

ORIGINAL

Decision No. 85679

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)
 general commodities in the)
 Counties of Contra Costa, Lake,)
 Marin, Mendocino, Monterey,)
 Napa, San Benito, San Mateo,)
 Santa Clara, Santa Cruz, Solano)
 and Sonoma, and in the County)
 of Alameda and in the City and)
 County of San Francisco as)
 provided in Minimum Rate Tariffs)
 1-B and 19 respectively, and)
 the revisions or reissues there-)
 of.)

Case No. 5441
 Petition for Modification
 No. 354
 (Filed March 4, 1976)

SUPPLEMENTAL OPINION AND ORDER

By Decision 85676, entered today in Case 5432 (Petition for Modification 382), et al., the Commission found that various minimum rate tariffs should be amended to reflect the adoption of National Motor Freight Classification NMF 100-C in lieu of National Motor Freight Classification NMF 100 B. The decision also provided that Minimum Rate Tariffs 1-B and 19 should be amended by separate order to avoid duplication of tariff distribution.

IT IS ORDERED that:

1. Minimum Rate Tariff 1-B (Appendix B of Decision 65834, as amended) is further amended by incorporating therein to become effective April 23, 1976, Twentieth Revised Page 11, Twenty-second Revised Page 18-A and Ninth Revised Page 22, attached hereto and by this reference made a part hereof.
2. Minimum Rate Tariff 19 (Appendix A of Decision 41363, as amended) is further amended by incorporating therein to become effective April 23, 1976, Twenty-fifth Revised Page 12, Fiftieth Revised

Page 16 and Ninth Revised Page 18-B, 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 41363 and 65834, 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 23, 1976, 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 23, 1976, 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 23, 1976.

5. 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.

6. In all other respects Decisions 41363 and 65834, as amended, shall remain in full force and effect.

This order shall become effective April 21, 1976.

Dated at San Francisco, California, this 13th day of
April, 1976.

President
William J. Lyons

James L. Stinson

Thos

Paul Bateman
Commissioners

Commissioner D. W. Holmes, being
necessarily absent, did not participate
in the disposition of this proceeding.

SECTION 1--RULES	ITEM
<p data-bbox="546 311 926 356">DEFINITION OF TECHNICAL TERMS (Items 10 and 11)</p> <p data-bbox="194 407 1268 482">ARMORED CAR means any motor truck and/or other highway vehicle which has been armored with bullet resistant metal and/or bullet proof glass, and which is manned by an armed crew.</p> <p data-bbox="194 495 1334 570">CARRIER'S EQUIPMENT means any motor truck or other self-propelled highway vehicle, trailer, semitrailer, or any combination of such highway vehicles, operated by the carrier.</p> <p data-bbox="194 583 1334 681">CITY DELIVERY or CITY DELIVERIES means transportation of property to retail stores or direct consumers of the property transported when the shipment originates within the territory covered by this tariff at other than a carrier's depot, dock, wharf, pier, or landing.</p> <p data-bbox="261 694 1252 725">COMMISSION means the Public Utilities Commission of the State of California.</p> <p data-bbox="194 738 1301 814">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 data-bbox="261 827 1268 858">DANGEROUS ARTICLES means articles described in the Dangerous Articles Tariff.</p> <p data-bbox="194 871 1268 955">DANGEROUS ARTICLES TARIFF means Hazardous Materials Tariff 111-B, Cal.P.U.C. 12, of American Trucking Associations, Inc., Agent, including revisions thereto or successive issues thereof.</p> <p data-bbox="194 968 1268 1021">DEBTOR means the person obligated to pay the freight charges to the carrier, whether consignor, consignee or other party.</p> <p data-bbox="194 1035 1334 1088">ESCORT SERVICE means the furnishing of pilot cars or vehicles by a carrier as may be required by any governmental agency to accompany a shipment for highway safety.</p> <p data-bbox="261 1101 1334 1132">EXCEPTION RATINGS TARIFF means Exception Ratings Tariff 1 issued by the Cal.P.U.C.</p> <p data-bbox="244 1145 1301 1176">GOVERNING CLASSIFICATION means National Motor Freight Classification NMF 100-C.</p> <p data-bbox="194 1190 1334 1309">HOLIDAYS means 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 a holiday falls on Sunday, the following Monday shall be considered as a holiday.</p> <p data-bbox="194 1322 1318 1420">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="194 1433 1334 1486">OUTHAUL means transportation of property in City Delivery and Shipping as defined herein.</p> <p data-bbox="591 1521 872 1552">(Continued in Item 11)</p>	<p data-bbox="1400 1044 1450 1066">ø10</p>
<p data-bbox="261 1676 558 1707">ø Change, Decision No.</p> <p data-bbox="664 1654 806 1707">85679</p>	
<p data-bbox="730 1897 855 1928">EFFECTIVE</p>	
<p data-bbox="185 1986 317 2017">Correction</p> <p data-bbox="574 1950 1473 2008">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA SAN FRANCISCO, CALIFORNIA</p>	

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF RATES</p> <p>Rates provided in this tariff are for the transportation of shipments from point of origin to point of destination and include tailgate loading into and tailgate unloading from the carrier's equipment. (See Item 110)</p>	90
<p style="text-align: center;">APPLICATION OF GOVERNING PUBLICATIONS</p> <p>1. This tariff is governed to the extent shown herein by:</p> <p>ø(a) The Governing Classification, except that this tariff is subject to the following rules (items) only thereof (See Notes 1 and 2):</p> <p>110, Sections 1, 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, 11(a), 11(b), 11(c), 12, 12(a), 12(b), 12(c), 12(d), 12(e), 12(f), 13(a), 13(b), 13(c), 14, 15, 15(a), 15(b), 15(c), 15(d), 15(e), 16, *17 and 18;</p> <p>112; 200; *202; 205; 210; 215; 220; 222; *222-1; *222-2; *222-3; *222-4; *222-5; *222-6; 225; 230; 235; 240; 245; 250; 255; *256; 257; *258; 260; 265; 270; 275; 280; 285; 291; 292; 294; 296; 297; 300; 310;</p> <p>360, Sections 1, 1(a), 1(b), 1(b), 1(e), 1(f), 1(g), 1(h), 2, 2(a), 2(c), 2(d), 3 and 5;</p> <p>365; 381; 420, Sections 1, 2, 4 and 5; 421; 422; 423; 424; 426; 428;</p> <p>430, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11(a), 11(b) and 13 **;</p> <p>455; 520; 535; 540; 565; 580; 595; 640; 645; 680; 685; 687; 689; 765; ** 780, Section 2; 845; 995; 997 (Section 2 only).</p> <p>NOTE 1. --The provisions of Item 55890, Sub 2 of the Governing Classification shall be subject to a Minimum Weight of 12,000 pounds on California Intrastate Traffic.</p> <p>NOTE 2. --Where dual provisions are set forth in Items 360, 580, and the Uniform Order Bill of Lading and the Uniform Through Export Bill of Lading-Order Bill of Lading of the Governing Classification, only those provisions of said items preceded with the reference (P1), (P2), (P3), or (P5), will apply on California intrastate traffic. The explanations of such references are not, however, applicable to California intrastate traffic.</p> <p>(b) The Exception Ratings Tariff, Sections 2-B, 2-C and 2-D only.</p> <p>(c) The Dangerous Articles Tariff (California Regulations).</p> <p>2. Where the ratings and rules or other provisions or conditions provided in the Governing Classification or Exceptions Ratings Tariff 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 provisions set forth in this tariff or the otherwise governing publications referred to in paragraphs 1(a) and (b) hereof, the provisions of the Dangerous Articles Tariff will apply.</p>	ø100
<p>ø Change) * Addition) Decision No. 85679 ** Eliminated)</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
COLLECT ON DELIVERY (C.O.D.) SHIPMENTS		
ø (Exceptions to Sections 12 and 14 of Item 430 of the Governing Classification)		
The charges for collecting and remitting the amount of C.O.D. bills collected on C.O.D. shipments shall be as follows:		
When the amount collected is	Charge for collecting and remitting will be	
Not Over \$ 100 -----	\$ 3.15	
Over 100 not over \$ 110 -----	3.25	
Over 100 not over 120 -----	3.50	
Over 120 not over 140 -----	3.75	
Over 140 not over 160 -----	3.90	
Over 160 not over 180 -----	4.10	
Over 180 not over 200 -----	4.35	
Over 200 not over 250 -----	4.70	
Over 250 not over 300 -----	5.30	
Over 300 not over 350 -----	5.45	
Over 350 not over 400 -----	5.80	
Over 400 not over 450 -----	6.35	
Over 450 not over 500 -----	6.90	
Over 500 not over 550 -----	7.45	
Over 550 not over 600 -----	8.00	
Over 600 not over 650 -----	8.55	
Over 650 not over 700 -----	9.10	
Over 700 not over 750 -----	9.65	
Over 750 not over 800 -----	10.20	
Over 800 not over 850 -----	10.75	
Over 850 not over 900 -----	11.30	
Over 900 not over 950 -----	11.80	
Over 950 not over 1,000 -----	12.35	
Over \$1,000 at rate of \$12.35 per \$1,000		
*Carrier will, upon written request from the consignor, change the status of a C.O.D. shipment (except as prohibited by Section 1 of Item 430 of the Governing Classification) by increasing, reducing, or cancelling the amount of the C.O.D., subject to the following provisions: (1) The request must be received by the delivering carrier in time to accomplish the change requested prior to effecting delivery of the shipment. (2) A charge of \$5.00 per shipment will be made for increasing, reducing, or cancelling the C.O.D. amount. Such charge will be in addition to the C.O.D. collection fee, if any, and must be guaranteed by the consignor in writing.		
ø Change) * Addition)	Decision No. 85679	
EFFECTIVE APRIL 23, 1976		
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.		
Correction		

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Items 10 and 20)</p> <p>ARMORED CAR means any motor truck and/or other highway vehicle which has been armored with bullet resistant metal and/or bulletproof glass, and which is manned by an armed crew.</p> <p>CARRIER'S EQUIPMENT means any motor truck or other self-propelled highway vehicle, trailer, semitrailer, or any combination of such highway vehicles operated by the carrier.</p> <p>CITY DELIVERY or CITY DELIVERIES means the transportation of property to retail stores or direct consumers of the property transported when the shipment originates within the City and County of San Francisco at other than a carrier's depot, dock, wharf, pier or landing.</p> <p>DANGEROUS ARTICLES means articles described in the Dangerous Articles Tariff.</p> <p>§DANGEROUS ARTICLES TARIFF means Hazardous Materials Tariff 111-B, Cal.P.U.C. 12, of American Trucking Associations, Inc., Agent, including revisions thereto or successive issues thereof.</p> <p>ESCORT SERVICE means the furnishing of pilot cars or vehicles by a carrier as may be required by any governmental agency to accompany a shipment for highway safety.</p> <p>EXCEPTION RATINGS TARIFF means Exception Ratings Tariff 1 issued by the Cal.P.U.C.</p> <p>§GOVERNING CLASSIFICATION means National Motor Freight Classification NMF 100-C.</p> <p>HOLIDAYS means 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 a holiday falls on Sunday, the following Monday shall be considered as a holiday.</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>INHAUL means transportation of property received from another carrier at a depot, dock, wharf, pier, landing or other point at which facilities are maintained for the loading of property into or upon, or the unloading of property from rail cars or vessels, or received from another carrier at truck loading facilities of plants or industries located at such rail or vessel loading or unloading point, when originating beyond the limits of the City and County of San Francisco; and also means transportation of property from public warehouse to wholesalers.</p> <p>OUTHAUL means transportation of property in City Delivery and Shipping as defined in Items 10 and 20.</p> <p>PERMIT SHIPMENT means a shipment which because of its width, length, height, weight or size requires special authority from a governmental agency regulating the use of highways, roads or streets for the transportation of such shipment in whole or in part.</p> <p>POINT OF DESTINATION means the precise location at which property is tendered for physical delivery into the custody of the consignee.</p> <p>POINT OF ORIGIN means the precise location at which property is physically delivered by the consignor into the custody of the carrier for transportation.</p> <p style="text-align: center;">(Continued in Item 20)</p>	§10
§ Change, Decision No. 85679	
EFFECTIVE	
Correction	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF RATES</p> <p>Rates provided in this tariff are for the transportation of shipments from point of origin to point of destination and include tailgate loading into and tailgate unloading from the carrier's equipment with services of the driver only.</p>	60
<p style="text-align: center;">APPLICATION OF GOVERNING PUBLICATIONS</p> <p>1. This tariff is governed to the extent shown herein by:</p> <p>ø(a) The Governing Classification, except that this tariff is subject to the following rules (items) only thereof (See Notes 1 and 2):</p> <p>110; Sections 1, 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, 11(a), 11(b), 11(c), 12, 12(a), 12(b), 12(c), 12(d), 12(e), 12(f), 13(a), 13(b), 13(c), 14, 15, 15(a), 15(b), 15(c), 15(d), 15(e), 16, *17 and 18;</p> <p>112; 200; *202; 205; 210; 215; 220; 222; *222-1; *222-2; *222-3; *222-4; *222-5; *222-6; 225; 230; 235; 240; 245; 250; 255; *256; 257; *258; 260; 265; 270; 275; 280; 285; 291; 292; 294; 296; 297; 300; 310;</p> <p>360, Sections 1, 1(a), 1(b), 1(e), 1(f), 1(g), 1(h), 2, 2(a), 2(c), 2(d), 3 and 5;</p> <p>365; 381; 420, Sections 1, 2, 4 and 5; 421; 422; 423; 424; 426; 428;</p> <p>430; Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11(a), 11(b) and 13 **;</p> <p>455; 520; 535; 540; 565; 580; 595; 640; 645; 680; 685; 687; 689; 765; ** 780, Section 2; 845; 995; 997 (Section 2 only).</p> <p>NOTE 1. --The provisions of Item 55890, Sub 2 of the Governing Classification shall be subject to a Minimum Weight of 12,000 pounds on California Intrastate Traffic.</p> <p>NOTE 2. --Where dual provisions are set forth in Items 360, 580, and the Uniform Order Bill of Lading and the Uniform Through Export Bill of Lading-Order Bill of Lading of the Governing Classification, only those provisions of said items preceded with the reference (P1), (P2), (P3) or (P5) will apply on California intrastate traffic. The explanations of such references are not, however, applicable to California intrastate traffic.</p> <p>(b) The Exception Ratings Tariff, Sections 2-B, 2-C and 2-D only.</p> <p>(c) The Dangerous Articles Tariff (California Regulations).</p> <p>2. Where the ratings and rules or other provisions or conditions provided in the Governing Classification or Exception Ratings Tariff 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) or (b) hereof, the provisions of the Dangerous Articles Tariff will apply.</p>	ø70
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SECTION 1--RULES OF GENERAL APPLICATION (Continued)

ITEM

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Over \$1,000 at rate of \$12.35 per \$1,000

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ø Change)
* Addition)

Decision No.

85679

EFFECTIVE APRIL 23, 1976

Correction

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