

ORIGINAL

Decision No. 81070

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 highway carriers relating to)
the transportation of any and all)
commodities between and within all)
points and places in the State of)
California (including, but not)
limited to, transportation for)
which rates are provided in)
Minimum Rate Tariff 2).

And Related Matters.

Case No. 5432
Petition for Modification
No. 707

(Filed June 29, 1972;
amended August 3, 1972)

Case No. 5330, Pet. 63
Case No. 5433, Pet. 40
Case No. 5436, Pet. 123
Case No. 5437, Pet. 227
Case No. 5438, Pet. 85
Case No. 5439, Pet. 162
Case No. 5440, Pet. 78
Case No. 5441, Pet. 248
Case No. 5603, Pet. 107
Case No. 5604, Pet. 31
Case No. 7783, Pet. 55
Case No. 7857, Pet. 60
Case No. 8808, Pet. 17
(Filed June 29, 1972;
amended August 3, 1972)

Case No. 6008, Pet. 19
(Filed August 14, 1972)

Richard W. Smith and A. D. Poe, Attorneys at Law, and Herbert H. Hughes, for California Trucking Association, petitioner.

Don. B. Shields, for Highway Carriers Association; and E. O. Blackman, for California Dump Truck Owners Association; protestants.

James R. Foote (for G. Ralph Grago), for Associated Independent Owner-Operators, Inc.; William D. Mayer, for Cannery League of California; and R. M. Zaller, for Continental Can Company, Inc.; interested parties.

Everest A. Benton, for the Commission staff.

O P I N I O N

These petitions of California Trucking Association (CTA) were heard and submitted September 18, 1972, before Examiner Norman B. Haley at San Francisco.

Petitioner requests that the Commission add, amend, or cancel certain equipment definitions in each of its minimum rate tariffs (MRT) in items bearing the title "Definition of Technical Terms". In general, the equipment definitions involved are Carrier's Equipment, Motor Vehicle, and Unit of Equipment.

Petitioner relies on the following facts as the bases for its proposals. Some of the tariffs define more than one of the terms; one of the tariffs defines none of them; and none of the tariffs defines all three terms. With respect to each of the terms, different minimum rate tariffs provide different definitions or omit one or the other of them.

With respect to the 16 tariffs brought in issue, ten define the term Carrier's Equipment. Of these ten definitions, eight variations are provided. Eight of the tariffs define the term Unit of Equipment (or, in the case of MRT 8, Unit of Carrier's Equipment), and seven variations of that term are set forth. In addition, the term Motor Vehicle, as provided in three of four

tariffs defining that term, closely resembles other definitions of Carrier's Equipment. Most of the differences in these equipment definitions are slight, some being different only because of punctuation and others because of the use of collective terms in contrast to individual listings of types of equipment. Petitioner asserts that these differences are creating uncertainty of application and causing parties to question whether the Commission intended different meanings, according to the tariff used. Petitioner believes that this has not been the Commission's intent or purpose.

According to the petitions the proposed changes in equipment definitions are designed principally to clarify and simplify tariff application, minimize the volume of printed matter by eliminating needless repetition, and provide uniformity of application throughout a single tariff and the several minimum rate tariffs. Petitioner also asserts that certain economies are tied to the use of a single unit of carrier's equipment and therefore, that an important need exists for defining such a unit and for providing uniform, standardized definitions, with certain exceptions.

Petitioner proposes for each of the tariffs what it believes are the most definitive variations now provided in any of the tariffs for Carrier's Equipment and Unit of Equipment. Although petitioner recommends certain variations of these terms for some of the tariffs, the basic definitions proposed are as follows:

CARRIER'S EQUIPMENT means any motor truck or other self-propelled highway vehicle, trailer, semi-trailer, or any combination of such highway vehicles, operated by the carrier.

UNIT OF EQUIPMENT means one or more pieces of carrier's equipment physically connected to form a complete unit which may be lawfully operated over the public highways without special permit.

Petitioner recommends cancellation of similar terms where they now appear in the technical terms sections of the tariffs. However, petitioner recommends that the proposed uniform terms be added to MRT's 7 and 17, applicable to dump truck transportation, without cancelling the term Dump Truck Equipment currently contained in those tariffs. Petitioner asks that the Commission cancel the term Motor Vehicle from the technical terms in three of the tariffs where it appears, but asks that it be retained in MRT 12 because it describes the commodities transported which are subject to rates in that tariff.

A number of items throughout the minimum rate tariffs (other than those containing definitions of technical terms) make reference to equipment terms which are the same as or similar to those petitioner seeks to establish. Other tariff items utilize equipment terms which are quite different. In this connection petitioner states that it has thoroughly reviewed the other provisions of each affected tariff and is of the opinion that no substantive changes will occur as a result of the proposed revisions in technical terms, and that no increased rates or charges will result.

Petitioner asks that common carriers be authorized and directed to establish in their tariffs all of the proposed changes in the minimum rate tariffs as the Commission may adopt, and that common carriers be authorized to depart from the provisions of Article XII, Section 21, of the Constitution of the State of California, and Section 460 of the Public Utilities Code, to the extent necessary to carry into effect such modifications.

Evidence in support of the petitions was presented by a supervisor in petitioner's Division of Transportation Economics. The witness explained further the reasons the petitions were filed and the bases and purposes of the specific

proposals. He stated that he reviewed each tariff to see which equipment definitions appeared most appropriate. He selected for inclusion in each tariff the basic definition of Carrier's Equipment from MRT 3-A (livestock), and with minor changes, the definition of Unit of Equipment from MRT 8 (fresh fruits and vegetables).

The CTA witness explained that the proposed changes and additions to equipment definitions in the various tariffs constitute a beginning step, and that at some future date petitioner plans to propose other tariff changes for uniformity. Among these would be changes in terminology in numerous tariff items to correspond with any revised equipment definitions that may be adopted as a result of this proceeding. He also stated that use of the equipment terms is becoming more frequent as parties become involved in efforts to reduce freight rates by provisions which promote lowered costs through transportation in single units.

The Commission staff supported in principal the proposed changes and additions to equipment definitions, but was critical of them as constituting only "half a proposal". The staff cited numerous provisions of the various tariffs which contain references to motor vehicle equipment which are different from the equipment definitions being proposed. It was the position of the staff that the CTA proposal is deficient in that it does not include changes throughout the tariffs to bring them into conformity with the proposed definitions. The CTA witness stated that he was aware of the tariff provisions cited by the staff and some others as well. He said his organization is prepared to develop and propose the necessary conforming tariff change within approximately 30 days of the effective date of any changes in equipment definitions which may be established pursuant to this proceeding.

The CTA proposals were opposed by the Highway Carriers' Association (HCA), as they would apply to MRT 2 (statewide general freight) and MRT 18 (statewide trailer coach, etc., transportation). The proposals were opposed by the California Dump Truck Owners' Association (CDTOA) as they would apply to MRT's 7 and 17 (statewide dump truck transportation). The general manager of CDTOA testified in opposition to the proposed changes in the dump truck tariffs. In general, the protesting associations took the position that equipment definitions in the tariffs they were concerned with had been established upon records where the subject had been explored at length; that the terms are generally understood by carriers and shippers; that no confusion or problems had arisen from the current equipment definitions; and that the proposed definitions would give rise to problems and questions. In connection with MRT's 7 and 17 it was asserted that the proposed definition of Carrier's Equipment would be duplicative, and potentially conflicting and confusing with respect to the existing definition of Dump Truck Equipment.

The two protesting organizations were critical of the proposed definition of Unit of Equipment because it contains the language "...which may be lawfully operated over the public highways without special permit." This language was not defined in the proposal. The CTA witness asserted that the proposed definition was intended to relate to carrier's equipment without lading. HCA through cross-examination, and CDTOA by cross-examination and direct testimony related various circumstances where the language in question could be interpreted as being applicable to loaded equipment, as well as to freight being towed on its own wheels. It also was pointed out that equipment which may be lawfully operated without special permit can vary over different stretches of road; between political jurisdictions; and even between adjacent cities. In connection

with MRT 18 the general manager of HCA stated that if the proposed language relating to lawful operation without special permit is added to that tariff it is bound to cause confusion, because the tariff itself is constructed for transportation either by towing or hauling of mobile homes which are inherently overwidth and require a permit.

In closing, attorney for petitioner explained that there have been cooperative efforts between carriers and shippers to put into effect new tariff items that allow for a lower rate structure for more efficient use of carrier's equipment for truckload shipments. He stated that in California at the present time there is no general understanding of what constitutes a unit of equipment that can be operated over the road, and therefore an understandable definition of this term is basic. He pointed out that the National Motor Freight Classification contains a rule (not applicable in California) that limits application of truckload ratings to what can be loaded on one unit of equipment. The CTA attorney stated that his organization is planning to make other tariff proposals concerning incentive or volume rate items that presently are not limited to a unit of equipment, and that without a general definition it would be necessary to write a definition in each tariff item involved.

Discussion

If specific tariff needs to govern particular types of transportation did not outweigh the advantages of tariff uniformity, then all MRT rules and definitions could be made uniform. This clearly would not be workable, however, in the light of wide differences in types of truck transportation being performed and corresponding tariff requirements. Tariffs such as MRT's 17 and 18 (and others before them) have been established in recognition of the needs for specific rates, rules, and definitions for particular categories of traffic. Specific provisions of particular tariffs are changed

from time to time. Included among such changes have been changes in certain equipment definitions, such as the definition of dump truck equipment of MRT's 7 and 17. In some instances tariff provisions which are based on a record developed for a particular kind of transportation may not necessarily be entirely appropriate for inclusion in other tariffs.

In certain respects petitioner's specific recommendations for uniformity are not complete, and would require numerous other tariff changes before they could be implemented. For example, the proposed definition of Unit of Equipment conflicts directly with similar definitions in MRT 2, Items Nos. 142 and 143. Nevertheless, the record clearly shows that some of petitioner's proposals can and should be adopted, regardless of whether proposals for any further tariff implementation are brought forward in one or more subsequent proceedings. Such proposals are those for greater uniformity in definition of Carrier's Equipment in several of the minimum rate tariffs.

The various minimum rate tariffs apply to the transportation of property by motor vehicles including trailing equipment. The present and proposed technical terms which are involved in this proceeding have or would have application to various items of the tariffs containing rates and rules for transportation of property. Under the circumstances, the equipment definitions become part of the tariff material governing the transportation of property. Therefore, the language "lawfully operated...without special permit" in the proposed definition of Unit of Equipment could not properly be limited to the vehicles themselves without lading, as the CTA witness suggested.

The language "lawfully operated...without special permit" objected to by HCA and CDTOA with respect to the proposed definition of Unit of Equipment for MRT's 2, 7, 17, and 18, also would be objectionable for inclusion in other

MRT's where it does not now appear. If the proposed definition of Unit of Equipment were included in other tariffs and subsequently implemented by additional tariff provisions, certain areas of uncertainty could be injected. In connection with some types of movements parties could be placed in the position of not knowing which tariff provisions, if any, were applicable. This could occur in connection with a load already transported, if it were subsequently discovered that one or more vehicle movements had not been lawfully operated without special permit under provisions of some government agency regulation. Furthermore, enforcement of minimum rates subject to such a provision would be extremely difficult, if not impossible. Of necessity, investigation of carrier records to determine whether there has been a violation of a minimum rate tariff is made some time after a shipment has been transported. After a shipment has been moved without special permit there is little likelihood that there would be any evidence concerning whether the vehicle or vehicles had been lawfully operated without special permit (with the possible exception of certain overweight conditions). Even if there was evidence available, the additional expertise, time, and effort required to prove or disprove the applicability of provisions of the Vehicle Code, or other statutes or ordinances would outweigh any advantages of such a tariff provision or arrangement.

No party, other than petitioner, presented any proposals concerning equipment definitions or other proposed tariff changes.

Findings

1. The term Carrier's Equipment should be amended in or added to MRT's 1-B, 2, 6-A, 9-B, 12, 13, 14-A, and 15, as provided in the order which follows. In all other respects the proposals contained in the petitions herein should be denied.

2. To the extent that the provisions of the MRT's specified in Finding 1 heretofore have been found to constitute reasonable rates and rules for common carriers, as defined in the Public Utilities Act, those provisions, as hereinafter adjusted are, and will be, reasonable minimum rate provisions for said common carriers.

3. Common carriers should be authorized and directed to establish in their tariffs the amendments required by the order herein.

4. Common carriers should be authorized to depart from the long-and-short-haul provisions of the Constitution and the Public Utilities Code to the extent necessary to effectuate the changes in technical terms authorized herein.

5. No measureable increases or reductions in rates will result from this order. Federal price control regulations do not apply to this type of proceeding. No findings are required pursuant to Rule 23.1 of the Rules of Procedure.

The Commission concludes that MRT's 1-B, 2, 6-A, 9-B, 12, 13, 14-A, and 15 should be amended as provided in the order which follows. To the extent not granted by the order which follows, the petitions herein should be denied.

O R D E R

IT IS ORDERED that:

1. Minimum Rate Tariffs 1-B, 2, 6-A, 9-B, 12, 13, 14-A, and 15 are further amended by incorporating therein, to become effective March 31, 1973, the revised pages attached hereto in Appendix A and by this reference made a part hereof.
2. Common carriers subject to the Public Utilities Act, to the extent that they are subject to Decisions Nos. 65834, 31606, 67154, 67766, 50218, 55584, 67397, and 65072, as amended, are hereby directed to establish in their tariffs the amendments necessary to conform with the further adjustments ordered herein.
3. 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 tenth day after the effective date of this order on not less than ten days' notice to the Commission and the public.
4. Common carriers, in establishing and maintaining the amendments authorized hereinabove, are hereby authorized to depart from the provisions of Article XII, Section 21, of the Constitution of the State of California, and Section 460 of the Public Utilities Code, to the extent necessary to carry into effect such amendments.
5. In all other respects Decisions Nos. 65834, 31606, 67154, 67766, 50218, 55584, 67397, and 65072, as amended, shall remain in full force and effect.

C. 5432, Pet. 707, et al. AP/gf *

6. To the extent not granted herein, Petition for Modification No. 707, Case No. 5432, and related petitions in other proceedings, are denied.

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

Dated at San Francisco, California,
this 21st, day of FEBRUARY, 1973.

Vernon L. Stinson
President
William S. Lyons
William S. Lyons
John W. Smith
Edward J. Smith
Commissioners

APPENDIX A TO DECISION NO. 81070

LIST OF REVISED PAGES TO MINIMUM
RATE TARIFFS AUTHORIZED
BY SAID DECISION

<u>MRT NO.</u>	<u>PAGE</u>
1-B	SEVENTEENTH REVISED PAGE 11
1-B	FIFTH REVISED PAGE 12
2	FORTY-SEVENTH REVISED PAGE 11
6-A	TWELFTH REVISED PAGE 6
9-B	EIGHTEENTH REVISED PAGE 7
12	NINTH REVISED PAGE 4
13	SECOND REVISED PAGE 4
14-A	THIRTEENTH REVISED PAGE 4
15	ELEVENTH REVISED PAGE 4

SECTION 1--RULES	ITEM
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Items 10 and 11)</p> <p>ARMORED CAR means any motor truck and/or other highway vehicle which has been armored with bullet resistant metal and/or bullet proof glass, and which is manned by an armed crew.</p> <p>* CARRIER'S EQUIPMENT means any motor truck or other self-propelled highway vehicle, trailer, semi-trailer, or any combination of such highway vehicles, operated by the carrier.</p> <p>CITY DELIVERY or CITY DELIVERIES means transportation of property to retail stores or direct consumers of the property transported when the shipment originates within the territory covered by this tariff at other than a carrier's depot, dock, wharf, pier, or landing.</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>DANGEROUS ARTICLES means articles described in the Dangerous Articles Tariff.</p> <p>DANGEROUS ARTICLES TARIFF means Motor Carriers' Explosives and Dangerous Articles Tariff 14, Cal.P.U.C. 9, of American Trucking Associations, Inc., Agent, including revisions thereto or successive issues thereof.</p> <p>DEBTOR means the person obligated to pay the freight charges to the carrier, whether consignor, consignee or other party.</p> <p>ESCORT SERVICE means the furnishing of pilot cars or vehicles by a carrier as may be required by any governmental agency to accompany a shipment for highway safety.</p> <p>EXCEPTION RATINGS TARIFF means Exception Ratings Tariff 1 issued by the Cal.P.U.C.</p> <p>GOVERNING CLASSIFICATION means National Motor Freight Classification A-13.</p> <p>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>INHAUL means the transportation of property received from another carrier at a depot, wharf, pier, or landing originating beyond the limits of the territory covered by this tariff and delivered at one address to the consignee shown on the bill of lading of the carrier from which the shipment is received, or the transportation of property from public warehouses when delivered to one wholesaler consignee at one address.</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>OUTHAUL means transportation of property in City Delivery and Shipping as defined herein.</p> <p style="text-align: center;">(Continued in Item 11)</p>	810
<p>(2) Definitions of Permit Shipment, Point of Destination and Point of Origin transferred to Fifth Revised Page 12.</p> <p> * Change * Addition } Decision No. 81070 </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;">DEFINITION OF TECHNICAL TERMS (Concluded) (Items 10 and 11)</p> <p>PERMIT SHIPMENT means a shipment which because of its width, length, height, weight or size required special authority from a governmental agency regulating the use of highways, roads or streets for the transportation of such shipment in whole or in part.</p> <p>POINT OF DESTINATION means the precise location at which property is tendered for physical delivery into the custody of the consignee.</p> <p>POINT OF ORIGIN means the precise location at which property is physically delivered by the consignor into the custody of the carrier for transportation.</p> <p>POOL SHIPMENT means a shipment consisting of component parts which are for reshipment to two or more points of destination, such shipment being consigned to:</p> <ol style="list-style-type: none"> 1. A carrier with instructions for unloading, distribution and delivery of one or more component parts to consignees, their agents, or to other carriers; or 2. A consignee (other than a carrier) in connection with which pool shipment a carrier is instructed to unload, distribute and deliver one or more component parts to the consignee, subconsignees, their agents or to other carriers. <p>The term "Delivery" as used in this definition means relinquishing the property to the consignee, his agent, or another carrier entitled to receive such property, whether at the point of distribution or elsewhere.</p> <p>POWER EQUIPMENT means any gasoline, diesel, electric or gas driven equipment including electric powered cranes and lift truck equipment.</p> <p>RATE means the figure stated in cents, dollars and cents, or fractions thereof, including the charge and, also, the ratings, minimum weight and rules governing, and the accessorial charges applying in connection therewith to be used in computing the charge on property transported.</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>SHIPPING means transportation of property to another carrier when destined beyond the territory covered by this Tariff.</p> <p>TAILGATE LOADING means loading of the shipment into or upon carrier's equipment from a point at street level not more than 20 feet distant from said equipment or at other than street level when vehicular elevator service or vehicular ramp is provided and made available to the carrier.</p> <p>TAILGATE UNLOADING means unloading of the shipment from carrier's equipment and placing it at a point at street level not more than 20 feet distant from said equipment or at other than street level when vehicular elevator service or vehicular ramp is provided and made available to the carrier.</p> <p>TON means 2,000 pounds.</p> <p>TOW CAR means a motor vehicle which has been altered or designed and equipped for and exclusively used in the business of towing or is otherwise exclusively used to render assistance to other vehicles.</p>	<p>(1) 11</p>
<p>(1) Definitions of Permit Shipment, Point of Destination and Point of Origin transferred from Sixteenth Revised Page 11, Decision No. 81070</p>	
EFFECTIVE	
Correction	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.

SECTION 1--RULES OF GENERAL APPLICATION	ITEM
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Items 10, 11 and 12)</p> <p>AIR-MILE means a statute mile measured in a straight line without regard to terrain features or differences in elevation.</p> <p>ARMORED CAR means any motor truck and/or other highway vehicle which has been armored with bullet resistant metal and/or bullet proof glass, and which is manned by an armed crew.</p> <p>CARRIER means a radial highway common carrier, a highway contract carrier, a cement contract carrier or a dump truck carrier as defined in the Highway Carriers' Act, or a household goods carrier as defined in the Household Goods Carriers Act.</p> <p>CARRIER'S EQUIPMENT means any motor truck or other self-propelled highway vehicle, trailer, semi-trailer, or any combination of such highway vehicles, operated by the carrier.</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>COMPONENT PART means any part of a shipment received by the carrier whether or not such part is separately delivered by the carrier; and any part of a shipment separately delivered by the carrier whether or not such part is separately received by the carrier.</p> <p>CONSIGNOR means the person, firm or corporation shown on the bill of lading as the shipper of the property received by the carrier for transportation.</p> <p>DANGEROUS ARTICLES TARIFF means Motor Carriers' Explosives and Dangerous Articles Tariff 14, Cal.P.U.C. 9, of American Trucking Associations, Inc., Agent.</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 issued by the Cal.P.U.C.</p> <p>ESCORT SERVICE means the furnishing of pilot cars or vehicles by a carrier as may be required by any governmental agency to accompany a shipment for highway safety.</p> <p>ESTABLISHED DEPOT means a freight terminal owned or leased and maintained by a carrier for the receipt and delivery of shipments.</p> <p>EXCEPTION RATINGS TARIFF means Exception Ratings Tariff 1 issued by the Cal.P.U.C.</p> <p>GOVERNING CLASSIFICATION means National Motor Freight Classification A-13.</p> <p>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>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 result of the work only and not as to the means by which such result is accomplished.</p> <p style="text-align: center;">(Continued in Item 11)</p>	#10
# Change, Decision No. 81070	
EFFECTIVE	
Correction	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.

SECTION 1--RULES	ITEM
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Items 10 and 11)</p> <p>CARRIER means a petroleum contract carrier as defined in the Highway Carriers' Act.</p> <p>✓ CARRIER'S EQUIPMENT means any tank motor truck or other self-propelled highway vehicle, tank trailer or tank semi-trailer, or any combination of such highway vehicles, operated by the carrier.</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 the freight charges to the carrier, whether consignor, consignee or other party.</p> <p>DISTANCE TABLE means Distance Table 7 issued by the Public Utilities Commission.</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>GOVERNING CLASSIFICATION means National Motor Freight Classification A-13.</p> <p>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>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>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>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 style="text-align: center;">(Continued in Item 11)</p>	<p style="text-align: right;">#10</p>
<p>✓ Change, Decision No. 81070</p>	
EFFECTIVE	
<p>Correction</p>	<p style="text-align: right;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>

SECTION 1--RULES	ITEM
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Items 10 and 11)</p> <p>ARMORED CAR means any motor truck and/or other highway vehicle which has been armored with bullet resistant metal and/or bullet proof glass, and which is manned by an armed crew.</p> <p>CARRIER means a radial highway common carrier, a highway contract carrier, a dump truck carrier or a cement contract carrier, as defined in the Highway Carriers' Act.</p> <p>CARRIER'S EQUIPMENT means any motor truck or other self-propelled highway vehicle, trailer, semi-trailer, or any combination of such highway vehicles, operated by the carrier.</p> <p>COMMISSION means the Public Utilities Commission of the State of California.</p> <p>COMMON CARRIER RATE means any intrastate rate or rates of any common carrier or common carriers, as defined in the Public Utilities Act, lawfully on file with the Commission and in effect at time of shipment.</p> <p>DANGEROUS ARTICLES means articles described in the Dangerous Articles Tariff.</p> <p>DANGEROUS ARTICLES TARIFF means Motor Carriers' Explosives and Dangerous Articles Tariff 14, Cal.P.U.C. 9, of American Trucking Associations, Inc., Agent and supplements thereto or reissues thereof.</p> <p>DEBTOR means the person obligated to pay the freight charges to the carrier, whether consignor, consignee or other party.</p> <p>DISTANCE TABLE means Distance Table 7 issued by the Cal.P.U.C.</p> <p>ESCORT SERVICE means the furnishing of pilot cars or vehicles by a carrier as may be required by any governmental agency to accompany a shipment for highway safety.</p> <p>ESTABLISHED DEPOT means a freight terminal owned or leased and maintained by a carrier for the receipt and delivery of shipments.</p> <p>EXCEPTION RATINGS TARIFF means Exception Ratings Tariff 1 issued by the Cal.P.U.C.</p> <p>GOVERNING CLASSIFICATION means National Motor Freight Classification A-13.</p> <p>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>INDEPENDENT-CONTRACTOR SUBHAULER means any carrier who renders service for a principal carrier, for a specified recompense, for a specified result, under the control of the principal as to the result of the work only and not as to the means by which such result is accomplished.</p> <p>PERMIT SHIPMENT means a shipment which because of its width, length, height, weight or size requires special authority from a governmental agency regulating the use of highways, roads or streets for the transportation of such shipment in whole or in part.</p> <p style="text-align: center;">(Continued in Item 11)</p>	<p>610</p>
<p>6 Change, Decision No. 81070</p>	
EFFECTIVE	
<p>Correction</p>	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA</p>

SECTION 1--RULES	ITEM
<p style="text-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, or other self-propelled highway vehicle, trailer, semi-trailer, or any combination of such highway vehicles, operated by the carrier.</p> <p>COMMISSION means the Public Utilities Commission of the State of California.</p> <p>COMMON CARRIER RATE means any intrastate rate or rates of any common carrier or common carriers, as defined in the Public Utilities Act, lawfully on file with the Commission and in effect at time of shipment.</p> <p>DISTANCE TABLE means Distance Table 7 issued by the Commission.</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 style="text-align: center;">(Continued in Item 15)</p>	<p style="text-align: center;">#10</p>
<p>Change, Decision No. 81070</p>	
EFFECTIVE	
<p>Correction</p> <p style="text-align: right;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>	

SECTION 1--RULES OF GENERAL APPLICATION	ITEM
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS</p> <p>CARRIER means a radial highway common carrier or a highway contract carrier or a petroleum contract carrier, as defined in the Highway Carriers' Act.</p> <p>SCARRIER'S EQUIPMENT means any motor truck or other self-propelled highway vehicle, semi-trailer, or any combination of such highway vehicles operated by the carrier when such vehicles are (1) vacuum-type tank vehicles which are loaded ordinarily by the force of atmospheric pressure acting upon a vacuum within the vehicles; or (2) pump-type vehicles which are loaded ordinarily by a pumping process in which the material being loaded passes through the pumps.</p> <p>ENGAGEMENT means the employment of one or more unit(s) of equipment with driver and/or helper by one shipper on one shipping document.</p> <p>HOLIDAYS mean New Year's (January 1), Washington's Birthday (the third Monday in February), Good Friday, 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>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>RATE includes charge, also rules and regulations governing, and the accessorial charges applying in connection therewith.</p> <p>SHIPMENT means the engagement of one or more unit(s) of equipment with driver and/or helper by one shipper on one shipping document.</p> <p>UNIT OF EQUIPMENT means a tractor, vacuum or pump-type tank truck, trailer or semi-trailer, or any combination of the foregoing operated in a train.</p>	§10
§ Change, Decision No. 81070	
EFFECTIVE	
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SECTION 1--RULES OF GENERAL APPLICATION	ITEM
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS NOT DEFINED IN INDIVIDUAL ITEMS (Items 10 and 11)</p> <p>CARRIER means a radial highway common carrier or a highway contract carrier as defined in the Highway Carriers' Act.</p> <p>CARRIER'S EQUIPMENT means any motor truck or other self-propelled highway vehicle, trailer, semi-trailer, or any combination of such highway vehicles operated by the carrier.</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>CONSIGNEE means the person, firm or corporation shown on the shipping document as the party to whom the property is physically delivered by the carrier.</p> <p>CONSIGNOR means the person, firm or corporation shown on the shipping document as the party who physically delivers the property to the carrier for transportation.</p> <p>DEBTOR means the person obligated to pay the freight charges to the carrier, whether consignor, consignee, or other party.</p> <p>DISTANCE TABLE means Distance Table 7 issued by the Public Utilities Commission.</p> <p>GOVERNING CLASSIFICATION means National Motor Freight Classification A-13.</p> <p>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>IN BULK means not in bags, sacks, packages, or other containers, except bins, or except containers otherwise specified.</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>POINT OF DESTINATION means the location at which property is delivered to the consignee or his agent. All points within a single storage yard or structure, or within a single plant or receiving area of one consignee, shall be considered as one point of destination. A 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 style="text-align: center;">(Continued in Item 11)</p>	#10
<p>6 Change, Decision No. 81070</p>	
EFFECTIVE	
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SECTION 1--RULES	ITEM
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS</p> <p>AIR MILE means a statute mile measured in a straight line without regard to terrain features or differences in elevation.</p> <p>BASE OF OPERATIONS means the single point described in the written agreement which shall be a point at which the shipper will regularly tender freight to the carrier or will regularly receive freight from the carrier.</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>CARRIER'S EQUIPMENT means any motor truck or other self-propelled highway vehicle, trailer, semi-trailer, or any combination of such highway vehicles, operated by the carrier.</p> <p>CHILLED TEMPERATURE CONTROL SERVICE means the service of providing protection against heat and maintaining the commodity at a temperature higher than 32 degrees Fahrenheit.</p> <p>DANGEROUS ARTICLES TARIFF means Motor Carriers' Explosives and Dangerous Articles Tariff 14, Cal.P.U.C. 9, of American Trucking Associations, Inc., Agent, including supplements thereto and reissues thereof.</p> <p>ESCORT SERVICE means the furnishing of pilot cars or vehicles by a carrier as may be required by any government agency to accompany a shipment for highway safety.</p> <p>FROZEN TEMPERATURE CONTROL SERVICE means the service of providing protection against heat and maintaining the commodity at a temperature of 32 degrees Fahrenheit or lower.</p> <p>GOVERNING CLASSIFICATION means National Motor Freight Classification A-13.</p> <p>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 a Sunday, the following Monday will be considered as a holiday.</p> <p>PERMIT SHIPMENT means a shipment which because of its width, length, height, weight or size requires special authority from a governmental agency regulating the use of highways, roads or streets for the transportation of such shipment in whole or in part.</p> <p>RATE includes charge and also rules governing and the accessorial charges applying in connection therewith.</p> <p>TEMPERATURE CONTROL SERVICE means the protection from heat by the use of ice (either water or solidified carbon dioxide), by mechanical refrigeration or by release of liquefied gases.</p>	<p>210</p>
<p>6 Change, Decision No. 81070</p>	
EFFECTIVE	
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