

Decision No. 81928**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
carriers and city carriers relating
to the transportation of sand, rock,
gravel and related items (commodities
for which rates are provided in
Minimum Rate Tariff No. 7).

Case No. 5437
OSH No. 226
(Filed June 27, 1972)

ORDER DENYING REHEARING
AND
AMENDING DECISION NO. 81799

On September 7, 1973, California Asphalt Pavement Association (CAPA) filed a petition for rehearing of Decision No. 81799, which, among other things, established new rates, rules and charges under Minimum Rate Tariff No. 20 applicable to the transportation of rock, sand and gravel in Northern California. The filing of this petition suspended the effective date of Minimum Rate Tariff No. 20 and Directory 2 as ordered by Decision No. 81799. On September 18, 1973, California Truck Owners Association (CDTOA) filed a reply to this petition for rehearing which in pertinent part set forth the following:

"CDTOA is informed that CAPA is basically concerned with the fact that MRT 20 does not require a signature by the Consignee when accessorial charges are to be assessed under the provisions of Items 230 or 235. CDTOA would not object to amendment of Decision 81799 by adding paragraph (b) (5) to Item 400 of MRT 20 as follows:

" 'Signature of consignee or his agent' as originally proposed by the Commission's staff.

"This does not mean that CDTOA has changed its position relative to this signature, but believes full hearing on this matter can be secured through a separate petition without involving MRT 20 in its entirety.

III

"CDTOA has been authorized to state that if the amendment suggested in II above is adopted by the Commission, CAPA would have no objection to immediate denial of its petition for rehearing in this matter so that MRT 20 could become effective as ordered by Decision 81799.

IV

"To the best of CDTOA's knowledge and belief the other major interested parties in this proceeding (other than the Commission's staff) concur."

In light of this reply and after further consideration, it is concluded that rehearing of Decision No. 81799, as amended by Decision No. 81847 should be denied, and Decision No. 81799 should be further amended to retain the signatory requirement for accessorial charges assessed under the provisions of Items 180 and 190 of Minimum Rate Tariff No. 20, and to vacate the suspension supplements issued by reason of Petitioners' timely filing.

IT IS ORDERED THAT:

1. Page 22, paragraph 2 of Decision No. 81799, as amended by Decision No. 81847, is further amended to read as follows:

"We also agree with the carrier proposals to establish a single minimum charge for 22 tons, to omit the requirement for signature of the consignee or its agent for accessorial charges, and to modify Item 210 of Exhibit 4 to include within the scope of the tariff all shipments within five miles of a delivery zone. However, we do not agree with the carrier proposal to omit the requirement for signature of the consignee or its agent for accessorial charges."

2. Minimum Rate Tariff No. 20 (Appendix A to Decision No. 81799, as amended by Decision No. 81847) is further amended by incorporating therein, to become effective October 1, 1973, Supplement 2 and First Revised Page 1-12, attached hereto and by this reference made a part hereof.

3. Directory 2 (Appendix B to Decision No. 81799, as amended by Decision No. 81847) is further amended by incorporating therein, to become effective October 1, 1973, Supplement 2, attached hereto and by this reference made a part hereof.

4. Tariff publications of common carriers may be made effective not earlier than October 1, 1973, on one day's notice to the Commission and to the public.

5. Petition for rehearing or modification of Decision No. 81799, as further amended by this Decision is in all other respects denied.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 25th day of SEPTEMBER, 1973.

Verdon L. Spurgeon
President

William J. Spurgeon
Alfred J. Spurgeon
Commissioners

I abstain
William J. Spurgeon, Commissioner

VACATING SUPPLEMENT

SUPPLEMENT 2

(CANCELS (1) SUPPLEMENT 1)
(SUPPLEMENT 2 CONTAINS ALL CHANGES)

TO

MINIMUM RATE TARIFF 20

NAMING

MINIMUM ZONE RATES AND RULES

FOR THE

TRANSPORTATION OF ROCK, SAND AND GRAVEL

IN FOUR- AND FIVE-AXLE DUMP TRUCK EQUIPMENT FROM

DEFINED PRODUCTION AREAS TO DESIGNATED DELIVERY ZONES

IN NORTHERN CALIFORNIA

BY

DUMP TRUCK CARRIERS

VACATING NOTICE

The suspension notice contained in Supplement 1 is vacated and the tariff shall become effective October 1, 1973.

(1) Supplement 1 suspended the effective date of the tariff until further order of the Commission and was mailed only to the parties of record to the proceeding and will not be distributed to carriers and subscribers.

Decision No. **81928**

EFFECTIVE

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

SECTION 1--RULES (CONTINUED)	ITEM
<p data-bbox="570 356 1043 400">COMPUTATION OF CHARGES--RETURNED OR DIVERTED SHIPMENTS</p> <p data-bbox="249 422 1385 566">If a shipment which has been transported to a point of destination shown on the shipping document specified in Section 7 may not be delivered at said point of destination, and if, pursuant to instructions from the consignor, the carrier either returns the shipment to point of origin or transports the shipment to another point of destination, the following charges shall apply for the total transportation performed:</p> <p data-bbox="321 583 1342 791">(a) When the shipment is returned to point of origin the total charge shall be computed at one and one half times the outbound rate.</p> <p data-bbox="321 654 1356 791">(b) When a shipment diverted from its original point of destination the applicable charge shall be computed at the rate from point of origin to the original point of destination shown on the shipping document plus 8 cents per ton for each mile or fraction thereof traversed from the original point of destination to the point of destination where physical delivery of the shipment is accomplished, plus toll charges, if any.</p>	340
<p data-bbox="642 858 966 887">COMPUTATION OF DISTANCES</p> <p data-bbox="252 902 1368 975">Distances to be used in connection with distance rates in this tariff shall be the actual mileages traversed, including any detour to and from scales to obtain weight of shipment.</p>	360
<p data-bbox="252 1041 935 1079">No change on this page, Decision No. 81928</p>	
EFFECTIVE	
<p data-bbox="240 2021 372 2043">Correction</p> <p data-bbox="590 1993 1516 2043">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>	

ITEM	SECTION 1--RULES (CONTINUED)												
	<p style="text-align: center;">ISSUANCE OF SHIPPING DOCUMENT</p>												
	<p>(a) A Combined Shipping Order and Freight Bill (or other document) shall be issued by the carrier to the shipper for each shipment received for transportation under zone rates. Such document may be issued in individual or manifest form and shall show the following information:</p>												
	<table border="0"> <tr> <td>(1) Name of carrier.</td> <td>(7) Address of debtor if other than consignor.</td> </tr> <tr> <td>(2) Date of shipment.</td> <td>(8) Name of consignee.</td> </tr> <tr> <td>(3) Equipment number.</td> <td>(9) Address of consignee.</td> </tr> <tr> <td>(4) Name of consignor.</td> <td>(10) Name of underlying carrier (if any).</td> </tr> <tr> <td>(5) Address of consignor.</td> <td>(11) Signature of driver.</td> </tr> <tr> <td>(6) Name of debtor if other than consignor.</td> <td>(12) Type of equipment (See Note 1).</td> </tr> </table>	(1) Name of carrier.	(7) Address of debtor if other than consignor.	(2) Date of shipment.	(8) Name of consignee.	(3) Equipment number.	(9) Address of consignee.	(4) Name of consignor.	(10) Name of underlying carrier (if any).	(5) Address of consignor.	(11) Signature of driver.	(6) Name of debtor if other than consignor.	(12) Type of equipment (See Note 1).
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	<p>NOTE 1.--The document shall identify whether the power unit is a truck or tractor and shall specify number of axles. Additionally, trailing equipment shall be identified as "transfer type pull trailer," "semi-end dump trailer," "semi-bottom dump trailer," or other specific type. If no trailing equipment is provided, the document shall say "No trailing equipment."</p>												
	<p>A Zone Rate Freight Bill shall show the following information:</p>												
	<table border="0"> <tr> <td>(1) Point of origin.</td> <td>(6) Weight or other unit of measurement upon which charges are based.</td> </tr> <tr> <td>(2) Point of destination.</td> <td>(7) Rate and charges assessed.</td> </tr> <tr> <td>(3) Production area letter.</td> <td>(8) Accessorial, helpers or other charges.</td> </tr> <tr> <td>(4) Delivery zone number.</td> <td></td> </tr> <tr> <td>(5) Commodity description.</td> <td></td> </tr> </table>	(1) Point of origin.	(6) Weight or other unit of measurement upon which charges are based.	(2) Point of destination.	(7) Rate and charges assessed.	(3) Production area letter.	(8) Accessorial, helpers or other charges.	(4) Delivery zone number.		(5) Commodity description.			
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<p>§400</p>	<p>(b) When accessorial charges are to be assessed under the provisions of Items §180 or 190 to any shipment, additional information shall be supplied as follows:</p>												
	<table border="0"> <tr> <td>(1) Whether truck and transfer trailer combination.</td> <td>(3) Rate to be assessed.</td> </tr> <tr> <td>(2) Chargeable time.</td> <td>(4) Charges to be assessed.</td> </tr> <tr> <td></td> <td>(5) Signature of consignee or his agent.</td> </tr> </table>	(1) Whether truck and transfer trailer combination.	(3) Rate to be assessed.	(2) Chargeable time.	(4) Charges to be assessed.		(5) Signature of consignee or his agent.						
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	<p>(c) In the event that transportation is performed by an underlying carrier, a Combined Shipping Order and Freight Bill (or other document) shall be issued by such underlying carrier to the overlying carrier. Such document must contain all of the above information except the following:</p>												
	<ol style="list-style-type: none"> 1. Name of debtor if other than consignor. 2. Address of debtor if other than consignor. 3. Rate and charges assessed. 												
	<p>Two or more copies of the document shall be presented by the underlying carrier to the overlying carrier within seven calendar days of the date transportation is performed, except that they shall be presented no later than three days after the last calendar day of the month (See Note 2).</p>												
	<p>The information not required to be shown by the underlying carrier must be completed on two copies of a Combined Shipping Order and Freight Bill (or other document) by the overlying carrier prior to submission to the debtor for collection.</p>												
	<p>NOTE 2.--When United States mail service is used, the postmark shall be deemed to be the time of presentation of the document.</p>												
	<p style="text-align: center;">(Continued)</p>												
	<p>§ Change) * Addition) Decision No. 81928</p>												

Correction

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

VACATING SUPPLEMENT

SUPPLEMENT 2

(CANCELS(1) SUPPLEMENT 1)
(SUPPLEMENT 2 CONTAINS ALL CHANGES)

TO

NORTHERN CALIFORNIA

PRODUCTION AREA AND DELIVERY ZONE

DIRECTORY 2

CONTAINING

DESCRIPTIONS OF PRODUCTION AREAS

AND DELIVERY ZONES

AND

RULES GOVERNING BOUNDARY DESCRIPTIONS

APPLICABLE TO MINIMUM RATE TARIFFS

MAKING SPECIFIC REFERENCE HERETO

VACATING NOTICE

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