

ORIGINAL

Decision No. 85593

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investiga- )  
 tion for the purpose of consid- )  
 ering and determining minimum )  
 rates for transportation of )  
 livestock and related items )  
 statewide as provided in Minimum )  
 Rate Tariff 3-A and the revi- )  
 sions or reissues thereof. )

Case No. 5433

SUPPLEMENTAL OPINION AND ORDER

Minimum rates for the transportation of livestock by highway carriers are set forth in Minimum Rate Tariff 3-A (MRT 3-A). By Decision 84153 dated March 4, 1975, in this proceeding, the requirements in Item 130 of MRT 3-A governing a carrier when it fails to obtain a public weighmaster's certificate on a shipment consisting of more than ten head of livestock were amended on a temporary basis. The amendment provided that the carrier shall only make a notation on the freight bill stating the reason for such failure. Prior to this amendment, the carrier was required to furnish written notification of such failure to the Commission giving the reasons therefor and attaching a copy of the involved freight bill.

The Commission has not received any complaints concerning this temporary requirement which is scheduled to expire with April 4, 1976.

In the circumstances, the Commission finds that the temporary requirement governing the carrier under the aforementioned conditions should be made permanent. 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 55587, as amended) is further amended by incorporating therein, to become effective April 5, 1976, Tenth 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 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, 1976.


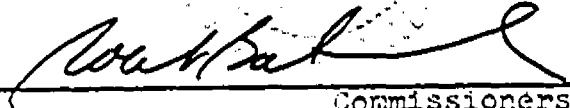
4. Common carriers, in establishing and maintaining the amendments authorized hereinabove, are hereby authorized to depart from the provisions of Section 461.5 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; 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 55587, as amended, shall remain in full force and effect.

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

C. 5433- JW#

Dated at San Francisco, California, this 2<sup>nd</sup> day of  
March, 1976.

 President  
William Aguirre  
Vernon L. Stanger  
Moss  
 Commissioners

SECTION 1--RULES (Continued)		ITEM																					
ACCESSORIAL CHARGES																							
<p>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:</p> <table> <tr> <th colspan="2">CHARGES IN CENTS</th><td></td></tr> <tr> <th></th><th>For Each</th><td></td></tr> <tr> <th></th><th>Additional</th><td></td></tr> <tr> <th></th><th>15 Minutes</th><td></td></tr> <tr> <th></th><th>or Fraction</th><td></td></tr> <tr> <td>(a) For driver, helper, or other employee, per man-----</td><td>640</td><td>320</td></tr> <tr> <td>(b) For unit of equipment (each motor truck, trailer or semitrailer, exclusive of motor tractors)-----</td><td>70</td><td>35</td></tr> </table>		CHARGES IN CENTS				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	110
CHARGES IN CENTS																							
	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																							
<p>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.</p>		115																					
SHEEP CAMP OUTFITS																							
<p>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)</p> <p>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.</p> <p>EXCEPTION.--The provisions of this item will not apply in connection with shipments transported at any-quantity rates.</p>		120																					
REQUIREMENTS FOR PUBLIC WEIGHMASTER'S CERTIFICATE																							
<p>1. Shipments of livestock for which the carrier must obtain a public weighmaster's certificate:</p> <p>(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.</p> <p>*(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.</p> <p>2. Shipments of livestock for which the carrier may, but is not required to, obtain a public weighmaster's certificate:</p> <p>(a) Shipments consisting of not more than 10 head of livestock.</p> <p>(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.</p> <p>(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.</p>		130																					
<p>o Change ) * Temporary provisions made ) Decision No. <b>85503</b> permanent )</p>																							
EFFECTIVE																							
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.																							
Correction																							