

Decision No. 86247

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation
for the purpose of considering and
determining minimum rates for
transportation of general commodities
within San Diego County as provided
in Minimum Rate Tariff 9-B and the
revisions or reissues thereof.

Case No. 5439
OSH 217

SUPPLEMENTAL OPINION AND ORDER

Decision No. 86246 issued today in Case No. 5432
(OSH 806) and in this proceeding found that Distance Table 8 should
govern the provisions of Minimum Rate Tariff 9-B in lieu of
Distance Table 7, and that Minimum Rate Tariff 9-B should be amended
by separate order to avoid duplication of tariff distribution.

IT IS ORDERED that:

1. Minimum Rate Tariff 9-B (Appendix A of Decision No. 67766,
as amended) is further amended by incorporating therein, to become
effective September 18, 1976, Eighth Revised Page 3, Twenty-second
Revised Page 7, Twenty-sixth Revised Page 18, and Eighth Revised
Page 22-A attached hereto and by this reference made a part hereof.

2. Tariff publications required to be made by common carriers
as a result of this order 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 such tariff publications shall be made effective not later
than September 18, 1976; and tariff publications which are
authorized but not required to be made by common carriers as a

result of this order may be made effective not earlier than the tenth day after the effective date of this order, and may be made effective on not less than ten days' notice to the Commission and to the public if filed not later than sixty days after the effective date of the minimum rate tariff page incorporated in this order.

3. 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.

4. In all other respects Decision No. 67766, 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 17th
day of AUGUST, 1976.

I dissent
William J. Garrow, Jr.
Commissioner

[Signature]
President

[Signature]
[Signature]
Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

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SECTION 1--RULES	ITEM
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Items 10 and 11)</p> <p>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>CARRIER means a radial highway common carrier, a highway contract carrier, a dump truck carrier or a cement contract carrier, as defined in the Highway Carriers' Act.</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>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>DEBTOR means the person obligated to pay the freight charges to the carrier, whether consignor, consignee or other party.</p> <p>Distance TABLE means Distance Table 8 issued by the Cal.P.U.C.</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>ESTABLISHED DEPOT means a freight terminal owned or leased and maintained by a carrier for the receipt and delivery of shipments.</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>HAZARDOUS MATERIALS means articles described in the Hazardous Materials Tariff.</p> <p>HAZARDOUS MATERIALS TARIFF means Hazardous Materials Tariff 111-B, Cal.P.U.C. 12, of American Trucking Associations, Inc., Agent and supplements thereto or reissues thereof.</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>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 style="text-align: center;">(Continued in Item 11)</p>	610
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SECTION 1--RULES (Continued)	ITEM
<p align="center">APPLICATION OF CLASS RATES THAT ARE PERCENTAGES, MULTIPLES OR PROPORTIONS OF SPECIFIC CLASS RATINGS</p> <p>Class ratings which are based on percentages, multiples or proportions of Class 100 or other specified class ratings are not restricted in their application solely to the minimum class rates in the any quantity weight brackets but will apply in connection with the minimum weight brackets set forth in this tariff applicable to the shipment transported.</p>	70
<p 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 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; 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;</p> <p>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) Sections 2-C and 2-D only of the Exception Ratings Tariff.</p> <p>(c) The Hazardous Materials Tariff (California Regulations).</p> <p>(d) The Distance Table (territorial descriptions only - see Item 30 herein).</p> <p>2. Where the ratings and rules or other provisions or conditions provided in the governing publications described in paragraphs 1(a), (b) and (d) are in conflict with those provided in this tariff, the provisions of this tariff will apply.</p> <p>3. Except as otherwise specifically provided in this tariff, where the provisions of the Hazardous Materials Tariff are in conflict with the provisions set forth in this tariff or the otherwise governing publications referred to in paragraphs 1(a), (b) and (d), the provisions of the Hazardous Materials Tariff will apply.</p> <p>4. Except as otherwise provided in this tariff, shipments subject to truckload ratings lower than Class 50 will be subject to rates provided for Class 50.</p>	ø80
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SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">HAZARDOUS MATERIALS</p> <p>Hazardous Materials include those articles described in and subject to the provisions of the Hazardous Materials Tariff.</p> <p>Hazardous materials must not be accepted for transportation unless at the time of or prior to the initial pickup the consignor has furnished to the carrier written information as required under the regulations of the Hazardous Materials Tariff.</p> <p>To the extent hereinafter provided, the following provisions of this tariff will not apply to shipments of hazardous materials:</p> <ol style="list-style-type: none"> 1. Item 220 (Mixed Shipments) will not apply to shipments containing one or more commodities which the Hazardous Materials Tariff prohibits being transported at the same time on a single unit of carrier's equipment. 2. Items 180-182 (C.O.D. Shipments) and 300 (Split Delivery) will not apply to shipments, including any component parts thereof, containing explosives (Class A, B or C) and/or any other hazardous materials which may not be left unattended in the carrier's equipment under the regulations of the Hazardous Materials Tariff. 	<p>§165</p>
<p style="text-align: center;">FAILURE TO ACCOMPLISH DELIVERY (Applies only in connection with Item 165)</p> <p>Except as otherwise provided in the Dangerous Articles Tariff, if the carrier, through no fault of its own, is unable to effect delivery of any shipment within 48 hours, excluding Saturdays, Sundays and holidays, after receipt of the shipment, notice will be sent or given to consignor or consignee that the shipment is being placed in storage. Thereafter the shipment will be stored at carrier's terminal subject to the rates and charges set forth below, or at carrier's option may be placed in public warehouse.</p> <p>For each of the first five days, 5½ cents per 100 pounds.</p> <p>For the sixth and each succeeding day, 8 cents per 100 pounds.</p> <p>Minimum storage charge per shipment on freight held beyond 48 hours, 5 days or less, 77 cents; 6 days or more, \$1.18.</p> <p>In computing time, any fractional part of 24 hours will be counted as one day.</p> <p>In computing charges, any fractional part of 100 pounds will be computed as 100 pounds.</p> <p>Shipments unloaded from vehicle and reloaded on vehicle will be subject to a charge of \$4.75 per ton in addition to all other charges.</p> <p>Subsequent delivery from point of storage will be charged as a new shipment.</p>	<p>167</p>
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