

ORIGINAL

Decision No. 80974

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 livestock and related items (commo-)
dities for which rates are provided in)
Minimum Rate Tariff No. 3-A).)

Case No. 5433

And Related Matters)

Case Nos. 5330, 5436, 5603,
5604 and 7857

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 80973, issued today in Case No. 5432, et al.,
the Commission found that certain informational provisions in various minimum
rate tariffs had served their purpose and should be canceled. These provisions
pertain to the interstate transportation of property which is exempt from
regulation of the Interstate Commerce Commission under Sections 203(b)(6) and
203(b)(8) of the Interstate Commerce Act. The decision also provided that
Minimum Rate Tariffs 3-A, 4-B, 6-A, 11-A, 12 and 14-A should be amended by
separate order to permit economical tariff distribution.

IT IS ORDERED that:

1. Minimum Rate Tariffs 3-A, 4-B, 6-A, 11-A, 12 and 14-A (Appendices
A, C, A, A, A and A of Decisions Nos. 55587, 65521, 67154, 50114, 50218 and
67397, respectively, as amended) are further amended by incorporating:

Eighth Revised Page 5 in Minimum Rate Tariff 3-A;
Eighth Revised Page 6 in Minimum Rate Tariff 4-B;
First Revised Page 7-A in Minimum Rate Tariff 6-A;
Tenth Revised Page 5 in Minimum Rate Tariff 11-A;
Sixth Revised Page 6 in Minimum Rate Tariff 12; and
Sixth Revised Page 5-A in Minimum Rate Tariff 14-A

to become effective February 17, 1973. These revised pages are attached hereto and by this reference made a part hereof.

2- In all other respects, Decisions Nos. 55587, 65521, 67154, 50114, 50218 and 67397, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 23rd day of January, 1973.

Damon L. Sturgeon
President
[Signature]
[Signature]
[Signature]
Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

SECTION 1--RULES (Continued)	ITEM
<p align="center">APPLICATION OF TARIFF--CARRIERS</p> <p>Rates provided in this tariff are minimum rates, established pursuant to the Highway Carriers' Act and apply for transportation of livestock by radial highway common carriers and highway contract carriers, as defined in said Act.</p> <p>When livestock in continuous through movement is transported by two or more carriers, the rates provided herein shall be the minimum rates for the combined transportation.</p> <p>Rates and rules named in this tariff shall not apply to transportation by independent-contractor subhaulers when such transportation is performed for other carriers. This exception shall not be construed to exempt from the tariff provisions carriers for whom the independent contractors are performing transportation service.</p>	20
<p align="center">APPLICATION OF TARIFF--TERRITORIAL</p> <p>Rates in this tariff apply for transportation of shipments of livestock between all points within the State of California, except:</p> <p>(a) Transportation service all of which is rendered in territory within the exterior boundaries of a city.</p> <p>(b) Shipments having both point of origin and point of destination within Metropolitan Zones 218, 227, 228, 229, 234, 235 and 236, as described in Distance Table 7, amendments thereto and reissue thereof.</p> <p>(c) Shipments having point of origin or destination at Corn Fed Cattle Co. feed lot, 5440 Southern Avenue, South Gate, on the one hand and point of destination or origin within the Metropolitan Zones referred to in exception (b) of this item on the other.</p> <p>(d) Shipments having both point of origin and point of destination within Metropolitan Zones 301, 302, 303, 304, 305, 306, 307 and 308 of the San Diego Drayage Area as described in Minimum Rate Tariff 9-B.</p>	30
<p align="center">APPLICATION OF TARIFF--COMMODITIES</p> <p>Rates in this tariff apply for the transportation of livestock, (See Exceptions) viz.:</p> <p>Barrows, Boars, Bulls, Butcher Hogs, Calves, Cattle, Cows, (1) Dairy Cattle, Ewes, Feeder Pigs, Gilts, Goats, Heifers, Hogs, Kids, Lambs, Oxen, Pigs, Rams (Bucks), Sheep, (2) Sheep Camp Outfits, Sows, Steers, Stags, Swine, or Wethers.</p> <p>(1) For specific rates on Dairy Cattle, see Section 3 of this tariff. (2) For application of rates on Sheep Camp Outfits, see Item 120.</p> <p>EXCEPTIONS.--Rates do not apply to the transportation of:</p> <p>(a) Property of the United States or property transported under an agreement whereby the United States contracted for the carrier's services.</p> <p align="center">**</p> <p>(c) Disaster Supplies, i.e., those commodities which are allocated to provide relief during a state of extreme emergency or state of disaster; and those commodities which are transported for a civil defense or disaster organization established and functioning in accordance with the California Disaster Act to ultimate point of storage or use prior to or during a state of disaster.</p>	40
<p> ♂ Change) ** Eliminated) Decision No. 80974 </p>	
EFFECTIVE	
<p>Correction</p> <p align="right">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA</p>	

SECTION 1--RULES (Continued)	ITEM
<p align="center">APPLICATION OF TARIFF--REGIONAL AND TERRITORIAL</p> <p>Rates in this tariff apply to transportation of shipments between all points within the State of California.</p>	17
<p align="center">APPLICATION OF TARIFF--COMMODITIES</p> <p>(a) Except as otherwise provided by paragraph (b), rates in this tariff apply to the transportation of the following uncrated property:</p> <p>(1) Used household goods, viz.: household or personal effects such as furniture, furnishings, clothing, radios, musical instruments, stoves and refrigerators.</p> <p>(2) Used office and store fixtures and equipment, viz.: furniture, furnishings, and equipment such as is used in an office, store, hospital, library, museum, place of learning, or other institution.</p> <p>(b) Rates in this tariff will not apply to the following:</p> <p>(1) Property transported from, to, or between the place, or places, of business of a dealer in or auctioneer of the property described in paragraph (a) hereof, in connection with such business.</p> <p>(2) Property of the United States, state, county or municipal governments or property transported under an agreement whereby the governments contracted for the carrier's services.</p> <p>(3) Crated property consisting of commodities described in paragraph (a), except when transported in mixed shipments with uncrated property under the provisions of Item 65.</p> <p>(4) Baggage, except when transported in mixed shipments with uncrated property under the provisions of Item 65.</p> <p>(5) Property shipped to or from producers of motion pictures or television shows when transported subject to the rates, rules and regulations provided by Decision No. 33226, in Cases Nos. 4246 and 4434, as amended.</p> <p>(6) Disaster Supplies, i.e., those commodities which are allocated to provide relief during a state of extreme emergency or state of disaster; and those commodities which are transported for a civil defense or disaster organization established and functioning in accordance with the California Disaster Act to ultimate point of storage or use prior to or during a state of disaster or state of extreme emergency.</p> <p>(8) Contents of a house when the contents are transported within the house.</p> <p>(9) Contents of trailer coaches and campers; furniture and other personal effects for use outside of trailer coaches when transported in conjunction with such vehicles at rates in Minimum Rate Tariff 18.</p>	#20
<p align="center">DUAL OPERATIONS</p> <p>Where highway common carriers, as defined in the Public Utilities Act, are affiliated with radial highway common carriers, as defined in the Highway Carriers' Act or household goods carriers, as defined in the Household Goods Carriers Act, or where highway common carriers engage radial highway common carriers or household goods carriers, as agents or representatives, the following requirements shall be observed:</p> <p>(a) The operations of each carrier shall be conducted as those of a separate entity.</p> <p>(b) When all of the services desired are offered to the public by one or more of such carriers joint undertakings shall be engaged in only upon the shipper's specific request.</p> <p>(c) Explanation shall be made to all inquiries, when two or more such carriers provide services between the same points, what services are available and any differences in the character of the service and in the rates therefor.</p> <p>(d) All documents shall be issued and all records kept on a strictly individual carrier basis.</p> <p>(e) In respect of the requirements specified in paragraphs (a) to (d), inclusive, and in all other respects, the affairs of each carrier shall be so conducted that there will be no doubt as to which carrier is involved in one-carrier transactions and the nature and extent of individual carrier participation in joint undertakings.</p>	25
<p>Change) -- Eliminated) Decision No. 80974</p>	
EFFECTIVE	
<p>Correction</p>	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF TARIFF--GENERAL</p> <p>Rates provided in this tariff apply for the transportation of shipments of petroleum and petroleum products as described in Item 30, in bulk in tank trucks, tank trailers or tank semitrailers, or a combination of such highway vehicles, between points in the State of California by petroleum contract carriers as defined in the Highway Carriers' Act. Except as otherwise provided in individual items, rates in this tariff include the services of the driver only. Loading and unloading include connecting and disconnecting piping and other services incidental thereto except those services for which rates or charges are provided in individual items.</p> <p>For rates for the transportation of petroleum and petroleum products, other than as provided in this tariff, see Minimum Rate Tariff 2.</p> <p>Rates and rules named in this tariff shall not apply to transportation by independent contractor subhaulers when such transportation is performed for other carriers. This exception shall not be construed to exempt from the tariff provisions carriers for whom the independent contractors are performing transportation service.</p> <p>Rates in this tariff do not apply to the transportation of:</p> <p>(a) Property of the United States or property transported under an agreement whereby the United States contracted for the carrier's services.</p> <p style="text-align: center;">**</p> <p>(c) Disaster Supplies, i.e., those commodities which are allocated to provide relief during a state of extreme emergency or state of disaster; and those commodities which are transported for a civil defense or disaster organization established and functioning in accordance with the California Disaster Act to ultimate point of storage or use prior to or during a state of disaster or state of extreme emergency.</p>	§20
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SECTION 1--RULES (Continued)	ITEM
<p align="center">APPLICATION OF TARIFF--CARRIERS</p> <p>Rates provided in this tariff are minimum rates established pursuant to the Highway Carriers' Act. They apply for the transportation of uncrated new furniture by radial highway common carriers and highway contract carriers as defined in said act.</p> <p>Rates and rules named in this tariff shall not apply to transportation by independent-contractor subhaulers when such transportation is performed for other carriers. This exception shall not be construed to exempt from the tariff provisions carriers for whom the independent contractors are performing transportation service.</p>	20
<p align="center">APPLICATION OF TARIFF--TERRITORIAL</p> <p>Rates in this tariff apply to transportation of shipments between all points within the State of California, except transportation:</p> <ol style="list-style-type: none"> (1) Within incorporated cities (except cities located in Metropolitan Zones 218, 227, 228, 229, 234, 235 and 236, as described in the Distance Table). (2) Within or between zones described in the following Commission tariffs: <ol style="list-style-type: none"> (a) Minimum Rate Tariff 1-B. (b) Minimum Rate Tariff 9-B. 	30
<p align="center">REFERENCES TO ITEMS AND OTHER TARIFFS</p> <p>Unless otherwise provided, references herein to item numbers in this or other tariffs include references to such numbers with letter suffix, and references to other tariffs or classifications include references to amendments and successive issues of such publications.</p>	40
<p align="center">APPLICATION OF TARIFF--COMMODITIES</p> <p>Rates in this tariff apply to the transportation of uncrated new furniture except:</p> <ol style="list-style-type: none"> (1) When transported from retail stores or retail store warehouses where the property has been sold at retail by a retail merchant, or transported from retail customers to retail stores or retail store warehouses. (2) Property of the United States, state, county or municipal governments or property transported under an agreement whereby the governments contracted for the carrier's services. (3) When transported under the vehicle unit rates and rules of Minimum Rate Tariff 15. (4) Disaster Supplies, i.e., those commodities which are allocated to provide relief during a state of extreme emergency or state of disaster; and those commodities which are transported for a civil defense or disaster organization established and functioning in accordance with the California Disaster Act to ultimate point of storage or use prior to or during a state of disaster or state of extreme emergency. (5) Contents of trailer coaches and campers; furniture and other personal effects for use outside of trailer coaches when transported in conjunction with such vehicles at rates in Minimum Rate Tariff 18. <p align="left">**</p>	50
<div> <div> § Change ** Eliminated </div> <div> } Decision No. 80974 </div> </div>	
EFFECTIVE	
<div> <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
<p align="center">APPLICATION OF TARIFF--CARRIERS</p> <p>(a) Rates provided in this tariff are minimum rates, established pursuant to the Highway Carriers' Act. They apply for the transportation of commodities described in paragraph (a) of Item 50, by carriers as defined in Item 10.</p> <p>(b) Rates and rules provided in this tariff shall not apply to transportation by independent-contractor subhaulers when such transportation is performed for other carriers. This exception shall not be construed to exempt from the tariff provisions carriers for whom the independent contractors are performing transportation service.</p>	20
<p align="center">APPLICATION OF TARIFF--TERRITORIAL</p> <p>Rates in this tariff apply to transportation of shipments between all points within the State of California.</p>	30
<p align="center">REFERENCES TO ITEMS AND OTHER TARIFFS</p> <p>Unless otherwise provided, references herein to item numbers in this or other tariffs include references to such numbers with letter suffix, and references to other tariffs include references to amendments and successive issues of such other tariffs.</p>	40
<p align="center">APPLICATION OF TARIFF--COMMODITIES</p> <p>(a) Except as otherwise provided in paragraph (b), rates in this tariff apply to the secondary movement of commodities described below by truckaway service:</p> <ol style="list-style-type: none"> Motor vehicles and motor vehicle chassis. Parts, spare parts, extra parts, or accessories for a motor vehicle when accompanying the vehicle to which they belong or for which they are intended. Personal effects or other commodities aggregating 300 pounds or less when tendered for transportation with a motor vehicle or motor vehicle chassis. Such personal effects or other commodities shall not be subject to rates provided in any other minimum rate tariff issued by the Commission. <p>(b) Rates in this tariff do not apply to the following:</p> <ol style="list-style-type: none"> Motor vehicles weighing less than 1,000 pounds, each. Motor vehicles weighing in excess of 5,000 pounds, each. Property of the United States, state, county or municipal governments or property transported under an agreement whereby the governments contracted for the carrier's services. Motor vehicles drawn under their own power or towed wholly upon their own wheels. Trailers, semitrailers, and dollies. Special mobile equipment as described in Item 15. Motor vehicles when towed by a tow car except when the tow car movement is part of a continuous through movement involving use of other transport equipment by the same carrier. Disaster Supplies, i.e., those commodities which are allocated to provide relief during a state of extreme emergency or state of disaster; and those commodities which are transported for a civil defense or disaster organization established and functioning in accordance with the California Disaster Act to ultimate point of storage or use prior to or during a state of disaster or state of extreme emergency. <p align="center">**</p>	50
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SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES</p> <p>Rates in this tariff apply for the transportation of the following commodities:</p> <ul style="list-style-type: none">(a) Hay, Fodder (bean, cane, corn or pea), Straw, Wood Shavings (used for bedding), in machine pressed bales;(b) Grain; Grain Products; Feed, Animal or Poultry; and certain mixtures of commodities named in Items 515, 520, 525 and 530, in bulk, or in bins;(c) Seeds and Related Articles, as described in Item 525, in bulk, or in bins, or in containers with a capacity exceeding 40 cubic feet;(d) Seeds, viz.: Cotton, Flax or Safflower. <p>EXCEPTIONS:</p> <p>This tariff is not applicable to:</p> <ul style="list-style-type: none">(a) Transportation of property of the United States or property transported under an agreement whereby the United States contracted for the carrier's services.(b) Disaster Supplies, i.e., those commodities which are allocated to provide relief during a state of extreme emergency or state of disaster; and those commodities which are transported for a civil defense or disaster organization established and functioning in accordance with the California Disaster Act to ultimate point of storage or use prior to or during a state of disaster or state of extreme emergency.(c) Seeds (other than cotton, flax or safflower), as described in Item 525, when shipped from point of growth to an accumulation station or point of initial processing, or from an accumulation station to point of initial processing, in bulk, or in containers with a capacity exceeding 40 cubic feet. <p style="text-align: center;">**</p> <ul style="list-style-type: none">(e) Shell Marl when shipper certifies on the shipping document covering the transportation that the Shell Marl is being shipped for use as a fertilizer.	40
<p style="text-align: center;">APPLICATION OF GOVERNING PUBLICATIONS</p> <p>This tariff is governed to the extent shown herein by the Governing Classification.</p>	45
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