

ORIGINAL

Decision No. 84208

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investiga-)
tion into the rates, rules, re-)
gulations, charges, allowances)
and practices of all common car-)
riers, highway carriers and city)
carriers relating to the trans-)
portation of petroleum and petro-)
leum products in bulk (commodi-)
ties for which rates are provided)
in Minimum Rate Tariff No. 6-B).)

Case No. 5436
Petition for Modification
No. 183
(Filed January 30, 1975)

In the Matter of the Investiga-)
tion into the rates, rules, reg-)
ulations, charges, allowances)
and practices of all common car-)
ries, highway carriers and city)
carriers relating to the trans-)
portation of uncrated new furni-)
ture (commodities for which rates)
are provided in Minimum Rate)
Tariff No. 11-A).)

Case No. 5603
Petition for Modification
No. 167
(Filed January 30, 1975)

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 84207, entered today in Case No. 5432, (Petition for Modification No. 838), et al., the Commission found that various minimum rate tariffs should be amended to reflect the adoption of National Motor Freight Classification NMF 100 B in lieu of National Motor Freight Classification NMF 100 A. The decision also provided that Minimum Rate Tariffs 6-B and 11-A should be amended by separate order to avoid duplication of tariff distribution.

IT IS ORDERED that:

1. Minimum Rate Tariff 6-B (Appendix A of Decision No. 82350, as amended) is further amended by incorporating therein to become effective April 1, 1975, Second Revised Page 5, Second Revised Page 6, Second Revised Page 7 and First Revised Page 8, attached hereto and by this reference made a part hereof.

C. 5436 (Pet. 183) and C. 5603 (Pet. 167) - GM

2. Minimum Rate Tariff 11-A (Appendix A of Decision No. 50114, as amended) is further amended by incorporating therein to become effective April 1, 1975, Ninteenth Revised Page 4, attached hereto and by this reference made a part hereof.

3. Common carriers subject to the Public Utilities Act, to the extent that they are subject also to Decisions Nos. 50114 and 82350, as amended, are hereby directed to establish in their tariffs the amendments necessary to conform with the further adjustments ordered herein.

4. Tariff publications required to be made by common carriers as a result of the order herein shall be made effective April 1, 1975, on not less than one day's notice to the Commission and to the public and tariff publications which are authorized but not required to be made by common carriers as a result of the order herein may be made effective not earlier than April 1, 1975, 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 June 1, 1975.

5. 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.

6. In all other respects Decisions Nos. 50114 and 82350, as amended, shall remain in full force and effect.

C. 5436 (Pet. 183) and C. 5603 (Pet. 167) - GM

This order shall become effective March 28, 1975.

Dated at San Francisco, California, this 18th day of March,
1975.

Vernon L. Sturgeon
President
William Synovis, Jr.
[Signature]
Leonard Ross
Commissioners

SECTION 1--RULES	ITEM
<p data-bbox="589 360 970 382">DEFINITION OF TECHNICAL TERMS</p> <p data-bbox="297 404 1393 426">CARRIER means a petroleum contract carrier as defined in the Highway Carriers' Act.</p> <p data-bbox="232 449 1393 515">CARRIER'S EQUIPMENT means any tank motor truck or other self-propelled highway vehicle, tank trailer or tank semi-trailer, or any combination of such highway vehicles, operated by the carrier.</p> <p data-bbox="232 537 1345 581">CARRIER'S TERMINAL means a freight terminal owned or leased and maintained by a carrier for the receipt and delivery of shipments.</p> <p data-bbox="232 603 1345 670">COMMON CARRIER RATE means any intrastate rate of any common carrier by land, as defined in the Public Utilities Act, lawfully on file with the Commission and in effect at time of shipment.</p> <p data-bbox="232 692 1308 758">DANGEROUS ARTICLES TARIFF means Hazardous Materials Tariff 111-A, California Public Utilities Commission 11, of American Trucking Associations, Incorporated, Agent.</p> <p data-bbox="232 780 1308 825">DEBTOR means the person obligated to pay the freight charges to the carrier, whether consignor, consignee or other party.</p> <p data-bbox="297 847 1359 869">DISTANCE TABLE means Distance Table 7 issued by the Public Utilities Commission.</p> <p data-bbox="286 891 1345 913">GOVERNING CLASSIFICATION means National Motor Freight Classification NMF 100 B.</p> <p data-bbox="232 935 1393 1046">HOLIDAYS mean New Year's Day (January 1), Washington's Birthday (the third Monday in February), Memorial Day (the last Monday in May), Fourth of July, Labor Day (the first Monday in September), Thanksgiving Day, the day after Thanksgiving, December 24 and Christmas Day (December 25). When holiday falls on Sunday, the following Monday shall be considered as a holiday.</p> <p data-bbox="232 1068 1376 1156">INDEPENDENT-CONTRACTOR SUBHAULER means any carrier who renders service for a principal carrier, for a specified recompense, for a specified result, under the control of the principal as to the result of the work only and not as to the means by which such result is accomplished.</p> <p data-bbox="232 1178 1366 1245">LOADING TIME means that time which commences when carrier's equipment arrives at origin or at the time specified by the shipper, whichever is later, and terminates when carrier's equipment is released for departure from origin.</p> <p data-bbox="628 1289 935 1311">(Continued on next page)</p>	<p data-bbox="1453 847 1496 869">§10</p>
<p data-bbox="304 1355 594 1378">§ Change, Decision No.</p> <p data-bbox="696 1400 842 1444">84208</p>	
EFFECTIVE	
Correction	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.

ITEM	SECTION 1--RULES (Continued)
§10	<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Concluded)</p> <p>MOBILE ROAD MIXER means contractor's or road making equipment that is equipped and being used in mobile service for the picking up of raw materials along a road or proposed road, mixing them with petroleum products as described herein and dumped behind said moving road mixer. The carrier's equipment is attached to the mobile unit and proceeds with said unit in its road mixing service. The moving road mixer may either pump over the load or the carrier's equipment may pump over the load as the case may be. When carrier's equipment pumps the load, pumping charges as provided in paragraph (2) (b) of Item 170 apply in addition to the rates as otherwise provided herein.</p> <p>DESTINATION means the precise location at which property is tendered for physical delivery into the custody of the consignee. All sites within a single place of one consignee shall be considered as one destination. A place of one consignee shall include only contiguous property which shall not be deemed separate if intersected only by public street or thoroughfare.</p> <p>ORIGIN means the precise location at which property is physically delivered by the consignor into the custody of the carrier for transportation. All sites within a single ** place of one consignor shall be considered as one ** origin. A ** place of one consignor shall include only contiguous property which shall not be deemed separate if intersected only by public street or thoroughfare.</p> <p>RAILHEAD means a site at which facilities are maintained for the loading of property into or upon, or the unloading of property from, rail cars. It also includes truck loading facilities of plants or industries located at such a rail loading or unloading site.</p> <p>RATE means the figure stated in cents, dollars and cents, or fractions thereof, including the charge and, also, the minimum weight and rules governing, and the accessorial charges applying in connection therewith to be used in computing the charge on property transported.</p> <p>SAME TRANSPORTATION means transportation of the same kind and quantity of property between the same sites, and subject to the same limitations, conditions and privileges, but not necessarily in an identical type of equipment.</p> <p>TEAM TRACK means a site at which property may be loaded into, or upon, or unloaded from rail cars by the public generally.</p> <p>UNLOADING TIME means that time which commences when carrier's equipment arrives at destination and terminates when carrier's equipment is released for departure from destination. It also includes time spent weighing, sampling and/or the process of sampling.</p>
	<p> § Change) ** Eliminated) Decision No. </p> <p style="text-align: center; font-size: 1.2em;">84208</p>
	EFFECTIVE
Correction	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 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>(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>(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 GOVERNING PUBLICATIONS</p> <p>1. This tariff is governed to the extent shown herein by:</p> <p>(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>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; *112; 455; 520; 535; 540; 565; 580; 595; 685; 689; 765; 770, Section 2; 780, Section 2; 810; 845; 300100 through 300155.</p> <p>(b) The Dangerous Articles Tariff (California Regulations).</p> <p>(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
<p>o Change) * Addition) Decision No.</p> <p style="text-align: center; font-size: 1.2em;">84208</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>	

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.			
30	<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 Nitroxylene (155420) Petroleum Toluene (155440) Petroleum Xylidine (155460) Petroleum Xylol (155480)
	F	7.3	Crude Oil (155250)
(Continued on next page)			
No change on this page, Decision No.			
84208			
EFFECTIVE			
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MINIMUM RATE TARIFF 11-A

SECTION 1--RULES	ITEM
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS</p> <p>COMMISSION means the Public Utilities Commission of the State of California.</p> <p>COMMON CARRIER RATE means any intrastate rate or rates of any common carrier or common carriers, as defined in the Public Utilities Act, lawfully on file with the Commission and in effect at time of shipment.</p> <p>DISTANCE TABLE means Distance Table 7 issued by the Commission.</p> <p>ESTABLISHED DEPOT means a freight terminal owned or leased and maintained by a carrier for the receipt and delivery of shipments.</p> <p>GOVERNING CLASSIFICATION means National Motor Freight Classification NMF 100 B.</p> <p>INDEPENDENT-CONTRACTOR SUBHAULER means any carrier who renders service for a principal carrier, for a specified recompense, for a specified result, under the control of the principal as to the result of the work only and not as to the means by which such result is accomplished.</p> <p>MOTOR VEHICLE means any motor truck, tractor or other self-propelled highway vehicle used for transportation of property over the public highways, and any trailer, semitrailer, dolly or other vehicle drawn thereby.</p> <p>POINT OF DESTINATION means the precise location at which property is tendered for physical delivery into the custody of the consignee or his agent. All points within a single industrial plant or receiving area of one consignee shall be considered as one point of destination. An industrial plant or receiving area of one consignee shall include only contiguous property which shall not be deemed separate if intersected only by public street or thoroughfare.</p> <p>POINT OF ORIGIN means the precise location at which property is physically delivered by the consignor or his agent into the custody of the carrier for transportation. All points within a single industrial plant or shipping area of one consignor shall be considered as one point of origin. An industrial plant or shipping area of one consignor shall include only contiguous property which shall not be deemed separate if intersected only by public street or thoroughfare.</p> <p>RATE includes charge and, also, the ratings, minimum weight, rules and regulations governing, and the accessorial charges applying in connection therewith.</p> <p>SAME TRANSPORTATION means transportation of the same kind and quantity of property between the same points, and subject to the same limitations, conditions and privileges, although not necessarily in an identical type of equipment.</p> <p>SHIPMENT means a quantity of property tendered for transportation to one carrier, and delivered into the custody of the carrier at one time on one shipping document by one shipper at one point of origin for one consignee at one point of destination.</p> <p>SPLIT DELIVERY SHIPMENT means a shipment consisting of two or more component parts delivered to (a) one consignee at more than one point of destination, or (b) more than one consignee at one or more points of destination, the composite shipment weighing (or transportation charges computed upon a weight of) not less than 6,750 pounds, said shipment being shipped by one consignor from one point of origin. (See Note)</p> <p>NOTE.--All transportation charges must be prepaid and, except as provided in Item 200, charges shall be billed to and collected from only one debtor.</p> <p>UNCRATED NEW FURNITURE means new "Furniture" as described under the heading "Furniture Group" in the Governing Classification, and lamp shades or reflectors and lamp standards or electric lamps and shades combined when the furniture or other articles are tendered to the carrier loose (not in packages nor completely wrapped).</p> <p>UNIT OF EQUIPMENT means a single motor vehicle or more than one motor vehicle connected as a single highway train.</p>	<p style="text-align: center;">§10</p>
<p>Change, Decision No. 84208</p>	
EFFECTIVE	
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>	

Correction