

ORIGINAL

Decision No. 80123

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 petroleum)
and petroleum products in bulk)
(commodities for which rates are)
provided in Minimum Rate Tariff)
No. 6-A).

And Related Matters.

Case No. 5436
Petition for Modification
No. 106
(Filed January 5, 1971)

Case No. 5440
Petition for Modification
No. 72

Case No. 5604
Petition for Modification
No. 25

Case No. 8808
Petition for Modification
No. 12
(Filed January 5, 1971)

OPINION AND ORDER

Decision No. 79937, dated April 11, 1972, in Case No. 5432, ✓
Petition for Modification No. 621, et al., established revised
provisions governing alternative application of common carrier rates
in Minimum Rate Tariff 2, and found that corresponding amendments
should be made in comparable provisions of Minimum Rate Tariffs 6-A,
10, 12 and 18. That decision also provided that said tariffs should
be amended by separate order.

IT IS ORDERED that:

1. Minimum Rate Tariff 6-A (Appendix A of Decision No. 67154, as amended) is hereby further amended by incorporating therein, to become effective July 1, 1972, the revised pages attached hereto and listed in Appendix A, also attached hereto, which pages and appendix are made a part hereof.

2. Minimum Rate Tariff 10 (Appendix A to Decision No. 44633, as amended) is further amended by incorporating therein, to become effective July 1, 1972, the revised pages attached hereto and listed in Appendix B, also attached hereto, which pages and appendix are made a part hereof.

3. Minimum Rate Tariff 12 (Appendix A of Decision No. 50218, as amended) is further amended by incorporating therein, to become effective July 1, 1972, the revised pages attached hereto and listed in Appendix C, also attached hereto, which pages and appendix are made a part hereof.

4. Minimum Rate Tariff 18 (Appendix B to Decision No. 72418, as amended) is further amended by incorporating therein, to become effective July 1, 1972, the revised pages attached hereto and listed in Appendix D, also attached hereto, which pages and appendix are made a part hereof.

5. Common carriers subject to the Public Utilities Act, to the extent that they are subject also to Decisions Nos. 44633, 50218, 67154 or 72418 as amended, are hereby directed to establish in their tariffs the rates and provisions necessary to conform with the further adjustments ordered herein.

6. Common carriers maintaining rates on a level other than the minimum rates for transportation for which rates are prescribed in Minimum Rate Tariffs 6-A, 10, 12 or 18 are authorized to increase such rates by the same amounts authorized herein for rates in Minimum Rate Tariffs 6-A, 10, 12 and 18.

7. Common carriers maintaining rates on the same level as Minimum Rate Tariffs 6-A, 10, 12 or 18 rates for the transportation of commodities and/or for transportation not subject to Minimum Rate Tariffs 6-A, 10, 12 or 18 are authorized to increase said rates by the same amounts authorized herein for rates in Minimum Rate Tariffs 6-A, 10, 12 or 18.

8. 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 Tariffs 6-A, 10, 12 or 18 are authorized to increase said rates by the same amounts authorized herein for rates in Minimum Rate Tariffs 6-A, 10, 12 and 18.

9. Tariff publications required 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 fifth day after the effective date of this order on not less than five days' notice to the Commission and to the public and such tariff publications shall be made effective not later than July 1, 1972; 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 the fifth day after the effective date of this order, and may be made effective on not less than five days' notice to the Commission and to the public if filed not later than sixty days after the effective date of the minimum rate tariff supplement incorporated in this order.

10. 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.

11. In all other respects Decisions Nos. 44633, 50218, 67154 and 72418 as amended, shall remain in full force and effect.

This order shall become effective twenty-four days after the date hereof.

Dated at San Francisco, California, this 31st
day of MAY, 1972.

William J. Quinn
Chairman

Vernon L. Stangen

Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.

C. 5436 (Pet. 106) et al.

APPENDIX A

LIST OF REVISED PAGES TO MINIMUM RATE TARIFF 6-A

TENTH REVISED PAGE 6

SIXTH REVISED PAGE 9-A

THIRD REVISED PAGE 12

(END OF APPENDIX A LIST)

SECTION 1--RULES	ITEM
<p data-bbox="574 291 961 336">DEFINITION OF TECHNICAL TERMS (Items 10 and 11)</p> <p data-bbox="219 362 1318 405">CARRIER means a petroleum contract carrier as defined in the Highway Carriers' Act.</p> <p data-bbox="219 431 1268 476">CARRIER'S EQUIPMENT means any tank motor truck, tank trailer or tank semi-trailer, or any combination of such highway vehicles operated by the carrier.</p> <p data-bbox="219 500 1296 567">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.</p> <p data-bbox="219 590 1293 636">DESTOR means the person obligated to pay the freight charges to the carrier, whether consignor, consignee or other party.</p> <p data-bbox="285 659 792 681">DISTANCE TABLE means Distance Table 7.</p> <p data-bbox="219 705 1298 750">ESTABLISHED DEPOT means a freight terminal owned or leased and maintained by a carrier for the receipt and delivery of shipments.</p> <p data-bbox="219 774 1323 840">GOVERNING CLASSIFICATION means National Motor Freight Classification A-12, Cal.P.U.C. 7, of National Motor Freight Traffic Association, Inc., Agent, including supplements thereto and reissues thereof.</p> <p data-bbox="219 864 1310 978">HOLIDAYS means New Year's Day (January 1), Washington's Birthday (the third Monday in February), Memorial Day (the last Monday in May), Fourth of July, Labor Day (the first Monday in September), Thanksgiving Day, the day after Thanksgiving, December 24 and Christmas Day (December 25). When a holiday falls on Sunday, the following Monday shall be considered as a holiday.</p> <p data-bbox="219 1002 1311 1090">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 data-bbox="219 1114 1311 1228">LOADING TIME means that time which commences when carrier's equipment arrives at point of origin or at the time specified by the shipper, whichever is later, and terminates when carrier's equipment is released for departure from point of origin. Carrier shall be deemed to have arrived at point of origin when carrier's equipment has been presented for admission at consignor's premises.</p> <p data-bbox="219 1252 1326 1450">MOBILE ROAD MIXER means contractor's or road making equipment that is equipped and being used in mobile service for the picking up of raw materials along a road or a proposed road, mixing them with petroleum products as described herein and dumped behind said moving road mixer. The equipment of carrier is attached to the mobile unit and proceeds with said unit in its road mixing service. The moving road mixer may either pump over the load or the carrier's equipment may pump over the load as the case may be. When carrier's equipment pumps the load, pumping charges as provided in paragraph (2) (b) of Item 170 apply in addition to the rates as otherwise provided herein.</p> <p data-bbox="640 1474 925 1496">(Continued in Item 11)</p>	10
<p data-bbox="265 1571 624 1617">Change) Increase) Decision No.</p> <p data-bbox="698 1623 839 1666">80123</p>	
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;">ALLOWANCE FOR DELIVERY AFTER HOURS</p> <p>1. Subject to the provisions of Note 1, shipments of commodities contained in Rate Group H will be subject to rates of 90% of the mileage rates otherwise applicable for transportation when such shipments are ordered before 4:00 p.m. and are loaded, transported and delivered to bulk storage facilities all within the following periods of time:</p> <p>(a) Between 4:00 p.m. and 2:00 a.m. Monday through Friday.</p> <p>(b) Between 4:00 p.m. Friday and 2:00 a.m. the following Monday.</p> <p>NOTE 1.--The provisions of this rule are applicable only on shipments consigned to destinations located within 100 constructive miles of the point of origin or of the Group Basing Point whichever is applicable.</p>	70
<p style="text-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 Notes 1, 2 and 3)</p> <p>NOTE 1.--When the common carrier rate used is subject to a minimum weight different than the minimum weight determined in accordance with the provisions of Item 190, the lesser minimum weight may be observed.</p> <p>NOTE 2.--When the common carrier rate used is based upon a weight per gallon different than that provided in Item 140, such different weight shall be observed.</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> <p>*NOTE 4.--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. When the rail carload rate is subject to a specified minimum weight, subject to the condition that if the car is loaded to full visible or weight carrying capacity, actual weight will apply, or to actual weight but not less than a lesser carload minimum weight, the actual weight will apply subject to the lesser carload minimum weight, if any.</p> <p>*NOTE 5.--When rail switching charges are applicable in connection with line-haul movements by rail and the gross weight of the shipment exceeds the applicable carload minimum weight, only one rail switching charge shall be assessed.</p>	680
<p>of Change) * Addition) Decision No. 80123</p>	
EFFECTIVE	
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA</p>	

Correction

SECTION 1--RULES (Continued)

ITEM

COLLECTION OF CHARGES

1. Except as otherwise provided in this item, transportation and accessorial charges shall be collected by the carriers prior to relinquishing physical possession of shipments entrusted to them for transportation.

2. 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 7 days, excluding Sundays and legal holidays other than Saturday half-holidays. When the freight bill covering a shipment is presented to the debtor on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following delivery of the freight. When the freight bill is not presented to the debtor on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following the presentation of the freight bill. *o(See Exception)

3. 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. *o(See Exception)

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4. Freight bills for all transportation and accessorial charges shall be presented to the debtors within 7 calendar days from the first 12 o'clock midnight following delivery of the freight. *o(See Exception)

5. 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. *o(See Exception)

6. 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.

7. When the shipper has elected to use the monthly or yearly provisions of Item 510 in this tariff, carrier shall bill and collect within seven days after the start of the transportation, and monthly thereafter on yearly tenders a prepayment of \$3,500.00 of the charges accumulated under the provisions of Items 510 and 511.

*o8. When alternative rail carload rates are applied under the provisions of Items 80 and 90 of this tariff, carriers may relinquish possession of freight in advance of payment thereon and extend credit in the amount of said charges to those responsible for payment for period of five days (120 hours) beginning at twelve midnight of the day delivery is accomplished.

*EXCEPTION.--Not applicable in connection with alternatively applied rail carload rates assessed under the provisions of Items 80 and 90 of this tariff.

g Change)
* Addition) Decision No.
o Increase)

80123

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Correction

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

C. 5436 (Pet. 106) et al.

APPENDIX B

LIST OF ORIGINAL AND REVISED PAGES TO MINIMUM RATE TARIFF 10

NINETEENTH REVISED PAGE 4

FIRST REVISED PAGE 5-D

FIFTH REVISED PAGE 6-A

ORIGINAL PAGE 6-AA

SECOND REVISED PAGE 8-C

FIFTH REVISED PAGE 9

(END OF APPENDIX B LIST)

SECTION 1--RULES	ITEM
<p style="text-align: center;">DEFINITIONS (Items 10 and 11)</p> <p>CARRIER means a radial highway common carrier, a highway contract carrier or a cement contract carrier, as defined in the Highway Carriers' Act.</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.</p> <p>DEBTOR means the person obligated to pay freight charges to the carrier, whether consignor, consignee or other party.</p> <p>DISTANCE TABLE means Distance Table 7.</p> <p>MOTOR VEHICLE means any motor truck, tractor or other self-propelled highway vehicle used for transportation of property over the public highways, and any trailer, semi-trailer, dolly or other vehicle drawn thereby.</p> <p>OVERLYING CARRIER (principal carrier) means a carrier which contracts with a shipper to provide transportation service for the latter, but which carrier in turn employs another carrier, known as the underlying carrier (independent-contractor subhauler), to perform that service.</p> <p>PALLETIZED SHIPMENT means a shipment tendered to and transported by the carrier, on pallets.</p> <p>PALLETS means (a) pallets, metal or wooden, shipping, including inside spaces or supports for palletized loads; (b) pallets, platforms or skids, for lift trucks, iron, steel or wood, separate or combined, with fixed bodies or enclosures or with standing ends, sides, stakes or standards, loose or in packages; or without bodies, enclosures, standing ends, sides, stakes or standards, loose or in packages; or (c) pallets for lift trucks, paperboard, pulpboard or fiberboard.</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; except that (a) all locations within a radius of 50 feet from a single point, and (b) all locations on the property of a single consignee within a radius of 300 feet from a single point will be considered as one point of destination.</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; except that (a) all locations within a radius of 50 feet from a single point, and (b) all locations on the property of a single consignor within a radius of 300 feet from a single point will be considered as one point of origin.</p> <p style="text-align: center;">(Continued in Item 11)</p>	10
<p> ◊ Change) * Addition) ◊ Increase) </p> <p style="text-align: center;">Decision No.</p> <p style="text-align: center; font-size: 2em;">80123</p>	
EFFECTIVE	
<div style="display: flex; justify-content: space-between;"> Correction ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA. </div>	

SECTION 1--RULES (Continued)

ITEM:

COMPUTATION OF CHARGES--WEIGHTS

Charges shall be assessed on the gross weight of the shipment. No allowance shall be made for the weight of the containers. (See Exceptions)

EXCEPTIONS--

(1) On shipments packed in cloth or 3, 4, 5 or 6-ply paper bags or sacks the following applies:

Commodity	When the Packed Net Weight Per Package Is:	Charges Will be Assessed on Gross Weight Per Package of:
Cement, Hydraulic, natural or Portland	94 pounds	95 Pounds
Cement, masonry or mortar	70 pounds	71 Pounds
Cement fine dust	84 pounds	85 Pounds
Cement, plastic, gun	96 pounds	97 Pounds
Lime	50 pounds	50½ Pounds
Lime	60 pounds	60½ Pounds
Lime	100 pounds	101 Pounds
Limestone, powdered	100 pounds	101 Pounds

#60

(2) When palletized shipments are loaded or unloaded by power equipment (power loading includes loading of pallets in place on motor vehicle from conveyor-type loading equipment when loading is done by shipper), the weight of the pallets (elevating truck pallets or platforms or lift truck skids) shall not be used in determining the weight of the shipment nor the charges thereon. When palletized shipments are loaded or unloaded by other than power equipment, the weight of the pallets (elevating truck pallets or platforms or lift truck skids) shall be used in determining the gross weight of the shipment and the charges thereon. This exception applies only in connection with the rates contained in this tariff and is not applicable to shipments of empty pallets. When rail rates are used under the provisions of Items 150 through #161 of this tariff, the weight of the pallets shall be included or excluded in accordance with the provisions of the governing rail tariff.

* (3) When rail rates are used under the provisions of Items 150 through 161 of this tariff, actual, estimated or agreed weights shall be used to compute charges in accordance with the provisions of the governing rail tariff.

{ Change
* Addition } Decision No.

80123

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Correction

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

SECTION 1--RULES (Continued)			ITEM
ACCESSORIAL SERVICES			
When carrier performs any accessorial or incidental service which is not authorized to be performed under rates named in this tariff, and for which a charge is not otherwise provided, additional charges shall be assessed as follows:			
	Charges in Cents		
	<u>For First</u> <u>30 Minutes</u> <u>or Fraction</u> <u>Thereof</u>	<u>For Each</u> <u>Additional</u> <u>15 Minutes</u> <u>or Fraction</u> <u>Thereof</u>	100
(a) For Driver, Helper, or Other Employee per Man--	296	148	
(b) For Unit of Equipment-----	83	42	
The charge for unit of equipment shall apply whenever the accessorial or incidental service requires its use, or whenever the unit of equipment is inactivated by reason of its driver or helper being engaged in such service.			
DIVERTED SHIPMENTS			
Charges upon shipments diverted at request of consignor or consignee shall be assessed upon the basis of the charge established for the constructive mileage applicable via the point or points where diversion occurs, subject to Items 50 and 100.			110
SHIPMENTS TRANSPORTED IN MULTIPLE LOTS *(Items 115 and 116)			
When a carrier is unable to pick up an entire shipment at one time, or when more than one vehicle, or connected train of vehicles, are used to pick up the entire shipment, the following provisions shall apply in addition to other applicable rules and regulations:			
1. The entire shipment shall be available to the carrier for immediate transportation at the time of the first pickup.			
2. A single shipping document for the entire shipment tendered shall be issued prior to or at the time of the first pickup.			
3. An additional shipping document shall be issued for each pickup and shall give reference to the single shipping document and shall be attached thereto and become a part thereof.			
4. a. If rated under the rates in this tariff, the entire shipment shall be picked up by the carrier within a period of two days computed from 12:01 a.m. of the date on which the initial pickup commences, excluding Saturdays, Sundays and legal holidays.			
b. If rated under the provisions of Items 150 and 160 (paragraph (b)) of this tariff, the entire shipment shall be picked up by the carrier within:			
(1) a period of two days computed from 12:01 a.m. of the date on which the initial pickup commences, excluding Saturdays, Sundays and legal holidays, when the highway carrier's trailer equipment is placed for loading by the consignor without the presence of carrier personnel or motive equipment.			
o(2) a 24-hour period computed from 12:01 a.m. of the date on which the initial pickup commences, when the shipment is loaded other than under the conditions specified in subparagraph (1) above.			
*(Continued in Item 116)			
Change) Addition) Decision No. 80123 Increase)			115
EFFECTIVE			
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA. SAN FRANCISCO, CALIFORNIA.			
Correction			

SECTION 1--RULES (Continued)	ITEM
<p data-bbox="459 323 1120 377">SHIPMENTS TRANSPORTED IN MULTIPLE LOTS (Concluded) (Items 115 and 116)</p> <p data-bbox="343 399 1310 476">5. The separate pickups made in accordance with the foregoing provisions shall constitute a composite shipment which shall be subject to the rates named or provided for in this tariff.</p> <p data-bbox="194 487 1334 563">Any property separately picked up without complying with the foregoing provisions shall constitute a separate shipment and shall be subject to the rates and rules applicable thereto.</p>	*116
<p data-bbox="318 628 1053 655">(1) Provisions transferred from Fourth Revised Page 6-A.</p> <p data-bbox="285 666 789 709">* Addition, Decision No. 80123</p>	
EFFECTIVE	
<p data-bbox="227 1993 368 2020">Correction</p> <p data-bbox="847 1961 1483 2020">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>	

SECTION 1--RULES (Continued)	ITEM
<p align="center">(1) COLLECTION OF CHARGES</p> <p>(a) Except as otherwise provided in this rule, transportation and accessorial charges shall be collected by the carriers prior to relinquishing physical possession of shipments entrusted to them for transportation.</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 of 7 days, excluding Sundays and legal holidays other than Saturday half-holidays. When the freight bill covering a shipment is presented to the debtor on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following delivery of the freight. When the freight bill is not presented to the debtor on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following the presentation of the freight bill. * ◇ (See Exception)</p> <p>(c) Where a 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. * ◇ (See Exception)</p> <p>(d) Freight bills for all transportation and accessorial charges shall be presented to the debtors within 7 calendar days from the first 12 o'clock midnight following delivery of the freight. * ◇ (See Exception)</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. * ◇ (See Exception)</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) When alternative rail carload rates are applied under the provisions of Items 150 through 161 of this tariff, carriers may relinquish possession of freight in advance of payment thereon and extend credit in the amount of said charges to those responsible for payment for a period of five days (120 hours) beginning at twelve midnight of the day delivery is accomplished.</p> <p>* EXCEPTION.--Not applicable in connection with alternatively applied rail carload rates assessed under the provisions of Items 150 through 161 of this tariff.</p> <p>(1) Will not apply to the transportation of property for the United States, state, county or municipal governments.</p>	<p align="center">#145</p>
<p>* Change) * Addition) Decision No. 80123 ◇ Increase)</p>	
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;">ALTERNATIVE APPLICATION OF COMMON CARRIER RATES</p> <p>Common carrier rates, except rates of coastwise common carriers by vessel, 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 between the same points of origin and destination, and for the same accessorial services, than results from the application of the rates herein provided. (See Notes 1, 2 and 3.)</p> <p>NOTE 1.--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 weight provisions may be used in applying the basis provided in this item. When a rail carload rate is subject to a minimum weight based solely upon the marked capacity of the car ordered or used, a minimum weight of 100,000 pounds shall be used.</p> <p>NOTE 2.--Common carrier rates may be applied for the transportation of bulk cement only when bulk cement facilities for loading and unloading motor vehicles are available at the points to which and from which the common carrier rates apply.</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> <p>*NOTE 4.--When rail switching charges are applicable in connection with line-haul movements by rail and the gross weight of the shipment exceeds the applicable carload minimum weight, only one rail switching charge shall be assessed.</p>	§150
<div data-bbox="261 1024 624 1073"><div>of Change) * Addition)</div>Decision No.</div> <div data-bbox="718 1056 859 1103" style="text-align: center; font-size: 1.2em;">80123</div>	
EFFECTIVE	
<div>Correction</div> <div data-bbox="845 1923 1478 1979" style="text-align: right;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA</div>	

C. 5436 (Pet. 106) et al.

APPENDIX C

LIST OF REVISED PAGES TO MINIMUM RATE TARIFF 12

EIGHTH REVISED PAGE 4

FIRST REVISED PAGE 14

(END OF APPENDIX C LIST)

SECTION 1--RULES	ITEM
<p align="center">DEFINITION OF TECHNICAL TERMS (Items 10 and 15)</p> <p>CARRIER means a radial highway common carrier or highway contract carrier, as defined in the Highway Carriers' Act.</p> <p>CARRIER'S EQUIPMENT means any motor truck, tractor, or other self-propelled highway vehicle, used for the transportation of property over the public highways and any other vehicle drawn thereby.</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.</p> <p>DISTANCE TABLE means Distance Table 7.</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>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>MOTOR VEHICLE means any self-propelled vehicle designed for the transportation of persons or property or persons and property (other than upon fixed rails or tracks), whether or not in operating condition, including any such vehicle without one or more parts which may have been damaged, removed, broken off or torn away; also any auto show motor vehicle with one or more integral parts useful for exhibit purposes only.</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>RAILHEAD means a railroad or industrial facility from or to which common carrier railroad rates apply for the transportation of motor vehicles.</p> <p>RATE includes a charge and, also, the rules and regulations governing and the accessorial charges applying in connection therewith.</p> <p>SAME TRANSPORTATION means transportation of the same kind and quantity of property between the same points, and subject to the same limitations, conditions, and privileges, but not necessarily in an identical type of equipment.</p> <p align="center">(Continued in Item 15)</p>	<p align="center">10</p>
<p>Change) Increase) Decision No.</p> <p align="center">80123</p>	
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 rule, transportation and accessorial charges shall be collected by the carriers prior to relinquishing physical possession of shipments entrusted to them for transportation.</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 7 days, excluding Sundays and legal holidays other than Saturday half-holidays. When the freight bill covering a shipment is presented to the debtor on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following delivery of the freight. When the freight bill is not presented to the debtor on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following the presentation of the freight bill. * o (See Exception)</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. * o (See Exception)</p> <p>(d) Freight bills for all transportation and accessorial charges shall be presented to the debtors within 7 calendar days from the first 12 o'clock midnight following delivery of the freight. * o (See Exception)</p> <p>(e) When freight bills are presented to debtors by means of the United States mail, 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. * o (See Exception)</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>* o (g) When alternative rail carload rates are applied under the provisions of Items 180 through 210 of this tariff, carriers may relinquish possession of freight in advance of payment thereon and extend credit in the amount of said charges to those responsible for payment for period of five days (120 hours) beginning at twelve midnight of the day delivery is accomplished.</p> <p>*EXCEPTION.--Not applicable in connection with alternatively applied rail carload rates assessed under the provisions of Items 180 through 210 of this tariff.</p>	d230
<div style="display: flex; justify-content: space-between;"> <div> * Change) * Addition) o Increase) </div> <div> Decision No. <div style="font-size: 1.5em; font-weight: bold;">80123</div> </div> </div>	
EFFECTIVE	
<div style="display: flex; justify-content: space-between;"> <div>Correction</div> <div>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</div> </div>	

C. 5436 (Pet. 106) et al.

APPENDIX D

LIST OF REVISED PAGES TO MINIMUM RATE TARIFF 18:

SECOND REVISED PAGE 23

FIRST REVISED PAGE 26

(END OF APPENDIX D LIST)

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">ALTERNATIVE APPLICATION OF COMMON CARRIER RATES</p> <p>Common carrier rates, except rates of coastwise common carriers by vessel, 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 than results from the application of the rates herein provided. (See Notes 1, 2, 3 and 4)</p> <p>* NOTE 1.--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. * When the rail carload rate is subject to a specified minimum weight, subject to the condition that if the car is loaded to full visible or weight carrying capacity, actual weight will apply, or to actual weight but not less than a lesser carload minimum weight, the actual weight will apply subject to the lesser carload minimum weight, if any.</p> <p>NOTE 2.--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> <p>NOTE 3.--For the purpose of applying the provisions of this item, the definitions of Point of Destination and Point of Origin set forth in Item 11 will be applicable.</p> <p>* NOTE 4.--When rail switching charges are applicable in connection with linehaul movements by rail and the gross weight of the shipment exceeds the applicable carload minimum weight, only one rail switching charge shall be assessed.</p>	290
<p style="text-align: center;">ALTERNATIVE APPLICATION OF COMBINATIONS WITH COMMON CARRIER RATES (Items 300 and 301)</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 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.</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 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.</p> <p style="text-align: center;">(Continued in Item 301)</p>	300
<div style="display: flex; justify-content: space-between; align-items: center;"> <div> * Change) * Addition) </div> <div> Decision No. 80123 </div> </div>	
EFFECTIVE	
<div style="display: flex; justify-content: space-between;"> <div>Correction</div> <div>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA SAN FRANCISCO, CALIFORNIA</div> </div>	

SECTION 1--RULES (Continued)

ITEM

COLLECTION OF CHARGES
(See Note)

(a) Except as otherwise provided in this rule, transportation and accessorial charges shall be collected by the carriers prior to relinquishing physical possession of shipments entrusted to them for transportation.

(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 7 days, excluding Sundays and legal holidays other than Saturday half-holidays. When the freight bill covering a shipment is presented to the debtor on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following delivery of the freight. When the freight bill is not presented to the debtor on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following the presentation of the freight bill. * ◇ (See Exception)

(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. * ◇ (See Exception)

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(d) Freight bills for all transportation and accessorial charges shall be presented to the debtors within 7 calendar days from the first 12 o'clock midnight following delivery of the freight. * ◇ (See Exception)

(e) When freight bills are presented to debtors by means of the United States mail, 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. * ◇ (See Exception)

(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.

* ◇ (g) When alternative rail carload rates are applied under the provisions of Items 290 through 301 of this tariff, carriers may relinquish possession of freight in advance of payment thereon and extend credit in the amount of said charges to those responsible for payment for period of five days (120 hours) beginning at twelve midnight of the day delivery is accomplished.

* EXCEPTION.--Not applicable in connection with alternatively applied rail carload rates assessed under the provisions of Items 290 through 301 of this tariff.

NOTE.--The provisions of Item 330 will not apply to transportation of property for the United States, state, county, or municipal governments.

✱ Change)
✱ Addition) Decision No.
◇ Increase)

80123

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