="861 1946 1486 2000" style="text-align: right;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA</p>	

SECTION 1--RULES (Concluded)	(2) ITEM
<p>RATES BASED ON VARYING MINIMUM TRUCKLOAD WEIGHTS</p> <p>(Applies only in connection with rates making reference to this item)</p> <p>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.</p>	96
<p>ACCESSORIAL CHARGES</p> <p>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:</p> <p>Working Time: The applicable hourly rate provided in Section 4, Item 365, Column C.</p> <p>Waiting Time: The applicable hourly rate provided in Section 4, Item 365, Column D.</p> <p>There shall be a free time allowance, to be first applied to Waiting Time and any excess to be applied to Working Time:</p> <p>For Trucks Without Trailing Equipment--Thirty (30) Minutes</p> <p>For Trucks With Trailing Equipment or Tractors With Trailers--Thirty (30) Minutes</p> <p>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.</p> <p>The provisions of this item apply only to transportation of asphaltic concrete and cold road oil mixture.</p>	98
<p>(1) Original Page 5-E was suspended by Supplement 30.</p> <p>(2) Items 96 and 98 transferred from First Revised Page 5-D.</p> <p>Decision No. 80089</p>	
EFFECTIVE	
Correction	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA

VACATING SUPPLEMENT

SUPPLEMENT 15
(Cancels Supplement 9)
(SUPPLEMENTS 8, 11, 12, 14 AND 15 CONTAIN ALL CHANGES)

TO
MINIMUM RATE TARIFF 17
NAMING
MINIMUM ZONE AND
AREA-TO-POINT
RATES AND RULES
FOR THE
TRANSPORTATION OF PROPERTY
IN DUMP TRUCK EQUIPMENT FROM
DEFINED PRODUCTION AREAS TO DESIGNATED DELIVERY
ZONES AND POINTS IN SOUTHERN CALIFORNIA
BY
RADIAL HIGHWAY COMMON CARRIERS
HIGHWAY CONTRACT CARRIERS
AND
DUMP TRUCK CARRIERS

VACATING NOTICE

The suspension notice contained in Supplement 9 is vacated.

Decision No.

80089

EFFECTIVE

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

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, 1969. 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	*52ND			1-23	1ST	73653	1/23/68
1-2.1	13TH	78936	7/27/71	2	2ND		
1-2.2	9TH	77522	7/21/70	2-1	2ND	76331	10/28/69
1-2.3	5TH	77295	7/11/70	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	4TH	79641	1/25/72
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
1-9.1	1ST	74999	11/26/68	3	ORIGINAL	78241	2/2/71
1-9	3RD	77204	5/12/70	4	2ND		
1-10	3RD	78268	2/2/71	4-A	7TH	77522	7/21/70
1-11	*2ND			4-A-1	7TH	77522	7/21/70
1-11.1	*1ST						
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	77497	8/22/70	4-F-2	8TH	77522	7/21/70
1-19	ORIGINAL						

* CHANGE

EFFECTIVE

CORRECTION

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

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">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 Sundays and legal holidays other than Saturday half-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>(g) This item not applicable to charges for transportation performed for the United States, state, county or municipal governments.</p>	200
<p>(1) First Revised Page 1-11 was suspended by Supplement 9.</p> <p>Decision No. 80089</p>	
<p style="text-align: center;">EFFECTIVE</p> <p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA</p> <p>Correction</p>	

SECTION 1--RULES (Continued)	ITEM
<p data-bbox="707 869 878 891">ITEM CANCELED</p>	<p data-bbox="1417 869 1462 891">201</p>
<p data-bbox="270 1524 783 1576">(1) Original Page 1-11.1 was suspended by Supplement 9.</p> <p data-bbox="270 1589 660 1642">Decision No. 80089</p>	
<p data-bbox="1004 1873 1126 1895">EFFECTIVE</p>	
<p data-bbox="204 1961 337 1983">Correction</p>	<p data-bbox="842 1930 1470 1983">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA</p>