

Decision No. 87212

**ORIGINAL**

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 within San )  
Diego County as provided in )  
Minimum Rate Tariff 9-B and the )  
revisions or reissues thereof. )

Case No. 5439  
Petition for Modification  
No. 303  
(Filed February 15, 1977)

In the Matter of the Investiga- )  
tion for the purpose of consid- )  
ering and determining minimum )  
vehicle unit rates for transpor- )  
tation of general commodities )  
statewide as provided in Minimum )  
Rate Tariff 15 and the revisions )  
or reissues thereof. )

Case No. 7783  
Petition for Modification  
No. 152  
(Filed February 15, 1977)

In the Matter of the Investiga- )  
tion for the purpose of consid- )  
ering and determining minimum )  
rates for transportation, in )  
bulk, of agricultural products )  
and related articles statewide )  
as provided in Minimum Rate )  
Tariff 14-A and the revisions )  
or reissues thereof. )

Case No. 7857  
Petition for Modification  
No. 154  
(Filed February 15, 1977)

SUPPLEMENTAL OPINION AND ORDER

By Decision 87210, entered today in Case 5432, (Peti-  
tion for Modification 948), et al., the Commission found that  
various minimum rate tariffs should be amended to reflect the adop-  
tion of National Motor Freight Classification NMF 100-D in lieu of  
National Motor Freight Classification NMF 100-C. The decision also  
provided that Minimum Rate Tariffs 9-B, 14-A and 15 should be  
amended by separate order to avoid duplication of tariff distribu-  
tion.

IT IS ORDERED that:

1. Minimum Rate Tariff 9-B (Appendix A of Decision 67766, as amended) is further amended by incorporating therein to become effective April 23, 1977, Twenty-third Revised Page 7 and Twenty-seventh Revised Page 18 attached hereto and by this reference made a part hereof.

2. Minimum Rate Tariff 14-A (Appendix A of Decision 67397, as amended) is further amended by incorporating therein to become effective April 23, 1977, Seventeenth Revised Page 4, attached hereto and by this reference made a part hereof.

3. Minimum Rate Tariff 15 (Appendix D of Decision 65072, as amended) is further amended by incorporating therein to become effective April 23, 1977, Eighteenth Revised Page 4, 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 also to Decisions 65072, 67397 and 67766, as amended, are hereby directed to establish in their tariffs the amendments necessary to conform with the further adjustments ordered herein.

5. Tariff publications required to be made by common carriers as a result of the order herein shall be made effective April 23, 1977, 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, 1977, 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, 1977.

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 65072, 67397 and 67766, 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 12<sup>th</sup> day of APRIL, 1977.

Tolt Batungil  
President

William S. Squires Jr.

Vernon L. Sturgeon

A. Ross

Richard W. Givale  
Commissioners

MINIMUM RATE TARIFF 9-K

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>*DANGEROUS ARTICLES TARIFF means Hazardous Materials Tariff.</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 (NMFC) 100-D *including supplements thereto or reissues thereof when the provisions of such reissues have been approved by the Commission.</p> <p>HAZARDOUS MATERIALS means articles or materials described in the Hazardous Materials Tariff.</p> <p>HAZARDOUS MATERIALS TARIFF means Hazardous Materials Tariff 111-B, Cal PUC 12, of American Trucking Associations, Inc., Agent **.</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>	<p>010</p>
<p>* Change )                  * Addition )                  Δ Change, neither increase ) Decision No. <b>87212</b>                  nor reduction )                  ** Eliminated )</p>	
EFFECTIVE	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	

Correction

SECTION 1--RULES (Continued)	ITEM
<p>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>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, 2, *3, *4 and *5):</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; *201; 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(c), 1(f) *(Except wherever a charge of 20¢ or \$1.00 is shown this charge shall be 10¢ or 50 cents respectively on California intrastate traffic), 1(g), 1(h), 2, 2(a), 2(c), 2(d), 3 and 5;</p> <p>430, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9 *(except payment by certified check shall be acceptable on California intrastate traffic), 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 (Section 2 only); 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>*Note 3.--The provisions of Item 64300, Sub 2 of the Governing Classification shall be subject to a minimum weight of 24,000 pounds on California intrastate traffic.</p> <p>*Note 4.--The provisions of Item 151390, Sub. 7 of the Governing Classification shall be subject to a minimum weight of 30,000 pounds on California intrastate traffic.</p> <p>*Note 5.--Dangerous Articles Tariff (DAT) means Hazardous Materials Tariff on California intrastate traffic.</p> <p>(b) The Exception Ratings Tariff, Sections 2-C and 2-D only.</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>	#80
<p>§ Change )          * Addition ) Decision No.          ** Eliminated )</p>	87212
EFFECTIVE	
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Correction

SECTION 1--RULES OF GENERAL APPLICATION	ITEM
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS NOT DEFINED            IN INDIVIDUAL ITEMS</p> <p style="text-align: center;">(Items 10 and 11)</p> <p>CARRIER means a radial highway common carrier or a highway 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>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>CONSIGNEE means the person, firm or corporation shown on the shipping document as the party to whom the property is physically delivered by the carrier.</p> <p>CONSIGNOR means the person, firm or corporation shown on the shipping document as the party who physically delivers the property to the carrier for transportation.</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 7 issued by the Public Utilities Commission.</p> <p>GOVERNING CLASSIFICATION means National Motor Freight Classification NMFC 100-D, including supplements thereto or reissues thereof when the provisions of such supplements or reissues have been approved by the Commission.</p> <p>HOLIDAYS mean 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>IN BULK means not in bags, sacks, packages, or other containers, except bins, or except containers otherwise specified.</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>POINT OF DESTINATION means the location at which property is delivered to the consignee or his agent. All points within a single storage yard or structure, or within a single plant or receiving area of one consignee, shall be considered as one point of destination. A plant or receiving area of one consignee shall include only contiguous property which shall not be deemed separate if intersected only by public street or thoroughfare.</p> <p style="text-align: center;">(Continued in Item 12)</p>	<p>610</p>
<p>             ◊ Change )              * Addition )              Δ Change, neither increase ) Decision No. <b>87212</b>              nor reduction )           </p>	
EFFECTIVE	
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SECTION 1--RULES	ITEM
<p><b>DEFINITION OF TECHNICAL TERMS</b></p> <p><b>AIR MILE</b> means a statute mile measured in a straight line without regard to terrain features or differences in elevation.</p> <p><b>BASE OF OPERATIONS</b> means the single point described in the written agreement which shall be a point at which the shipper will regularly tender freight to the carrier or will regularly receive freight from the carrier.</p> <p><b>CARRIER</b> means a radial highway common carrier, a highway contract carrier or a contract carrier as defined in the Highway Carriers' Act.</p> <p><b>CARRIER'S EQUIPMENT</b> 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><b>CHILLED TEMPERATURE CONTROL SERVICE</b> means the service of providing protection against heat and maintaining the commodity at a temperature higher than 32 degrees Fahrenheit.</p> <p><b>* DANGEROUS ARTICLES</b> means articles described in the Hazardous Materials Tariff.</p> <p><b>ESCORT SERVICE</b> means the furnishing of pilot cars or vehicles by a carrier as may be required by any government agency to accompany a shipment for highway safety.</p> <p><b>FROZEN TEMPERATURE CONTROL SERVICE</b> means the service of providing protection against heat and maintaining the commodity at a temperature of 32 degrees Fahrenheit or lower.</p> <p><b>GOVERNING CLASSIFICATION</b> means National Motor Freight Classification NMFC 100-D, including supplements thereto or reissues thereof when the provisions of such supplements or reissues have been approved by the Commission.</p> <p><b>HAZARDOUS MATERIALS TARIFF</b> means Hazardous Materials Tariff 111-B, Cal PUC 12, of American Trucking Associations, Inc., Agent **.</p> <p><b>HOLIDAYS</b> 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 a Sunday, the following Monday will be considered as a holiday.</p> <p><b>PERMIT SHIPMENT</b> 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><b>RATE</b> includes charge and also rules governing and the accessorial charges applying in connection therewith.</p> <p><b>TEMPERATURE CONTROL SERVICE</b> means the protection from heat by use of ice (either water or solidified carbon dioxide), by mechanical refrigeration or by release of liquefied gases.</p>	
<p>                 § Change )                  * Addition )                  Δ Change, neither increase )                    nor reduction )                  ** Eliminated )             </p>	<p>                 Decision No. <b>87212</b> </p>
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Correction