

ALJ/K.W/pc

Decision 90 08 033 AUG 8 1990

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 sand, rock, gravel,)
and related items in bulk, in dump)
truck equipment between points in)
California as provided in Minimum)
Rate Tariff 7-A and the revisions)
or reissues thereof.)

Case 5437, OSH 344
(Filed May 22, 1990)

And Related Matters.)

Case 9819, OSH 123
Case 9820, OSH 37

O P I N I O N

In this decision we adjust minimum dump truck rates under MRT (Minimum Rate Tariff) 7-A, MRT 17-A, and MRT 20 to fully cover the costs of special equipment and tarping required by statute. We adopt a settlement proposed by the parties to this proceeding which establishes a 1.3% surcharge over a period of two years and a permanent new item consisting of a \$2.50 charge for tarping.

Background

At one time or another, most automobile drivers have had the unpleasant experience of having a windshield chipped by gravel spilled onto the highway by a passing truck. The frequency with which such damage occurs today is indicated by the fact that in 1989, ten California insurance companies reported 27,869 claims resulting in \$6.5 million in damages to automobile glass.¹ These figures cover

¹ CPUC Transportation Division, The Tarp Bill Study, March 28, 1990.

only a nine-month period. The total damage occurring each year is no doubt much greater.

The California Legislature has made numerous efforts over the years to reduce the incidence of damage caused by aggregate spills. Most recently, the Legislature passed Assembly Bill (AB) 3220 (Katz), Chapter 1486, stats. 1988. AB 3220 established specialized equipment requirements for dump trucks, loading standards and, in certain cases, the requirement that aggregate loads must be covered with tarps to prevent spillage. The measure also added Public Utilities (PU) Code § 3617 requiring this commission to adjust dump truck rates annually to fully account for the costs of compliance beginning on September 1, 1990.

AB 3220 amended the Vehicle Code to require that all dump trucks hauling aggregate materials (rocks, sand, gravel, etc.) be equipped with cargo area seals, full rear splash flaps and fenders over wheels not covered by the body of the truck. Cargo areas must be completely enclosed, including the tailgate portion, and shed boards are required to prevent materials from being deposited on the body of the vehicle during loading. These equipment requirements took effect on January 1, 1989.

After September 1, 1990 all trucks hauling aggregate (except loads consisting of asphalt and petroleum coke, as specified) are required to cover their loads, unless the material is loaded such that it does not contact the sides of the cargo area within six inches from the upper edge and does not peak higher than the top. The Legislature expressed its intent in AB 3220 that the California Highway Patrol not enforce the tarping requirement if it were determined by this Commission on April 1, 1990 that the specialized equipment requirements had substantially reduced damage claims arising from highway spills.

The Commission's Transportation Division, in conjunction with the Highway Patrol, the Insurance Department, and CALTRANS issued its report entitled "The Tarp Bill Study" to the Legislature

on March 28, 1990. The report did not conclude that a significant reduction in claims had occurred.²

On May 22, 1990 we issued an Order Setting Hearing to implement that portion of AB 3220 which requires that dump truck rates be adjusted to reflect the costs of compliance with the bill. Hearing was set on June 25, 1990 in San Francisco before Administrative Law Judge (ALJ) Wilson. On June 21, our Transportation Division staff convened an informal workshop to present its view of the compliance costs and to determine the possibility of establishing a consensus among representatives of the dump truck industry and shippers. The workshop was attended by 30 participants, including the staff. As the workshop concluded all but two participants had reached agreement as to the appropriate rate adjustment.

On June 25, 1990 the ALJ took formal appearances for 16 parties. The ALJ then recessed the proceedings to allow additional time for the parties to discuss the potential for a settlement and other preliminary matters. Informal discussion was resumed on June 28, 1990, at which time 15 of the parties including the Transportation Division staff had reached consensus as to the rate adjustments required by AB 3220. Only Associated General Contractors of California (AGCC) declined to join the consensus. However, AGCC stated that it would not oppose the adjustments on which the 15 parties had agreed.

Transportation Division staff indicated its intent to file motions on behalf of the 15 settling parties (1) that the

² The Tarp Bill Study was inconclusive for two main reasons. Insurance companies are the primary source of data on damage claims, but prior to 1989, companies did not routinely distinguish claims related to aggregate spills. The study period was limited to the last three quarters in 1989, so the data cannot provide for a comparison with past years, nor even from season to season, with any reliability.

Commission's settlement rules in Article XIII.5 of the Rules of Practice and Procedure be applied to this proceeding, (2) that Rule 51.4 which provides a 30-day period for any party not expressly joining a proposed settlement to file comments be waived and the period for comment be shortened to seven calendar days, (3) that the proposed settlement be adopted by the Commission and, (4) that hearing of the matter be suspended. On July 3, 1990 the ALJ issued a ruling setting the time for response to the motions at seven days from the date of service. The motions were filed on July 5, 1990. AGCC made no response.

The ALJ convened the parties on July 16, 1990 and granted the motion to apply the settlement rules finding that good cause had been shown and that application of the rules to this proceeding would be in the public interest.³ In support of the ruling, the ALJ took account of the fact that a settlement would afford the Commission an opportunity to meet the September 1, 1990 implementation date and the fact that the settlement was not opposed by any party. The ALJ granted the motion to reduce the time for comment from 30 days to seven days for the same reasons. The motion to suspend further hearing was granted subject to further order of the Commission.

The Proposed Settlement

The proposed settlement would adjust minimum dump truck rates under MRT 7-A, MRT 17-A, and MRT 20 by establishing an interim surcharge of 1.3% over a period of two years for the recovery of the costs of specialized equipment. A permanent new tariff item consisting of a \$2.50 charge per cargo box would be added to cover the labor costs of tarping incurred after

³ Rule 51.10 provides that the settlement rules may be applied to cases other than those involving electric, gas telecommunication or Class A water companies on the motion of a party.

September 1, 1990. The tarp item would apply only when Vehicle Code 23114 requires tarping and only when the carrier provides actual notice to the shipper, prior to loading, that the charge will be assessed. The tarping charge will not apply to hourly rate shipments or where the shipper undertakes to provide the labor used in tarping and untarping loads.

For asphalt and petroleum coke carriage and the transport of commodities in permanently closed hoppers, under distance and zone rates, the proposed special equipment recovery surcharge is 0.8%.

The proposed settlement included a discussion of the various proposals within parameters that were introduced at the June 21, 1990 workshop. There the staff and four of the parties including AGCC and CTA proposed specific cost estimates ranging from a high of 2% per year plus \$2.00 for tarping labor to a low of 1%. The staff estimate was based on a review of figures supplied by carriers, new vehicle manufacturers, and equipment installation firms. Carriers offered proposals based on cost data derived from actual operations.

Discussion

We concur with the ruling of the ALJ on July 16, 1990 that good cause exists for applying our settlement rules in this proceeding. Under Rule 51.1(e) our analysis of the proposed decision is guided by consideration of whether the proposal is reasonable, whether it is consistent with law, and whether it is in the public interest.

We find that the proposed surcharge of 1.3% over a two-year period and the \$2.50 charge for tarping are reasonable. The proposal represents the informed judgment of the Transportation Division and representatives of the dump truck industry and shippers. No parties offered to challenge the proposed adjustments or to introduce other evidence.

PU Code § 3662 requires us when setting maximum and/or minimum rates for highway permit carriers to give "...due consideration to the cost of all of the transportation services to be performed...and the value of the facility reasonably necessary to perform the transportation service...." [Emphasis added.] AB 3220 adds tarping and equipment requirements to the services and facilities we must consider in establishing rates under PU Code § 3662. The proposed settlement takes full account of those costs and is therefore consistent with the applicable law.

The proposed settlement is in the public interest because it establishes a uniform rate to recover costs on an industry-wide basis in a timely manner. Little actual cost data is presently available. The mandate for specialized equipment has been in effect only since January 1989 and some of the enumerated items are already standard equipment provided by manufacturers (e.g., splash flaps behind rear tires). Evidence of the costs of tarping is even less available since tarping was not generally required prior to September 1, 1990. It would be very difficult to determine precisely the incremental costs of AB 3220 and a lengthy proceeding would not likely result in any substantial variance from the proposed rate adjustment.

Conclusion

We find the proposed settlement to be reasonable, consistent with the law and in the public interest. No contested issues of fact or questions of law have been raised so no hearing is necessary. The settlement will enable us to adjust dump truck rates in a timely manner with respect to the implementation deadline in AB 3220. Because no evidentiary hearing was necessary, our decision will be effective today.

This decision is not subject to PU Code § 311 for the reasons that no evidentiary hearing was had and that the proposed settlement is not contested by any party.

Findings of Fact

1. PU Code § 3617 enacted in 1988 requires this commission to adjust dump truck rates established under PU Code 3662 on or before September 1, 1990, and annually thereafter, to fully reflect the costs of compliance with Section 23114 of the Vehicle Code.

2. On July 5, 1990, 15 of the parties filed a joint motion to adopt a settlement for the resolution of all issues in this proceeding.

3. No party opposed the settlement.

4. The proposed settlement would establish a two-year interim surcharge of 1.3% under MRT 7-A, MRT 17-A, and MRT 20 and a surcharge of 0.8% for the transport of asphalt and petroleum coke and all commodities in permanently enclosed hoppers for the recovery of specialized vehicles equipment costs.

5. The settlement proposes a new item in MRT 7-A, MRT 17-A, and MRT 20 of \$2.50 per cargo box to recover the labor costs of tarping when tarping is performed by the carrier and after actual notice to the shipper that the charge will be assessed.

6. The proposed settlement is reasonable, consistent with the law and in the public interest.

Conclusions of Law

1. The proposed settlement agreement should be adopted as set forth in Appendix A to this decision.

2. This order should be effective immediately in order to implement PU Code § 3617.

O R D E R

IT IS ORDERED that:

1. The proposed settlement in Case 5437, OSH 344, Case 9819, OSH 123, and Case 9820, OSH 37 as set forth in Appendix A is adopted.

2. MRT 7-A (Appendix B to Decision (D.) 82061, as amended) is further amended by incorporating Supplement 30, Eighth Revised Page 2, Tenth Revised Page 12, and Tenth Revised Page 13, attached, to become effective 30 days from today.

3. MRT 7-A is further amended to include new item #95 for the labor costs of tarping in the amount of \$2.50 per cargo box.

4. In all other respects, D.82061, as amended, shall remain in full force and effect.

5. The Executive Director shall serve a copy of the tariff amendments on each subscriber to MRT 7-A.

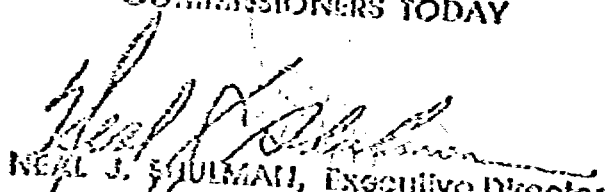
6. The staff is directed to prepare as soon as practical new rate pages for the purpose of incorporating the tarping labor rate item in MRT 7-A.

This order is effective today.

Dated AUG 8 1990, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY


NEAL J. SULZMANN, Executive Director
ps

Appendix A
Page 1

Consensus Agreement (Settlement) reached by 15 of the 16 parties in this proceeding, outlining rate adjustments in compliance with P.U. Code Section 3617. The agreement is dated June 28, 1990, and was prepared by Nancy Kilmurray, Regulatory Analyst from the Commission's Transportation Division staff.

The parties agreeing to this consensus by telephone or FAX are noted on the signature sheet. The original settlement document signed in San Francisco on June 28, 1990, was filed with the July 3, staff motion(s). FAX or mailed signatures are included in Appendix A.

Exhibit No. _____
Commissioner: J. Ohanian _____
Adm. Law Judge: K. Wilson _____
Witness: N. Kilmurray _____
Hearing Date: June 28, 1990 _____
Proceeding: Case 5437,
OSH 344, et al

CALIFORNIA PUBLIC UTILITIES COMMISSION
Transportation Division

RESPONSE TO ORDER SETTING HEARING
TO DETERMINE DUMP TRUCK MINIMUM RATE TARIFF
ADJUSTMENTS REQUIRED BY ASSEMBLY BILL 3220

CONSENSUS AGREEMENT

C.5437, #344 (MRT 7-A)
C.9819, #123 (MRT 17-A)
C.9820, #37 (MRT 20)

San Francisco, California
June 28, 1990

Nancy Kilmurray
PURA II

BACKGROUND

Within the Scope of OSH 344, et al, the Commission stated its intent to "encourage parties to see if they can reach a consensus agreement on the net cost impact" of AB 3220.

Transportation Division staff conducted a workshop in San Francisco on June 21, 1990, to discuss the cost impacts with the intent of a possible consensus. Approximately 30 parties attended. This issue was again discussed during a Prehearing Conference and hearing on June 25, and during an additional workshop on June 28. A consensus was reached among all parties present on June 28. Two parties not present on June 28 will advise the Commission of their neutral position. Staff concurred with the consensus group and supports its agreement.

The agreement involves two factors:

- 1) A two-year interim surcharge on dump truck transportation, with exceptions, allowing carriers to recover the costs of equipment modifications required by the Bill. This surcharge will expire two years after its effective date.
- 2) A permanent new item in each dump truck tariff to recover the labor costs involved with covering (tarping) loads.

COST IMPACTS

All parties agreed to the following rate adjustments:

- 1) Equipment. A new and separate surcharge to all dump truck Minimum Rate Tariffs (MRT); MRT 7-A, MRT 17-A and MRT 20. This surcharge is a one-time cost recovery and will expire two years from its effective date. This surcharge may be cumulatively assessed along with other applicable surcharges.

Surcharge Assessed:

-All Hourly Rates, and	1.3 %
-All Distance and Zone Rates (except asphalt and petroleum coke, and commodities transported in permanently enclosed hoppers).	1.3 %
-Distance and Zone rates for asphalt and petroleum coke, and commodities transported in permanently enclosed hoppers.	.8 %

- 2) Tarpping. A new permanent item added to each dump truck tariff; MRT 7-A, MRT 17-A and MRT 20. Charge to be assessed to each shipment covered (tarped) by the carrier and only when:

the California Vehicle Code, Section 23114, requires shipments to be covered (with tarps), and actual notice is given by the carrier to the shipper/contractor, or their (its) representative, prior to loading or at the loading site prior to transportation, that tarps will be used and a charge assessed for such use.

Charge Assessed:

Equipment units with <u>one</u> cargo container (box)	- \$2.50
Equipment units with <u>two</u> cargo containers (boxes)	- \$5.00

Exceptions: Not applicable to hourly rate shipments or when the shipper/contractor, or their (its) representative provides the labor to tarp and untarp carrier's equipment and carrier is relieved of those job functions.

CONSENSUS

Documents and workpapers supporting the consensus agreement are briefly described here and attached to this exhibit.

- 1) Photocopy from an "electronic whiteboard" used at the workshop on June 21, 1990. This matrix lists costs/impacts as presented by various parties attending the workshop.
- 2) A typed version of the matrix, for clarification, prepared by Nancy J. Kilmurray.
- 3) A signature page of ___ parties in consensus (or neutral) with the rate adjustments, dated June 28, 1990.
- 4) A further agreement to be incorporated into the consensus for rate adjustments and relative to expedited processing of Case 5437, OSH 344 et al, to allow a Commission decision making the rate adjustments effective on September 1, 1990 or as soon thereafter as the Commission is able to make them effective.

ADDENDUM TO CONSENSUS FOR DUMP TRUCK TARIFF RATE ADJUSTMENTS

The parties to the consensus agree to support a Commission staff motion to be made at the June 28, 1990 hearing that Case 5437, OSH 344, and related proceedings in MRT 20 and 17-A, be processed under procedures for uncontested stipulations and settlements. They further agree that the stipulation or settlement represented by the consensus is reasonable in light of the record, consistent with the law, in the public interest, and that good cause exists to waive such Rule 51 or other Rules of Practice and Procedure requirements as may be necessary to expedite the processing of OSH 344 and related proceedings to make the agreed upon rate adjustments effective on September 1, 1990 or as soon thereafter as the Commission is able to make them effective.

However, if all appearances to these proceedings do not agree to the consensus and they become contested proceedings, then any and all appearances are free to offer evidence, cross examine witnesses, and otherwise participate in these proceedings without regard to the consensus.

TYPED VERSION OF 6/21/90 CONSENSUS MATRIX

PARTY	FUC	AGC	RECUPIDO	RECUPIDO	CDTOA/ OCA	GAGLIASSO
1989 EQUIP. MODS.	.8¢	.9¢	\$400/UNIT + TRACTOR FENDER	.2¢		1.6
HIGHSIDES	1¢		1400/SET	.8¢		.9
TARP EQUIP.	1-2¢	X	X			?
TARP LABOR	\$2.00/ P/L/B	X	X			?
TOTAL	2¢ + \$2.00	.9¢	\$1800/SET	1¢	1.3	1.3
PROP.111		1.75 <u>2.65¢</u>	1/8		2.6 - 1 YR. + 2.50/LOAD/BOX	

(END OF APPENDIX A)

SURCHARGE SUPPLEMENT

(E) SUPPLEMENT 30

(Supplements 9, 29 and 30 Contain All Changes)

TO

MINIMUM RATE TARIFF 7-A

NAMING

MINIMUM RATES AND RULES

FOR THE

TRANSPORTATION OF PROPERTY IN DUMP TRUCK

EQUIPMENT BETWEEN POINTS IN CALIFORNIA

BY

HIGHWAY CONTRACT CARRIERS

AGRICULTURAL CARRIERS

AND

DUMP TRUCK CARRIERS

(E) Expires September 7, 1992

Decision

EFFECTIVE SEPTEMBER 7, 1990

Issued by the
PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
Governor Edmund G. "Pat" Brown Building
505 Van Ness Avenue
San Francisco, California 94102

MINIMUM RATE TARIFF 7-A

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EFFECTIVE SEPTEMBER 7, 1990	
Correction	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.

(E) ◇ APPLICATION OF SURCHARGE

Except as otherwise provided, compute the amount of charges in accordance with the rates and rules of this tariff, and increase the amount so computed as follows:
(SEE EXCEPTION)

1. By one and three-tenths (1.3) percent on hourly, distance and zone rates except as provided by paragraph 2 below.
2. By eight-tenths (0.8) percent for the transportation of commodities described in Item 30, List B, and petroleum coke as described in Item 60 and Item 325, and commodities in permanent enclosed hoppers.

For purposes of disposing of fractions under provisions hereof, fractions of less than one-half (1/2) cent shall be dropped and fractions of one-half (1/2) cent or greater shall be increased to the next higher whole cent.

EXCEPTION: The surcharge herein shall not apply to:

1. Item 180 - Accessorial Charges;
2. Items 200 and 220 - (Railhead-to-railhead Charges only); and
3. Item 280 - Collect on Delivery (C.O.D.) Shipment.

THE END

(E) Expires September 7, 1992

◇ Increase, Decision

MINIMUM RATE TARIFF 7-A

SECTION 1--RULES (Continued)	ITEM				
<p style="text-align: center;">TARP LABOR CHARGE (in cents)</p> <p>In addition to the charges in this tariff, when shipments are covered (tarped) by the carrier under the provisions of California Vehicle Code, Section 23114, and actual notice is given by the carrier to the shipper/contractor, or their (its) representative, prior to the transportation, that tarps will be used, the following charges will be assessed for equipment units with:</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;"><u>1 Cargo Container (Box)</u></td> <td style="text-align: center;"><u>2 Cargo Containers (Boxes)</u></td> </tr> <tr> <td style="text-align: center;">250</td> <td style="text-align: center;">500</td> </tr> </table> <p>Exceptions:</p> <p>Not applicable to hourly rate shipments or when the shipper/contractor or their (its) representative provides the labor to tarp and untarp carrier's equipment and carrier is relieved of those job functions.</p>	<u>1 Cargo Container (Box)</u>	<u>2 Cargo Containers (Boxes)</u>	250	500	<p>* ◇ 95</p>
<u>1 Cargo Container (Box)</u>	<u>2 Cargo Containers (Boxes)</u>				
250	500				
<p style="text-align: center;">ALTERNATIVE APPLICATION OF COMMON CARRIER RATES</p> <p>Rates of common carriers by land published and filed with the Commission may be applied in lieu of the rates provided in this tariff, when such common carrier rates produce a lower aggregate charge for the same transportation, from the same point of origin to the same point of destination, than results from the application of the rates herein provided. (Subject to Notes 1, 2, 3, 4 and 5).</p> <p>NOTE 1.--(Applies only in Northern Territory.) When the point of origin is on an industrial railroad connecting with a common carrier railroad, the common carrier rate shall be deemed to apply from the point of origin.</p> <p>NOTE 2.--When a rail carload rate is subject to varying minimum weights, dependent upon the size of the car ordered or used, the lowest minimum weight obtainable under such minimum weight provisions may be used in applying the basis provided in this item. When the rail carload rate is subject to a specified minimum weight, subject to the condition that if the car is loaded to full visible or weight carrying capacity, actual weight will apply, or to actual weight but not less than a lesser carload minimum weight, the actual weight will apply subject to the lesser carload minimum weight, if any.</p> <p>NOTE 3.--In applying the provisions of this item, a rate no lower than the common carrier rate and a weight no lower than the actual weight or published minimum weight (whichever is the higher) applicable in connection with the common carrier rate shall be used.</p> <p>NOTE 4.--When rail switching charges are applicable in connection with line-haul movements by rail and the gross weight of the shipment exceeds the applicable carload minimum weight, only one rail switching charge shall be assessed.</p> <p>NOTE 5.--In the event the common carrier rate which is used does not include loading and/or unloading services, a charge of 25 1/2 cents per ton for loading and/or a charge of 25 1/2 cents per ton for unloading shall be added to the applicable common carrier rate. No additional charge shall be applied for loading if the common carrier rate includes loading and no additional charge shall be applied for unloading if the common carrier rate includes unloading. Actuation by carrier's driver or employee of loading or unloading devices shall constitute loading or unloading service.</p>	<p>100</p>				
<p>* Addition) ◇ Increase) Decision</p>					
<p>EFFECTIVE SEPTEMBER 7, 1990</p>					
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>					

MINIMUM RATE TARIFF 7-A

ITEM	SECTION 1--RULES (Continued)
110	<p style="text-align: center;">ALTERNATIVE APPLICATION OF COMBINATIONS WITH COMMON CARRIER RATES (Subject to Notes 1, 2, 3, 4, and 5 of Item 100)</p> <p>When lower aggregate charges result, tonnage rates provided in this tariff may be used in combination with the published rates of common carriers by land filed with the Commission for the transportation of shipments of the same kind of property between the same points, subject to the following conditions:</p> <p>(a) When the point of origin is located beyond a railhead and the point of destination is located at a railhead, add to the common carrier rate applying from any (1) team track or (2) private railhead which is owned or leased by the party who contracts with the carrier for the performance of the transportation service, to point of destination the tonnage rate provided in this tariff, applicable to the weight of the entire shipment, for the distance from the point of origin to any such team track or private railhead from which the common carrier rate used applies. (See Note 1)</p> <p>(b) When the point of origin is located at a railhead and the point of destination is located beyond a railhead, add to the common carrier rate applying from point of origin to any (1) team track or (2) private railhead which is owned or leased by the party who contracts with the carrier for the performance of the transportation service, the tonnage rate provided in this tariff, applicable to the weight of the entire shipment, for the distance from any such team track or private railhead to point of destination. (See Note 1)</p> <p>(c) When both the point of origin and the point of destination are located beyond railhead, add to the common carrier rate applying between any railheads, the tonnage rate provided in this tariff, applicable to the weight of the entire shipment, for the distance from point of origin to any (1) team track or (2) private railhead which is owned or leased by the party who contracts with the carrier for the performance of the transportation service, from which the common carrier rate used applies, plus the tonnage rate provided in this tariff, applicable to the weight of the entire shipment, for the distance from any (1) team track or (2) private railhead which is owned or leased by the party who contracts with the carrier for the performance of the transportation service, to which the common carrier rate used applies to point of destination. (See Note 1)</p> <p>NOTE 1.--(Applicable only within or from Northern Territory) (Exception to Note 5 of Item 100)--The additional charge for loading will not apply when the railhead from which a common carrier rate applies has a facility by which rail cars can be loaded by gravity directly from a unit of dump truck equipment. The additional charge for unloading will not apply when the railhead to which a common carrier rate applies has a facility by which a unit of dump truck equipment can be loaded by gravity directly from a rail car.</p>
120	<p style="text-align: center;">BRIDGE AND FERRY TOLLS</p> <p>Except as provided in Items 530 to 560 inclusive, and except on shipments transported under distance rates determined by the use of the Distance Table, the actual bridge or ferry tolls shall be added to the transportation charge when such facilities are used by the carrier.</p>
121	<p style="text-align: center;">HANDLING OF CLAIMS FOR LOSS OR DAMAGE</p> <p>Claims for loss or damage shall be governed by the provisions of General Order No. 139.</p>
125	<p style="text-align: center;">CHARGE FOR TRACTOR AND DRIVER WITHOUT TRAILING EQUIPMENT</p> <p>Charges to be paid by a consignor, consignee or other person responsible for payment of freight charges (except an overlying carrier) to a carrier furnishing a tractor and driver without trailing equipment, but towing trailing equipment furnished by the debtor, consignee or consignor, shall be not less than 85 percent of the otherwise applicable charge. In assessing charges under the tonnage rates contained in Sections 2 and 3 of this tariff, the carrier furnishing the tractor and driver need not assess a charge for the amount of the unladen weight of the trailing equipment when under load, nor assess a charge for the empty return movement. (See Exception)</p> <p>EXCEPTION.--The provisions of this item shall not apply when trailing equipment is furnished by any party other than the debtor, consignee or consignor, of the specific transportation charges involved. (See Item 210)</p>
<p style="text-align: center;">No change on this page, Decision EFFECTIVE SEPTEMBER 7, 1990</p>	
<p style="text-align: center;">Correction ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>	