

ORIGINALDecision No. 83870

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investiga-)
 tion into the rates, rules,)
 regulations, charges, allowances)
 and practices of all common)
 carriers, highway carriers and)
 city 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, transpor-)
 tation for which rates are)
 provided in Minimum Rate Tariff)
 No. 2).

Case No. 5432

And Related Matters)

Case No. 5439

Case No. 5441

SUPPLEMENTAL OPINION AND ORDER

Minimum Rate Tariffs 2, 1-B, 9-B and 19 respectively name minimum class and commodity rates for the transportation of general commodities statewide and within the East Bay, San Diego and San Francisco Drayage Areas by highway carriers.

The California Legislature recently amended Section 7262¹ of the Government Code relating to relocation assistance. Among other things, the amendment: (1) provides that the cost of moving a displaced person borne by a public entity shall be exempt from regulation by the Public Utilities Commission; (2) authorizes the public entity to solicit competitive bids from qualified bidders for performance of the work; and (3) exempts from regulation by the Public Utilities Commission bids submitted in response to such solicitations.

¹Assembly Bill No. 4342 was approved by the Governor September 18, 1974 and filed with the Secretary of State on the same date.

In the circumstances, the Commission finds that the aforementioned provisions of Section 7262 of the Government Code should be reflected in the abovementioned tariffs. A public hearing is not necessary. The Commission concludes that such tariffs should be amended accordingly.

IT IS ORDERED that:

1. Minimum Rate Tariff 2 (Appendix D to Decision No. 31606, as amended) is further amended by incorporating therein, to become effective January 1, 1975, Twenty-fourth Revised Page 15-A, attached hereto and by this reference made a part hereof.
2. Minimum Rate Tariff 9-B (Appendix A to Decision No. 67766, as amended) is further amended by incorporating therein, to become effective January 1, 1975, First Revised Page 17-A, attached hereto and by this reference made a part hereof.
3. Minimum Rate Tariff 1-B (Appendix B to Decision No. 65834, as amended) is further amended by incorporating therein, to become effective January 1, 1975, First Revised Page 14-A, attached hereto and by this reference made a part hereof.
4. Minimum Rate Tariff 19 (Appendix A to Decision No. 41363, as amended) is further amended by incorporating therein, to become effective January 1, 1975, First Revised Page 15-B, attached hereto and by this reference made a part hereof.
5. Common carriers subject to the Public Utilities Act, to the extent they are subject also to Decisions Nos. 31606, 65834, 67766 and 41363, as amended, are hereby authorized to establish in their tariffs the amendments necessary to conform with the further adjustments ordered herein.
6. Tariff publications authorized 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 on not less than one day's notice to the Commission and to the public if filed not later than sixty days after the effective date of the minimum rate tariff pages incorporated in this order.

7. Common carriers, in establishing and maintaining the amendments 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 amendments published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

8. In all other respects Decisions Nos. 31606, 65834, 67766 and 41363, as amended, shall remain in full force and effect.

The effective date of this order shall be December 27, 1974.

Dated at San Francisco, California, this 17th day of December, 1974.

Vernon L. Stinson
President
William J. Brown Jr.
[Signature]
[Signature]
Robert E. McHard
Commissioners

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES (Concluded) (Items 40, 41 and 42)</p> <p>3. Rates in this tariff will not apply to the transportation of the following:</p> <ul style="list-style-type: none"> Commodities of abnormal size or weight which because of such size or weight require the use of and are transported on low bed trailers Commodities when transported in an armored car operated under permit from the Commissioner of the California Highway Patrol Commodities which consist of or contain materials essential to National Defense and which have been donated to and are transported for the United States Government, governmental agencies, or nonprofit organizations acting for or in behalf of said government in the collection, assembly or transportation of said commodities in connection with the recovery of said essential materials from the commodities transported Commodities which have been sold at retail by a retail merchant, and transported from a retail store or retail store warehouse to residences of retail customers, or transported from residences of retail customers to retail stores or retail store warehouses, and such transportation is performed in vehicles in the exclusive use of the retailer and providing no shipment exceeds 2,000 pounds in weight; further, that the merchandise is for the use or consumption of retail customers and is not for use in the furtherance of an industrial or commercial enterprise; and provided that the retailer shall certify on the shipping document for each delivery that the merchandise was sold at retail to a retail customer 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 Property of the United States, or property transported under an agreement whereby the United States contracted for the carrier's services Property shipped to or from producers of motion pictures or television shows when transported subject to the rates and rules provided in Decision No. 33226, in Cases Nos. 4246 and 4434, as amended *Property transported for a displaced person when the cost thereof is borne by a public entity as provided in Section 7262 of the Government Code Property transported to a United States Post Office for mailing and United States mail transported from a post office to the addressee thereof (subject to Note 1) Shipments weighing 100 pounds or less when delivered from retail stores or retail store warehouses where the property has been sold at retail by a retail merchant, or when returned to the original retail store shipper via the carrier which handled the outbound movement (subject to Note 2) Shipments weighing 10 pounds or less when transported by carriers which operate no vehicles exceeding a licensed weight of 4,000 pounds (subject to Note 3) <p>NOTE 1--Exemption applies only to transportation between points within a radius of 25 miles of the intersection of 1st and Main Streets, Los Angeles, said mileage to be computed in accordance with the provisions of Item 100.</p> <p>NOTE 2--Exemption applies only when the distance between point of origin and destination does not exceed 35 miles, computed in accordance with the provisions of Item 100.</p> <p>NOTE 3--Exemption applies only to transportation between points located within the Los Angeles Basin Territory as described in Item 270.</p>	<p>ø42</p>
<p>ø Change) * Addition) Decision No. 83870</p>	
EFFECTIVE	
<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--COMMODITIES (Concluded)
(Items 50, 51 and 52)

3. Rates in this tariff will not apply to the transportation of the following:

Commodities picked up or delivered for common carriers within the common carriers' lawfully published pickup and delivery limits, when transported beyond said pickup and delivery limits under through rates

Commodities weighing 100 pounds or less per package or piece when delivered from retail stores or retail store warehouses, or when returned to the original stores or retail store warehouses via the carrier which handled the outbound movement

Commodities when transported in an armored car operated under permit from the Commissioner of the California Highway Patrol

Commodities which have been sold at retail by a retail merchant, and transported from a retail store or retail store warehouse to residences of retail customers, or transported from residences of retail customers to retail stores or retail store warehouses, and such transportation is performed in vehicles in the exclusive use of the retailer and provided no shipment exceeds 2,000 pounds in weight; further, that the merchandise is for the use or consumption of retail customers and is not for use in the furtherance of an industrial or commercial enterprise; and provided that the retailer shall certify on the shipping document for each delivery that the merchandise was sold at retail to a retail customer

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.

Property shipped to or from producers of motion pictures or television shows when transported subject to the rates and rules provided by Decision No. 33226, in Cases Nos. 4246 and 4434, as amended

Property of the United States, or property transported under an agreement whereby the United States contracted for the carrier's services

Property transported to a United States Post Office for mailing, United States mail transported from a post office to the addressee thereof, and United States mail transported for the Post Office Department under contract

*Property transported for a displaced person when the cost thereof is borne by a public entity as provided in Section 7262 of the Government Code.

#52

83870

o Change)
* Addition) Decision No.

EFFECTIVE

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

Correction

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES (Concluded) (Items 30, 31 and 32)</p> <p>3. Rates in this tariff will not apply to the transportation of the following:</p> <ul style="list-style-type: none"> Commodities weighing 100 pounds or less per piece or package when delivered from retail stores, or when returned to the original retail store shipper via the carrier which handled the outbound movement Commodities when transported in an armored car operated under permit from the Commissioner of the California Highway Patrol Commodities which consist of or contain materials essential to National Defense and which have been donated to and are transported for the United States government, governmental agencies or nonprofit organizations acting for or in behalf of said government in the collection, assembly or transportation of said commodities in connection with the recovery of said essential materials from the commodities transported Commodities which have been sold at retail by a retail merchant, and transported from a retail store or retail store warehouse to residences of retail customers, or transported from residences of retail customers to retail stores or retail store warehouses, and such transportation is performed in vehicles in the exclusive use of the retailer and providing no shipment exceeds 2,000 pounds in weight; further, that the merchandise is for the use or consumption of retail customers and is not for use in the furtherance of an industrial or commercial enterprise; and provided that the retailer shall certify on the shipping document for each delivery that the merchandise was sold at retail to a retail customer 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 extreme emergency Property of the United States, or property transported under an agreement whereby the United States contracted for the carrier's services Property shipped to or from producers of motion pictures or television shows when transported subject to the rates and rules provided by Decision No. 33226, in Cases Nos. 4246 and 4434, as amended Property transported by special messenger service Property transported in connection with pickup and delivery of shipments for common carriers when such shipments are transported from or to points outside the area named herein under through pickup and delivery rates *Property transported for a displaced person when the cost thereof is borne by a public entity as provided in Section 7262 of the Government Code. <p>4. Rates in this tariff will not apply in connection with unloading and distribution of freight forwarders' cars originating at points outside the state.</p>	#32
<p>§ Change) * Addition) Decision No. 83870</p>	
EFFECTIVE	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	

Correction

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES (Continued) (Items 50, 51 and 52)</p> <p>3. Rates in this tariff will not apply to the transportation of the following:</p> <p>Commodities weighing 100 pounds or less per piece or package when delivered from retail stores, or when returned to the original retail store shipper via the carrier which handled the outbound movement</p> <p>Commodities when transported in an armored car operated under permit from the Commissioner of the California Highway Patrol</p> <p>Commodities which consist of or contain materials essential to National Defense and which have been donated to and are transported for the United States Government, governmental agencies, or nonprofit organizations acting for or in behalf of said government in the collection, assembly or transportation of said commodities in connection with the recovery of said essential materials from the commodities transported</p> <p>Commodities which have been sold at retail by a retail merchant, and transported from a retail store or retail store warehouse to residences of retail customers, or transported from residences of retail customers to retail stores or retail store warehouses, and such transportation is performed in vehicles in the exclusive use of the retailer and providing no shipment exceeds 2,000 pounds in weight; further, that the merchandise is for the use or consumption of retail customers and is not for use in the furtherance of an industrial or commercial enterprise; and provided that the retailer shall certify on the shipping document for each delivery that the merchandise was sold at retail to a retail customer</p> <p>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>Property of the United States, or property transported under an agreement whereby the United States contracted for the carrier's services</p> <p>Property shipped to or from producers of motion pictures or television shows when transported subject to the rates and rules provided by Decision No. 33226, in Cases Nos. 4246 and 4434, as amended</p> <p>Property transported to a United States post office for mailing and United States mail transported from a post office to the addressee thereof</p> <p>Property transported in connection with pickup and delivery of shipments for common carriers when such shipments are transported from or to points outside the San Francisco city limits under through pickup and delivery rates</p> <p>*Property transported for a displaced person when the cost thereof is borne by a public entity as provided in Section 7262 of the Government Code.</p> <p>4. Rates in this tariff will not apply in connection with unloading and distribution of freight forwarders' cars originating at points outside the State.</p>	552
<p> § Change) * Addition) Decision No. </p> <p style="text-align: center; font-size: 1.5em;">83870</p>	
EFFECTIVE	
<p>Correction</p>	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>