

Decision No. 83871**ORIGINAL**

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

Case No. 5433

And Related Matters)

Case No. 5436

Case No. 5440

Case No. 5604

SUPPLEMENTAL OPINION AND ORDER

Minimum Rate Tariff 3-A (MRT 3-A) names minimum rates for the transportation of livestock; Minimum Rate Tariff 6-B (MRT 6-B) contains minimum rates and rules for the transportation of bulk petroleum products in tank vehicles by petroleum contract carriers; Minimum Rate Tariff 10 (MRT 10) sets forth rates, rules and charges for the transportation of cement and related commodities, in bulk and in packages; and Minimum Rate Tariff 12 (MRT 12) provides rates and rules governing the highway transportation of motor vehicles in secondary truckaway service.

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 MRT 3-A, 6-B, 10 and 12. A public hearing is not necessary. The Commission concludes that such tariffs should be amended accordingly.

IT IS ORDERED that:

1. Minimum Rate Tariff 3-A (Appendix A to Decision No. 55587, as amended) is further amended by incorporating therein, to become effective January 1, 1975, Tenth Revised Page 5, attached hereto and by this reference made a part hereof.
2. Minimum Rate Tariff 6-B (Appendix A to Decision No. 82350, as amended) is further amended by incorporating therein, to become effective January 1, 1975, First Revised Page 7, attached hereto and by this reference made a part hereof.
3. Minimum Rate Tariff 10 (Appendix A to Decision No. 44633, as amended) is further amended by incorporating therein, to become effective January 1, 1975, Twenty-first Revised Page 5, attached hereto and by this reference made a part hereof.
4. Minimum Rate Tariff 12 (Appendix A to Decision No. 50218, as amended) is further amended by incorporating therein, to become effective January 1, 1975, Seventh Revised Page 6, 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. 55587, 82350, 44633 and 50218, 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. 55587, 82350, 44633 and 50218, 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. Stevenson
President
William J. Quinn
[Signature]
[Signature]
Robert E. McShane
Commissioners

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, 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
<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>Δ(a) 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> <p>Δ(b) Property of the United States or property transported under an agreement whereby the United States contracted for the carrier's services.</p> <p>* (c) 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>	40
<p>Δ Change) * Addition) Δ Change, neither) increase nor reduction)</p> <p align="center">Decision No. 83871</p>	
EFFECTIVE	
<p 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
<p style="text-align: center;">APPLICATION OF TARIFF--GENERAL</p> <p>1. Rates provided in this tariff apply for the transportation of commodities described in Item 30, in bulk, between points in the State of California by petroleum contract carriers. 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. For rates for the transportation of petroleum and petroleum products, other than as provided in this tariff, see Minimum Rate Tariff 2.</p> <p>2. 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-contractor subhaulers are performing transportation service.</p> <p>3. Rates in this tariff do not apply to the transportation of:</p> <p style="padding-left: 20px;">Δ(a) 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 place of storage or use prior to or during a state of disaster or state of extreme emergency.</p> <p style="padding-left: 20px;">Δ(b) Property of the United States or property transported under an agreement whereby the United States contracted for the carrier's services.</p> <p style="padding-left: 20px;">*(c) 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>	20
<p style="text-align: center;">APPLICATION OF GOVERNING PUBLICATIONS</p> <p>1. This tariff is governed to the extent shown herein by:</p> <p style="padding-left: 20px;">(a) The Governing Classification, except that the classes and minimum weight factors have no application herein and this tariff is subject to the following rules (items) only thereof.</p> <p style="padding-left: 40px;">110, Sections 1, 3(a), 3(b), 3(c), 3(d), 4, 4(a), 4(b), 5, 6(a), 6(b), 6(c), 7, 7(a), 7(b), 7(c), 7(d), 8, 8(a), 8(b), 9, 10, 14, 15, 381; 428; 430, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11(a), 11(b), 13 and 14; 455; 520; 535; 540; 565; 580; 595; 685; 689; 765; 770, Section 2; 780, Section 2; 810; 845; 300100 through 300160.</p> <p style="padding-left: 20px;">(b) The Dangerous Articles Tariff (California Regulations).</p> <p style="padding-left: 20px;">(c) The Distance Table.</p> <p>2. Where the provisions or conditions provided in the governing publications described in paragraphs 1(a) and (c) hereof are in conflict with those provided in this tariff, the provisions of this tariff will apply. Except as otherwise specifically provided in this tariff, where the provisions of the Dangerous Articles Tariff are in conflict with the provisions set forth in this tariff or the otherwise governing publications referred to in paragraphs 1(a) and (c) hereof, the provisions of the Dangerous Articles Tariff will apply.</p>	25
<div style="display: flex; justify-content: space-between; align-items: center;"> <div> Ø Change) * Addition) Δ Change, neither) increase nor reduction) </div> <div> Decision No. 83871 </div> </div>	
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<div style="display: flex; justify-content: space-between;"> Correction ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA. </div>	

ITEM

SECTION 1--RULES (Continued)

(Numbers within parentheses immediately following commodities shown below refer to such commodities as they are described in the corresponding item numbers of the Governing Classification.)

APPLICATION OF TARIFF--COMMODITIES

Rates in this tariff apply on Petroleum and Petroleum Products, including Compounded Oils or Greases having a Petroleum Base, and Items, as described below.

Charges shall be assessed on the actual gross weight loaded.

EXCEPTION--Charges shall be assessed on the weight per gross gallon loaded for shipments of commodities with weights per gallon provided below.

<u>RATE GROUP</u>	<u>POUNDS PER GROSS GALLON LOADED</u>	<u>COMMODITY</u>
A	6.2	Gasoline (155250)
B	6.5	Jet Turbine Fuel (155250) Kerosene (155250)
C	7.2	Distillate Fuel Oil, not suitable for illuminating purposes (155250) (See Note)
D	8.3	Residual Fuel Oil (155250) (See Note) Gas Oil (155250)
E	-	Petroleum Products (except commodities named in rate groups A, B, C, D or F of this item), as described under the heading Petroleum Products group of the Governing Classification Petroleum Cumene (155400) Petroleum Nitroxylenes (155420) Petroleum Toluene (155440) Petroleum Xylidine (155460) Petroleum Xylol (155480)
F	7.3	Crude Oil (155250)

(Continued on next page)

EFFECTIVE AS SHOWN ON ORIGINAL TITLE PAGE

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

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF RATES</p> <p>Rates provided in this tariff apply for the transportation of shipments from point of origin to point of destination, and include the services of the driver only for loading into and unloading from carrier's motor vehicle. (See Note)</p> <p>NOTE.--Rates do not apply to the transportation of:</p> <p>Δ(a) Disaster Supplies, i.e., those 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>Δ(b) Property of the United States or property transported under an agreement whereby the United States contracted for the carrier's services.</p> <p>* (c) 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>	20
<p style="text-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 property by radial highway common carriers, highway contract carriers and cement contract carriers, as defined in said Highway Carriers' Act.</p> <p>When property in continuous through movement is transported by two or more such carriers, the rates (including minimum charges) provided herein shall be the minimum rates for the combined transportation.</p>	30
<p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES</p> <p>Rates in this tariff apply for the transportation of Cement, hydraulic, masonry, natural or Portland, in bulk or in packages. (Subject to Item 65)</p> <p>Rates in this tariff also apply to the following commodities when shipped in mixed shipments with not less than fifty percent (50%), by weight, of cement in packages:</p> <p>Lime, common, including magnesium lime, hydrated or hydraulic, quick or slaked, in packages; Cement flue dust, in packages; and/or Limestone, powdered, in packages.</p> <p>Except as otherwise provided in Item 220, rates in this tariff do not apply to shipments of empty pallets.</p>	40
<p style="text-align: center;">COMPUTATION OF DISTANCES</p> <p>Subject to the exceptions provided in Items 55, 56 and 58, distances to be used in connection with distance rates named herein shall be the shortest resulting mileage via any public highway route computed in accordance with the method provided in the Distance Table.</p>	50
<p>Δ Change) * Addition) Δ Change, neither) increase nor reduction)</p> <p style="text-align: right;">Decision No. 83871</p>	
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SECTION 1--RULES (Continued)	ITEM
<p style="text-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 style="text-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 style="text-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 style="text-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"> 1. Motor vehicles and motor vehicle chassis. 2. 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. 3. 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"> Δ(1) 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. Δ(2) Motor vehicles drawn under their power or towed wholly upon their own wheels. Δ(3) 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. Δ(4) Motor vehicles weighing less than 1,000 pounds, each. Δ(5) Motor vehicles weighing in excess of 5,000 pounds, each. Δ(6) 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. * (7) 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. Δ(8) Special mobile equipment as described in Item 15. Δ(9) Trailers, semitrailers, and dollies. 	50
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