

ORIGINAL

Decision No. 86925

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

Case No. 5437

And Related Matters)

Case No. 9819

Case No. 9820

OPINION AND ORDER

On May 24, 1976, there was sent to interested parties for comments or suggestions a report prepared by the Commission's Transportation Division Freight Economics Branch staff recommending that the Commission adopt a new mixed shipment rule for mixtures of commodities which are transported in dump truck equipment under the rates named in Minimum Rate Tariffs 7-A, 17-A and 20 (MRT 7-A, 17-A and 20).

According to the report, the staff has become aware of occasions when commodities subject to the provisions of either MRT 7-A, 17-A or 20 are shipped with other commodities and the rates for the mixture of such commodities are not presently provided for in the aforementioned tariffs. The report indicates that this circumstance creates confusion and uncertainty as to the applicable tariff and rate and further confusion when the commodities in the mixture have application in two different dump truck tariffs.

Written comments were received from California Department of Transportation, Materiel Operations Branch; Associated Independent Owner-Operators, Inc. and California Dump Truck Owners Association supporting the staff's proposal. No protest to the staff's report has been received.

The staff's report and replies thereto are respectively received in evidence as Ex Parte Exhibits H-4 and H-5 in Case 5437 and Ex Parte Exhibits 1 and 2 in Cases 9819 and 9820.

Upon consideration of the evidence in the proceedings, the Commission finds that the staff's proposal is reasonable and justified. A public hearing is not necessary. The Commission concludes that Minimum Rate Tariffs 7-A, 17-A and 20 should be amended accordingly by the order herein and the effective date of this order should be the date hereof because there is an immediate need for this relief.

IT IS ORDERED that:

1. Minimum Rate Tariff 7-A (Appendix B to Decision 82061, as amended), is further amended by incorporating therein to become effective February 12, 1977, Fifth Revised Page 2, Second Revised Page 20 and First Revised Page 20-A attached hereto and by this reference made a part hereof.

2. Minimum Rate Tariff 17-A (Appendix C to Decision 80578, as amended), is further amended by incorporating therein to become effective February 12, 1977, Fourth Revised Page 111 and First Revised Page 1-18-A, attached hereto and by this reference made a part hereof.

3. Minimum Rate Tariff 20 (Appendix A to Decision 81799, as amended) is further amended by incorporating therein to become effective February 12, 1977, Fourth Revised Page 11, Fourth Revised Page 111 and First Revised Page 1-14-A, attached hereto and by this reference made a part hereof.

4. Common carriers subject to the Public Utilities Act, to the extent that they are subject to Decisions 80578, 81799 and 82061, as amended, are hereby authorized to establish in their tariffs the revisions necessary to conform with the further adjustments ordered herein.

5. Tariff publications authorized to be made by common carriers as a result of this order may be made effective on no less than five 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 pages incorporated in this order.

6. 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.

7. In all other respects Decisions 80578, 81799 and 82061, as amended, shall remain in full force and effect.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 15th day of February, 1977.

I dissent as to the effective date.
William J. Quora

I dissent only to the effective date
Kevin L. Sturgeon

Robert Belmont

President

[Faded signature]

Commissioner

Richard D. [Signature]

Commissioners

MINIMUM RATE TARIFF 7-A

TABLE OF CONTENTS	ITEM Except as Shown (Inclusive)
Arrangement of Tariff-----	Page 4
Correction Number Checking Sheet-----	Page 1
RATES:	
Distance (Section 2)-----	250 to 340
Production Areas to Delivery Zones (Section 4)-----	Pages 43 to 92;
RULES:	
Accessorial Charges-----	90
Additional Charge for Service Performed on Saturdays, Sundays and Holidays-----	260, 440
Alternative Application of Common Carrier Rates-----	100
Alternative Application of Combinations with Common Carrier Rates-----	110
Alternative Application of Distance Rates with Combination Rates Based Upon Zone Rates-----	460
Application of Hourly Rates-----	360
Application of Distance Rates General-----	250
Application of Rates for Use of Equipment Other Than Tractor with Bottom Dump Doubles in Train-----	270
Application of Asphaltic Concrete and Cold Road Oil Mixture Rates for Use of Equipment other than Tractor with Bottom Dump Doubles in Train-----	280
Application of Tariff--Carriers-----	20
Application of Tariff--Commodities-----	30, 40, 50, 60
Application of Tariff--General-----	70
Application of Tariff--Territorial-----	80
Application of Zone Rates-----	420
Bridge and Ferry Tolls-----	120
(1) Charge for Tractor and Driver without Trailing Equipment-----	125
Collection of Charges-----	130
Collect on Delivery (C.O.D.) Shipments-----	140
Computation of Distances-----	150
Descriptions of Southern and Northern Territories-----	160
(2) Disposition of Fractions-----	165
Forms of Documents-----	570, 580
Inter-Regional Movements-----	380
Interterritorial Movements-----	265
Issuance of Shipping Document-----	170
Loss or Damage, Handling of Claims For-----	115
Method of Determining Weight of Shipment-----	190
Minimum Charge-----	200
Minimum Charge Under Hourly Rates-----	370
Payments to Underlying Carriers-----	210
Rates Based on Varying Minimum Truckload Weights-----	220, 450
References to Items, Other Tariffs and General Orders-----	230
(1) Repairs or Replacements to Trailing Equipment-----	235
Rules Governing Boundary Descriptions-----	470
*Shipments, Mixed-----	238
Shipments Transported in Multiple Lots-----	240
Technical Terms--Definition of-----	10
Territorial Descriptions:	
Southern Territory-----	160
Northern Territory-----	160
Units of Measurement To Be Observed-----	180
(1) Suspended by Supplement 8	
Change) Addition) Decision No.	86925
EFFECTIVE	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	
Correction	

MINIMUM RATE TARIFF 7-A

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">PAYMENTS TO UNDERLYING CARRIERS</p> <p>Charges paid by any overlying carrier to an underlying carrier and collected by the latter carrier from the former for the service of said underlying carrier shall be not less than 95 percent of the charges applicable under the minimum rates prescribed in this tariff, less the gross revenue tax applicable and required to be paid by the overlying carrier. (See Notes 1 and 2.) The underlying carrier may extend credit to the overlying carrier for a period not to exceed twenty days following the last day of the calendar month in which the transportation was performed, and payment to the underlying carrier must be made within that time. Freight bills for transportation and accessorial charges shall be presented by underlying carriers to overlying carriers within three days after the last calendar day of the month in which the transportation was performed.</p> <p>NOTE 1.--As used in this item the term gross revenue tax means the tax payable to the California Public Utilities Commission under the Transportation Rate Fund Act.</p> <p>NOTE 2.--Nothing herein contained shall prevent an overlying carrier, in paying such charges, from deducting therefrom such liquidated amounts as may be due from the underlying carrier to the overlying carrier, providing such deductions have been authorized in writing by the underlying carrier. Any overlying carrier electing to employ this procedure shall itemize such amounts and maintain for the Commission's inspection all documents involved in the transaction.</p>	210
<p style="text-align: center;">RATES BASED ON VARYING MINIMUM TRUCKLOAD WEIGHTS</p> <p>When charges on a shipment transported in one unit of dump truck equipment at one time based on actual weight exceed the charges which would accrue if charges were computed upon a rate based upon a higher minimum weight, the latter will apply.</p>	220
<p style="text-align: center;">REFERENCES TO ITEMS, OTHER TARIFFS AND GENERAL ORDERS</p> <p>Unless otherwise provided, references herein to item numbers in this or other tariffs include references to such numbers with letter suffix, and references to other tariffs include references to amendments and successive issues of such other tariffs and references to general orders include references to amendments or successive issues of such general orders.</p>	230
<p>(1) Suspended by Supplement 8.</p> <p>of Change, Decision No. 86925</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)
#235	<p style="text-align: center;">REPAIRS OR REPLACEMENTS TO TRAILING EQUIPMENT</p> <p>Provisions of this item suspended by Supplement 8.</p>
#238	<p style="text-align: center;">MIXED SHIPMENTS</p> <p>When two or more commodities for which two or more different rates are provided in this tariff, or rates are provided in this tariff and Minimum Rate Tariff 17-A or 20, and these commodities are intermingled in a shipment, the rate and tariff applicable to the commodity or commodities (if more than one commodity is subject to the same rate) in the shipment having the greatest aggregate actual weight shall apply. The rate thus determined shall be applied to the total weight of the shipment. (See Note)</p> <p>NOTE.--When a shipment described in the above paragraph consists of two intermingled commodities which are of equal weight and different rates apply to each commodity, the higher rate and the appropriate tariff shall apply.</p>
<p>(1) Suspended by Supplement 8.</p> <p>o Change) * Addition) Decision No. 86925</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>	

TABLE OF CONTENTS (CONCLUDED)	ITEMS
<p> (1) RULES (Continued) Accessorial Charges----- 180 Alternative Application of Common Carrier Rates----- 200 Alternative Application of Combinations with Common Carrier Rates----- 220 Application of Area-to-Point Rates----- 3000 Application of Hourly Rates----- 2000 Application of Other Minimum Rate Tariffs----- 160 Application of Tariff--Carriers----- 40 Application of Tariff--Commodities (Rock, Sand and Gravel)----- 60 Application of Tariff--Commodities (Asphaltic Concrete, Cold Road Oil Mixture)----- 65 Application of Tariff--Commodities (Decomposed Granite)----- 70 Application of Tariff--Commodities (Slag)----- 75 Application of Tariff--General----- 80 Application of Tariff--Rates----- 100 Application of Tariff--Rates--San Diego County Origins----- 120 Application of Tariff--Territories----- 140 Area-to-Point Rates----- 3020 Bond Requirement----- 240 (1) Charge for Tractor and Driver without Trailing Equipment----- 250 Collection of Charges----- 260 Collect on Delivery (C.O.D.) Shipments----- 280 Computation of Charges--Returned or Diverted shipments----- 300 Computation of Charges for Shipments to Delivery Zones for Which Specific Zone Rates Are Not Provided----- 320 Computation of Charges for Shipments to Destinations Outside of a System of Delivery Zones----- 340 Computation of Distances----- 360 Debris Cleanup----- 380 Definition of Technical Terms----- 20 (1) Disposition of Fractions----- 390 Hourly Rates----- 2020 Issuance of Shipping Document----- 400 Loss or Damage, Handling of Claims For----- 190 Method of Determining Weight of Shipment----- 420 Minimum Charge----- 440 Payments to Underlying Carriers----- 460 Rates for Dry Mixtures of Rock, Sand and Gravel (with or without Cement), in Batches----- 480 References to Items and Other Tariffs----- 500 (1) Repairs or Replacements to Trailing Equipment----- 515 Shipments, Mixed----- 518 Shipments Transported in Multiple Lots----- 520 Units of Measurement to be Observed----- 540 Unloading and Spreading Service----- 560 </p>	
<p> (1) Suspended by Supplement 12 * Change) * Addition) Decision No. 86925 </p>	
EFFECTIVE	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	
Correction	

MINIMUM RATE TARIFF 17-A

SECTION 1--RULES (Continued)	ITEM
<p>REPAIRS OR REPLACEMENTS TO TRAILING EQUIPMENT</p> <p>Provisions of this item suspended by Supplement 12.</p>	<p>6515</p>
<p>MIXED SHIPMENTS</p> <p>When two or more commodities for which two or more different rates are provided in this tariff, or rates are provided in this tariff and Minimum Rate Tariff 7-A, and these commodities are intermingled in a shipment, the rate and tariff applicable to the commodity or commodities (if more than one commodity is subject to the same rate) in the shipment having the greatest aggregate actual weight shall apply. The rate thus determined shall be applied to the total weight of the shipment. (See Note)</p> <p>NOTE.--When a shipment described in the above paragraph consists of two intermingled commodities which are of equal weight and different rates apply to each commodity, the higher rate and the appropriate tariff shall apply.</p>	<p>*518</p>
<p>(1) Suspended by Supplement 12.</p> <p>of Change) = Addition) Decision No. 86925</p>	
<p>EFFECTIVE</p>	
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	

MINIMUM RATE TARIFF 20

TABLE OF CONTENTS	PAGE OR SECTION
ARRANGEMENT OF TARIFF-----	Page 111
CORRECTION NUMBER CHECKING SHEET-----	Page 1
FORM OF SHIPPING DOCUMENT-----	Section 7
RATES:	
ZONE RATES TO DELIVERY ZONES	
From Alameda County Production Areas-----	Section 2
From Contra Costa County Production Areas-----	Section 3
From San Mateo County Production Areas-----	Section 4
From Santa Clara County Production Areas-----	Section 5
From Santa Cruz County Production Areas-----	Section 6
RULES:	
Accessorial Charges-----	180, 190
Alternative Application of Common Carrier Rates-----	200
Alternative Application of Combinations with Common Carrier Rates-----	220
Application of Other Minimum Rate Tariffs-----	160
Application of Tariff--Carriers-----	40
Application of Tariff--Commodities-----	60
Application of Tariff--General-----	80
Application of Tariff--Rates-----	100
Application of Tariff--Territories-----	120
Application of Tariff--Types of Equipment-----	140
Bond Requirement-----	240
(1) Charge for Tractor and Driver without Trailing Equipment-----	250
Collection of Charges-----	260
Collect on Delivery (C.O.D.) Shipments-----	280
Computation of Charges for Shipments to Delivery Zones	
for Which Specific Zone Rates Are Not Provided-----	300
Computation of Charges for Shipments to Destinations	
Outside of a System of Delivery Zones-----	320
Computation of Charges--Returned or Diverted Shipments-----	340
Computation of Distances-----	360
Definition of Technical Terms-----	20
(1) Disposition of Fractions-----	370
Issuance of Shipping Document-----	400
Loss or Damage, Handling of Claims For-----	85
Method of Determining Weight of Shipment-----	420
Minimum Charge-----	440
Payments to Underlying Carriers-----	460
References to Items and Other Tariffs-----	500
(1) Repairs or Replacements to Trailing Equipment-----	510
Shipments, Mixed-----	515
Shipments Transported in Multiple Lots-----	520
Units of Measurement to be Observed-----	540
(1) Suspended by Supplement 6.	
* Change) * Addition)	Decision No. 86925
EFFECTIVE	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	
Correction	

ARRANGEMENT OF TARIFF

This is a loose-leaf tariff consisting of seven sections.

SECTION 1 - Rules

SECTION 2 - Zone Rates for the Transportation of Rock, Sand and Gravel from Alameda County Production Areas to Delivery Zones

SECTION 3 - Zone Rates for the Transportation of Rock, Sand and Gravel from Contra Costa County Production Areas to Delivery Zones

SECTION 4 - Zone Rates for the Transportation of Rock, Sand and Gravel from San Mateo County Production Areas to Delivery Zones

SECTION 5 - Zone Rates for the Transportation of Rock, Sand and Gravel from Santa Clara County Production Areas to Delivery Zones

SECTION 6 - Zone Rates for the Transportation of Rock, Sand and Gravel from Santa Cruz County Production Areas to Delivery Zones

SECTION 7 - Form of Shipping Document

(1) Suspended by Supplement 6.

No change on this page, Decision No.

86925

EFFECTIVE

Correction

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

SECTION 1--RULES (CONTINUED)	ITEM
<p>REPAIRS OR REPLACEMENTS TO TRAILING EQUIPMENT</p> <p>Provisions of this item suspended by Supplement 6.</p>	<p>4510</p>
<p>MIXED SHIPMENTS</p> <p>When two or more commodities for which two or more different rates are provided in this tariff, or rates are provided in this tariff and Minimum Rate Tariff 7-A, and these commodities are intermingled in a shipment, the rate and tariff applicable to the commodity or commodities (if more than one commodity is subject to the same rate) in the shipment having the greatest aggregate actual weight shall apply. The rate thus determined shall be applied to the total weight of the shipment. (See Note)</p> <p>NOTE.--When a shipment described in the above paragraph consists of two intermingled commodities which are of equal weight and different rates apply to each commodity, the higher rate and the appropriate tariff shall apply.</p>	<p>*515</p>
<p>(1) Suspended by Supplement 6.</p> <p>Ø Change) * Addition) Decision No. 86925</p>	
<p>EFFECTIVE</p>	
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	