

ORIGINALDecision No. 83873

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 fresh or green)
 fruits and vegetables and related)
 items (commodities for which)
 rates are provided in Minimum)
 Rate Tariff No. 8).)

Case No. 5438

Case No. 5603

And Related Matters)

Case No. 7857

Case No. 8808

SUPPLEMENTAL OPINION AND ORDER

Minimum Rate Tariffs 3, 11-A, 14-A and 18 respectively set forth commodity rates for the transportation of: (1) fruits and vegetables and related articles; (2) uncrated new furniture; (3) agricultural products in bulk; and (4) trailer coaches and related vehicles 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.

¹ Assembly 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 8 (Appendix C to Decision No. 33977, as amended) is further amended by incorporating therein, to become effective January 1, 1975, Eleventh Revised Page 7, attached hereto and by this reference made a part hereof.

2. Minimum Rate Tariff 11-A (Appendix A to Decision No. 50114, as amended) is further amended by incorporating therein, to become effective January 1, 1975, Eleventh Revised Page 5, attached hereto and by this reference made a part hereof.

3. Minimum Rate Tariff 14-A (Appendix A to Decision No. 67397, as amended) is further amended by incorporating therein, to become effective January 1, 1975, Ninth Revised Page 5-A, attached hereto and by this reference made a part hereof.

4. Minimum Rate Tariff 18 (Appendix B to Decision No. 72418, as amended) is further amended by incorporating therein, to become effective January 1, 1975, Fourth Revised Page 7, 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. 33977, 50114, 67397 and 72418, 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. 33977, 50114, 67397 and 72418, 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. Sturgeon
President
William J. Lyons Jr.
John J. [unclear]
Stanley [unclear]
Robert E. McFarland
Commissioners

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES (Items 40 and 41)</p> <p>Rates in this tariff apply to transportation of the following commodities (See Exception):</p> <p>Fruits, fresh or green, in their natural form, including dates, fresh (not cold pack nor frozen), subject to Note 2(h); Mushrooms, fresh (not cold pack nor frozen); Nuts, in the shell; Nuts, field shelled, subject to Note 2 (g); Vegetables, fresh or green, in their natural form, including mushrooms, fresh (not cold pack nor frozen), subject to Note 2(h); Containers, empty, second-hand, returning from an outbound paying load, of commodities for which rates are provided herein or forwarded for a return paying load, of commodities for which rates are provided in this tariff subject to Note 1; Containers, empty, for which rates are provided in Section 4 of this tariff; and Trailers, shipper-owned or railroad-owned, for which rates are provided in Item 309 of this tariff.</p> <p>NOTE 1.--Highway carriers must determine before accepting shipment that said containers were moved filled and are being returned by the same carrier or carriers to consignor of the filled containers; or that containers shipped for return paying load will, when filled, move by the same carrier or carriers to the consignor of the original empty containers.</p> <p>EXCEPTION.--Rates in this tariff do not apply to 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 or state of extreme emergency.</p> <p>Δ(b) Empty containers used or shipped out for use in connection with transportation described in paragraph (e) below, subject to Notes 2 and 3.</p> <p>Δ(c) Fresh or green fruits, fresh or green vegetables, or mushrooms, as described herein, moving to a cold storage plant to be held for interim storage for a subsequent movement to a cannery, subject to Notes 2 and 4.</p> <p>Δ(d) Fresh or green fruits, nuts (in the shell or field shelled), fresh or green vegetables, or mushrooms, as described herein, when the point of destination of the shipment is a cannery, accumulation station, pre-cooling plant, or winery; nor to the empty containers used or shipped out for use in connection with such transportation, subject to Note 2.</p> <p>Δ(e) Fresh or green fruits, nuts (in the shell or field shelled), fresh or green vegetables, or mushrooms, as described herein, when transported from the field or point of growth to a packing plant, cold storage plant, or a packing shed, nor when transported between packing sheds, subject to Notes 2, 3, and 5.</p> <p>Δ(f) Property of the United States, or property transported under an agreement whereby the United States contracted for the carrier's services.</p> <p>* (g) 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>Δ(h) Sugar beets when the point of destination of the shipment is a beet sugar factory or a railroad loading dump.</p> <p style="text-align: right;">(Continued in Item 41)</p>	<p style="text-align: center;">ITEM</p> <p style="text-align: center;">440</p>
<p>Δ Change) * Addition) Δ Change, neither) increase nor reduction)</p> <p style="text-align: right;">Decision No. 83873</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
<p 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 uncrated new furniture by radial highway common carriers and highway contract carriers as defined in said act.</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 to transportation of shipments between all points within the State of California, except transportation:</p> <p>(1) Within incorporated cities (except cities located in Metropolitan Zones 218, 227, 228, 229, 234, 235 and 236, as described in the Distance Table).</p> <p>(2) Within or between zones described in the following Commission tariffs:</p> <p>(a) Minimum Rate Tariff 1-B.</p> <p>(b) Minimum Rate Tariff 9-B.</p>	30
<p 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 or classifications include references to amendments and successive issues of such publications.</p>	40
<p align="center">APPLICATION OF TARIFF--COMMODITIES</p> <p>Rates in this tariff apply to the transportation of uncrated new furniture except:</p> <p>Δ(1) Contents of trailer coaches and campers; furniture and other personal effects for use outside of trailer coaches when transported in conjunction with such vehicles at rates in Minimum Rate Tariff 18.</p> <p>Δ(2) 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>Δ(3) 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.</p> <p>* (4) 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>Δ(5) When transported from retail stores or retail store warehouses where the property has been sold at retail by a retail merchant, or transported from retail customers to retail stores or retail store warehouses.</p> <p>Δ(6) When transported under the vehicle unit rates and rules of Minimum Rate Tariff 15.</p>	ø50
<p>ø Change)</p> <p>* Addition)</p> <p>Δ Change, neither)</p> <p>increase nor reduction)</p> <p align="right">Decision No. 83873</p>	
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SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES</p> <p>Rates in this tariff apply for the transportation of the following commodities:</p> <ul style="list-style-type: none"> (a) Hay, Fodder (bean, cane, corn or pea), Straw, Wood Shavings (used for bedding), in machine pressed bales; (b) Grain; Grain Products; Feed, Animal or Poultry; and certain mixtures of commodities named in Items 515, 520, 525 and 530, in bulk, or in bins; (c) Seeds and Related Articles, as described in Item 525, in bulk, or in bins, or in containers with a capacity exceeding 40 cubic feet; (d) Seeds, viz.: Cotton, Flax or Safflower. <p>EXCEPTIONS:</p> <p>This tariff is not applicable to:</p> <ul style="list-style-type: none"> 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 or state of extreme emergency. * (b) 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. (c) Seeds (other than cotton, flax or safflower), as described in Item 525, when shipped from point of growth to an accumulation station or point of initial processing, or from an accumulation station to point of initial processing; in bulk, or in containers with a capacity exceeding 40 cubic feet. (d) Shell Marl when shipper certifies on the shipping document covering the transportation that the Shell Marl is being shipped for use as a fertilizer. Δ(e) Transportation of property of the United States or property transported under an agreement whereby the United States contracted for the carrier's services. 	40
<p style="text-align: center;">APPLICATION OF GOVERNING PUBLICATIONS</p> <p>This tariff is governed to the extent shown herein by the Governing Classification.</p>	45
<div style="display: flex; justify-content: space-between;"> <div> <p>Δ Change)</p> <p>* Addition)</p> <p>Δ Change, neither)</p> <p>increase nor reduction)</p> </div> <div style="text-align: center;"> <p>Decision No.</p> <p style="font-size: 2em;">83873</p> </div> </div>	
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Correction

SECTION 1--RULES (Continued)	ITEM
<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 and apply for transportation of property by radial highway common carriers and highway contract carriers as defined therein.</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>	20
<p style="text-align: center;">APPLICATION OF TARIFF--TERRITORIAL</p> <p>Rates in this tariff apply to transportation by carriers between all points within the State of California.</p>	30
<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 transportation of trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper. (See Note)</p> <p>NOTE.--Trailer coach blocks and steps may be transported on the carrier's equipment.</p> <p>(b) Rates in this tariff do not apply to the following:</p> <p>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.</p> <p>Δ(2) Property of the United States, state, county or municipal governments or property transported under an agreement whereby the government has contracted for carrier's service.</p> <p>* (3) 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>	840
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