

Decision No. 81423

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)
into the rates, rules, regulations,)
charges, allowances and practices of)
all common carriers, highway car-)
riers and city carriers relating to)
the transportation of livestock and)
related items (commodities for which)
rates are provided in Minimum Rate)
Tariff 3-A).)

Case No. 5433

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 55587 dated September 24, 1957, in Case No. 5433, the Commission established revised minimum rates and charges for the statewide transportation of livestock by radial highway common and highway contract carriers. These rates, which were prescribed pursuant to the Highway Carriers' Act, were set forth in Highway Carriers Tariff No. 3 (presently Minimum Rate Tariff 3-A).

The 1972 Legislature amended the Public Utilities Code by establishing a new class of carrier, designating it as a "livestock carrier" and including such carrier within the provisions of Division 2 of the Code (Highway Carriers' Act).

Regardless of the classification, highway carriers of livestock will continue to utilize the same type of equipment to transport livestock in substantially the same manner and in competition with one another.

Upon consideration of all of the facts and circumstances of record, the Commission finds that the rates and rules which have been prescribed as just and reasonable minimum rates and rules for the transportation of livestock by common carriers, radial highway common carriers and highway contract carriers (which rates and rules are prescribed in Minimum Rate Tariff 3-A) are and for the

future will be just and reasonable as minimum rates and rules for such transportation by livestock carriers. The Commission concludes that Minimum Rate Tariff 3-A should be amended accordingly by the order herein.

IT IS ORDERED that:

1. Minimum Rate Tariff 3-A (Appendix A of Decision No. 55587, as amended) is further amended by incorporating therein, to become effective July 1, 1973, First Revised Title Page, Eighth Revised Page 3 and Ninth Revised Page 5, attached hereto and by this reference made a part hereof.
2. The rates, charges and rules set forth in Minimum Rate Tariff 3-A, as amended, are hereby established as the just, reasonable and nondiscriminatory minimum rates and charges to be assessed, charged and collected, and the rules to be observed by all livestock carriers as defined in the Highway Carriers' Act for the transportation of livestock between the points for which rates are provided in said tariff.
3. Said rates, charges and rules are hereby established as the minimum reasonable rates and charges to be published, assessed, charged and collected, and the rules to be observed by all livestock carriers as defined in the Highway Carriers' Act for the transportation of livestock between the points for which rates are provided in said tariff.
4. In all other respects, Decision No. 55587, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 30th day of
May, 1973.

William L. Sturgis
President
William L. Sturgis
William L. Sturgis
William L. Sturgis
William L. Sturgis
Commissioners

MINIMUM RATE TARIFF 3-A

NAMING

MINIMUM RATES AND RULES

FOR THE

TRANSPORTATION OF LIVESTOCK OVER THE

PUBLIC HIGHWAYS WITHIN THE

STATE OF CALIFORNIA

BY

RADIAL HIGHWAY COMMON CARRIERS

HIGHWAY CONTRACT CARRIERS

AND

*LIVESTOCK CARRIERS

The original tariff contains rates and rules as established in Decision No. 55587 in Case No. 5433. Changes contained in subsequent orders will be made by reissuing the pages on which the changes occur or by issuing supplements showing the corrected items.

* Addition, Decision No. **81423**

Correction

EFFECTIVE JULY 1, 1973
(Original Tariff Effective November 1, 1957)

Issued by the
Public Utilities Commission of the State of California
State Building, Civic Center
San Francisco, California 94102

SECTION 1--RULES	ITEM
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Items 10 and 11)</p> <p>CALVES means bovine animals weighing 450 pounds or less.</p> <p>CATTLE means bovine animals weighing more than 450 pounds.</p> <p>*CARRIER means a radial highway common carrier, a highway contract carrier or a "livestock 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>DAIRY CATTLE means cattle which are or have been used or useful in connection with the production of milk by dairies.</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>FEED LOT means a place, establishment or facility consisting of pens or other enclosures and their appurtenances, in which live cattle, calves, sheep, swine or goats are received, held or kept for fattening, for compensation as a business, for the public generally, or owned and operated by packing or slaughter houses.</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>PACKING HOUSE means a place of business licensed to buy livestock for the purpose of slaughter, at which meat or meat food products are manufactured or prepared.</p> <p>PASTURE MOVEMENT means a shipment, or component part thereof, originating at or destined to points other than points located at or within a radius of 2 actual miles of a stockyard, public sales yard, feed lot, packing house or slaughter house.</p> <p>POINT OF DESTINATION means the precise location at which livestock is tendered for physical delivery into the custody of the consignee or his agent. All points within a feed lot, packing house, public sales yard, slaughter house, stockyard or corral ranch site of one consignee shall be considered as one point of destination and 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 livestock is physically delivered by the consignor or his agent into the custody of the carrier for transportation. All points within a feed lot, packing house, public sales yard, slaughter house, stockyard or corral ranch site of one consignor shall be considered as one point of origin and shall include only contiguous property which shall not be deemed separate if intersected only by public street or thoroughfare.</p> <p>PUBLIC SALES YARD means a stockyard.</p> <p style="text-align: center;">(Continued in Item 11)</p>	
<p>* Change) * Addition) Decision No. 81423</p>	
EFFECTIVE JULY 1, 1973	
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	

SECTION 1--RULES (Continued)		ITEM
APPLICATION OF TARIFF--CARRIERS		
<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, highway contract carriers and "livestock 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
APPLICATION OF TARIFF--TERRITORIAL		
<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
APPLICATION OF TARIFF--COMMODITIES		
<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.</p> <p>(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>(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.</p>		40
<div>Change) Addition) Decision No.</div> <div>81423</div>		
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