

Decision No. 84153**ORIGINAL**

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Investiga- )  
 tion into the rates, rules, regu- )  
 lations, charges, allowances and )  
 practices of all common carriers, )  
 highway carriers and city car- )  
 riers relating to the trans- )  
 portation of livestock and related )  
 items (commodities for which rates )  
 are provided in Minimum Rate Tar- )  
 iff No. 3-A). )

Case No. 5433

SUPPLEMENTAL OPINION AND ORDER

On July 24, 1974, there was sent to interested parties for comments or suggestions a report prepared by the Commission's Transportation Division Freight Economics Branch staff, concerning proposed revisions of Item 130(b) of Minimum Rate Tariff 3-A.

The aforementioned tariff item provides that, when a carrier fails to obtain a public weighmaster's certificate on a shipment consisting of more than 10 head of livestock, it shall: (1) furnish written notification thereof to the Secretary of this Commission within 7 days after delivery of the shipment; (2) include in such notification a statement of the reasons for the failure; and (3) attach to the notification a copy of the freight bill covering the shipment. The staff report proposes, in lieu of these requirements, that the carrier only make a notation on the freight bill stating the reasons for such failure.

Concurrences in writing or by telephone were received from Shannon Bros. Co. and Morosa Bros. Transportation Co. Written comments were received from California Trucking Association supporting the staff's proposed revisions and suggesting that the revisions be made subject to a one year expiration date. The staff proposal with the suggested amendment will be adopted.

The staff report and replies thereto are respectively received in evidence as Ex Parte Exhibits 1 and 2 in Case No. 5433.

Upon consideration of the evidence in this proceeding, the Commission finds that the proposed staff amendment to Minimum Rate Tariff 3-A, as modified by certain suggestions from one of the interested parties, is reasonable and justified. A public hearing is not necessary. The Commission concludes that Minimum Rate Tariff 3-A should be amended accordingly.

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 April 5, 1975, Ninth Revised Page 7 attached hereto and by this reference made a part hereof.
2. Common carriers subject to the Public Utilities Act, to the extent that they are subject to Decision No. 55587, as amended, are hereby directed to establish in their tariffs the amendments necessary to conform with the further adjustments ordered herein.
3. Tariff publications required 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 not earlier than the tenth day after the effective date of this order on not less than ten days' notice to the Commission and to the public and shall be made effective not later than April 5, 1975.
4. 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.

5. In all other respects Decision No. 55587, as amended, shall remain in full force and effect.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 4<sup>th</sup> day of March, 1975.

Vernon L. Sturgeon

President

William J. Quinn

[Signature]

Leonard Ross

Commissioners

SECTION 1--RULES (Continued)		ITEM
ACCESSORIAL CHARGES		
An additional charge shall be made for any accessorial or incidental service or delay which is not authorized to be performed under the rates named in this tariff and for which a charge is not otherwise provided, as follows:		
	CHARGES IN CENTS	
	For First 30 Minutes or Fraction	For Each Additional 15 Minutes or Fraction
(a) For driver, helper, or other employee, per man-----	640	320
(b) For unit of equipment (each motor truck, trailer or semitrailer, exclusive of motor tractors)-----	70	35
ACCESSORIAL CHARGES NOT TO BE OFFSET BY TRANSPORTATION CHARGES		
Accessorial charges set forth in this tariff for accessorial services not included in the rate for actual transportation shall be assessed and collected when such services are performed regardless of the level of the transportation rate assessed. Such accessorial charges may not be waived on the basis that a higher-than-minimum transportation rate serves as an offset.		
SHEEP CAMP OUTFITS		
Rates named in this tariff for the transportation of sheep will also apply to sheep camp outfits, as described in Note 1, when said outfits accompany shipments of sheep. (See Exception)		
NOTE 1.--Sheep camp outfits include wagons, dogs, horses, mules, burros, camp equipment comprising tents, stoves, cooking utensils, cots, bedding, harness and other appurtenances in use at camp, but do not include hay, grain, feed, merchandise, groceries, clothing or trailer coaches for which rates are provided in Minimum Rate Tariff 18.		
EXCEPTION.--The provisions of this item will not apply in connection with shipments transported at any-quantity rates.		
REQUIREMENTS FOR PUBLIC WEIGHMASTER'S CERTIFICATE		
1. Shipments of livestock for which the carrier must obtain a public weighmaster's certificate:		
(a) For each shipment, other than those described in paragraph 2 hereof, the actual weight of the livestock shall be confirmed by a public weighmaster's certificate, which shall be obtained by the carrier prior to or at the time of unloading.		
(E) (b) Every carrier who fails to obtain a public weighmaster's certificate on shipments consisting of more than 10 head of livestock shall make a notation on the freight bill stating the reasons for the carrier's failure to obtain the required certificate.		
(1) (b) Every carrier who fails to obtain a public weighmaster's certificate on shipments consisting of more than 10 head of livestock shall furnish written notification thereof to the Secretary, Public Utilities Commission of the State of California, State Building, San Francisco, California 94102, within seven days after delivery of the shipment. The notification shall include a statement of the reasons for the carrier's failure to obtain the required certificate. A copy of the freight bill issued pursuant to Items 250 and 251 covering the shipment so transported shall be attached to the notification.		
2. Shipments of livestock for which the carrier may, but is not required to, obtain a public weighmaster's certificate:		
(a) Shipments consisting of not more than 10 head of livestock.		
(b) When the weighing of a shipment on a public weighmaster's scales would require the carrier to traverse a route which is more than five constructive miles longer than the shortest distance between points of origin and destination as determined in accordance with the provisions of Item 80.		
(c) When no public weighmaster's scale or scales along the route of movement is open for weighing at the time the carrier arrives at the scale point or points.		
(E) Expires with		
(1) Effective		
ø Change		
- Addition		
Decision No. 84153		
EFFECTIVE		
(EXCEPT AS NOTED)		
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.		
Correction		