

Decision No. 88318 JAN 10 1978

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)
 fresh or green fruits and vege-)
 tables and related items state-)
 wide as provided in Minimum Rate)
 Tariff 8-A and the revisions or)
 reissues thereof.)

Case No. 5438

SUPPLEMENTAL OPINION AND ORDER

Decision 88316, entered today in Case 5432 et al., authorized amendment of Minimum Rate Tariffs 1-B, 2, 7-A, 8-A, 9-B, 14-A, 15 and 19 to cover transportation by agricultural carriers. The decision also provided that Minimum Rate Tariff 8-A should be amended by separate order to avoid duplication of tariff distribution.

IT IS ORDERED that:

1. Minimum Rate Tariff 8-A (Appendix B of Decision 85826, as amended) is hereby further amended by incorporating therein, to become effective January 10, 1978, First Revised Title Page, First Revised Page 5, First Revised Page 6, First Revised Page 7 and First Revised Page 8, attached hereto and by this reference made a part hereof.

2. The rates, charges and rules set forth in Minimum Rate Tariff 8-A are established and approved as the just, reasonable and nondiscriminatory minimum rates and charges to be assessed, charged and collected, and the rules to be observed by all agricultural carriers as defined in the Highway Carriers' Act for the transportation of fresh fruits, nuts, vegetables and unprocessed agricultural commodities in carrier's equipment between the points for which rates are provided in said tariff.

3. In all other respects Decision 85826, as amended, shall remain in full force and effect.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this tenth day of January, 1978.

I obtain
William Lyons, Jr.
I obtain
Clair T. DeRich

Robert Batminal
President

Vernon L. Sturgeon
Charles P. Givale

Commissioners

MINIMUM RATE TARIFF 8-A
(CANCELS MINIMUM RATE TARIFF 8)
NAMING
MINIMUM RATES AND RULES
FOR THE
TRANSPORTATION OF FRESH FRUITS,
FRESH VEGETABLES AND EMPTY
CONTAINERS OVER THE PUBLIC HIGHWAYS
BETWEEN POINTS IN THE STATE OF
CALIFORNIA AS DESCRIBED HEREIN
BY
RADIAL HIGHWAY COMMON CARRIERS
HIGHWAY CONTRACT CARRIERS
AND
***(E) AGRICULTURAL CARRIERS

The original tariff contains rates and rules established in Decision No. 85826 in Case No. 5438. Changes will be made by issuing revised or added pages or by issuing supplements.

(E) Expires with January 31, 1979.

- Addition)
o Increase) Decision No.
o Reduction)

88318

EFFECTIVE
(Original Tariff Effective July 24, 1976)

Correction

Issued by the
PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
State Building, Civic Center
San Francisco, California 94102

SECTION 1--RULES OF GENERAL APPLICATION		ITEM							
DEFINITION OF TECHNICAL TERMS									
<p>BUNKER ICING means placing ice in bunkers or compartments in carrier's equipment, separate or apart from the cargo area thereof, but not including the providing of mechanical means for distributing the cool air, such as fans.</p> <p>*CARRIER means a radial highway common carrier, a highway contract carrier and (E) an agricultural 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, which may be lawfully operated over the public highways without special permit.</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 by land, as defined in the Public Utilities Act, lawfully on file with the Commission and in effect at time of shipment.</p> <p>COMPONENT PART means any part of a shipment separately received by the carrier whether or not such part is separately delivered by the carrier; and any part of a shipment separately delivered by the carrier whether or not such part is separately received by the carrier.</p> <p>CONTAINER ICING means placing ice within the package.</p> <p>DISTANCE TABLE means Distance Table 8 issued by the Commission.</p> <p>DEBTOR means the person obligated to pay the freight charges to the carrier, whether consignor, consignee, or other party.</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>HOLIDAYS means New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Admission Day, Thanksgiving Day and Christmas Day. When such holidays fall on Sunday, the following Monday shall be considered 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>PICKUP AND DELIVERY RATE means the full rate applicable without the deduction authorized by Item 50.</p> <p>POINT OF DESTINATION means the precise location at which property is tendered for physical delivery into the custody of the consignee or his agent. (See also Item 50, paragraph 2.)</p> <p>POINT OF ORIGIN means the precise location at which property is physically delivered by the consignor or his agent into the custody of the carrier for transportation; except that all locations on or along a single packing or shipping shed, and all locations within a radius of 100 yards from a single point, within a single field will be considered as one point of origin. A single plant or shipping area shall include only contiguous property which shall not be deemed separate if intersected only by a public street or thoroughfare.</p> <p>POWER EQUIPMENT means any gasoline, diesel, electric or gas driven equipment including electric powered cranes and lift-truck equipment.</p> <p>(Continued)</p>									
<p>(E) Expires with January 31, 1979.</p> <table><tr><td>s Change</td><td rowspan="4">} Decision No.</td><td rowspan="4">88318</td></tr><tr><td>+ Addition</td></tr><tr><td>o Increase</td></tr><tr><td>o Reduction</td></tr></table>			s Change	} Decision No.	88318	+ Addition	o Increase	o Reduction	
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ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.									
Correction									

ITEM	SECTION 1--RULES OF GENERAL APPLICATION (Continued)
10	<p data-bbox="551 366 1042 388">DEFINITION OF TECHNICAL TERMS (Concluded)</p> <p data-bbox="299 432 1323 624">PRODUCE SERVICE SHIPMENT means a quantity of freight transported in one unit of carrier's equipment in one continuous movement not exceeding 48 hours in duration, consisting of one or more component parts delivered to, and/or received from, one or more consignee(s) or consignor(s) at one or more points of origin and/or destination. All shipping instructions and freight charges must be assumed by a single party when there is more than one consignee or consignor, and any oral shipping instructions must be confirmed by a single shipping document not later than 48 hours after final delivery. Applies only to truckload shipments subject to a minimum weight of 30,000 pounds or more.</p> <p data-bbox="299 646 1278 731">RAILHEAD means a point at which facilities are maintained for the loading of property into or upon, or the unloading of property from, rail cars. It also includes truck loading facilities of plants or industries located at such rail loading or unloading point.</p> <p data-bbox="299 753 1219 816">RATE includes charges and, also, the ratings, minimum weight, rules and regulations governing, and the accessorial charges applying in connection therewith.</p> <p data-bbox="299 838 1207 901">SAME TRANSPORTATION means transportation of the same kind and quantity of property and subject to the same limitations, conditions and privileges, although not necessarily in an identical type of equipment.</p> <p data-bbox="299 923 1281 987">SHIPMENT means a quantity of freight tendered by one shipper on one shipping document at one point of origin at one time for one consignee at one point of destination.</p> <p data-bbox="299 1009 1245 1192">SPLIT PICKUP SHIPMENT means a shipment consisting of several component parts, tendered at one time, received during one day and transported under one shipping document from (a) one consignor at more than one point of origin, or (b) more than one consignor at one or more points of origin, the composite shipment weighing (or transportation charges computed upon a weight of) not less than 4,000 pounds, said shipment being consigned and delivered to one consignee at one point of destination and, except as provided in paragraph 2 of Item 190, all charges thereon being paid by the consignee when there is more than one consignor.</p> <p data-bbox="299 1214 1298 1375">SPLIT DELIVERY SHIPMENT means a shipment consisting of several component parts delivered to (a) one consignee at more than one point of destination, or (b) more than one consignee at one or more points of destination, the composite shipment weighing (or transportation charges computed upon a weight of) not less than 4,000 pounds, said shipment being shipped by one consignor on one shipping document at one point of origin at one time and, except as provided in paragraph 2 of Item 190, all charges thereon must be prepaid, and shall be billed to and collected from only one debtor.</p> <p data-bbox="299 1397 1262 1439">TEAM TRACK means a point at which property may be loaded into, or upon, or unloaded from rail cars by the public generally.</p> <p data-bbox="299 1461 1285 1502">VEHICLE ICING means placing ice around or over the packages within carrier's equipment.</p> <p data-bbox="745 1541 872 1563">(Concluded)</p>
	No change on this page, Decision No. 88318
	EFFECTIVE
Correction	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.

MINIMUM RATE TARIFF 8-A

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF TARIFF--CARRIERS</p> <p>¶ Rates provided in this tariff are minimum rates, established pursuant to the Highway Carriers' Act. They apply for the transportation of property by carriers as defined in Item 10.</p> <p>When property in continuous through movement is transported by two or more such carriers, the rates (including minimum charges) provided herein shall be the minimum rates for the combined transportation.</p> <p>Rates, rules and regulations named in this tariff shall not apply to transportation by independent-contractor subhaulers when such transportation is performed for other carriers. This exception shall not be construed to exempt from the tariff provisions carriers for whom the independent contractors are performing transportation service.</p>	20
<p style="text-align: center;">APPLICATION OF TARIFF--TERRITORIAL</p> <p>Rates in this tariff apply between all points within the State of California.</p>	30
<p> ¶ Change Δ Change, neither increase nor reduction </p> <p style="margin-left: 400px;">) Decision No. 88318</p>	
EFFECTIVE	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	

Correction

ITEM	SECTION 1--RULES OF GENERAL APPLICATION (Continued)
40	<p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES</p> <p>Rates in this tariff apply to transportation of the following commodities (See Exception):</p> <p>Fruits, fresh or green, in their natural form, including dates, fresh (not cold pack nor frozen), subject to Note 2(h); Mushrooms, fresh (not cold pack nor frozen); Nuts, in the shell; Nuts, field shelled, subject to Note 2 (g); Vegetables, fresh or green, in their natural form, (not cold pack nor frozen), subject to Note 2(h); Containers, empty, second-hand, returning from an outbound paying load, or forwarded for a return paying load, of commodities for which rates are provided in this tariff, subject to Note 1.</p> <p>EXCEPTION.--Rates in this tariff do not apply to the following transportation (See Note 2):</p> <ul style="list-style-type: none"> (a) Disaster Supplies, i.e., those commodities which are allocated to provide relief during a state of extreme emergency or state of disaster; and those commodities which are transported for a civil defense or disaster organization established and functioning in accordance with the California Disaster Act to ultimate point of storage or use prior to or during a state of disaster or state of extreme emergency. (b) Empty containers used or shipped out for use in connection with transportation described in paragraph (e) below, subject to Note 3. (c) Fresh or green fruits, fresh or green vegetables, or mushrooms, as described herein, moving to a cold storage plant to be held for interim storage for a subsequent movement to a cannery, subject to Note 4. (d) Fresh or green fruits, fresh or green vegetables, nuts (in the shell or field shelled), or mushrooms, as described herein, when the point of destination of the shipment is a cannery, accumulation station, pre-cooling plant, or winery; nor to the empty containers used or shipped out for use in connection with such transportation, nor to shipments rejected at such facilities or at inspection stations enroute to said facilities and returned to point of origin. (e) Fresh or green fruits, fresh or green vegetables, nuts (in the shell or field shelled), or mushrooms, as described herein, when transported from the field or point of growth to a packing plant, cold storage plant, or a packing shed, nor when transported between packing sheds, subject to Notes 3 and 5. (f) Property of the United States, or property transported under an agreement whereby the United States contracted for the carrier's services. (g) Property transported for a displaced person when the cost thereof is borne by a public entity as provided in Section 7262 of the Government Code. (h) Sugar beets when the point of destination of the shipment is a beet sugar factory or a railroad loading dump. (i) Pallets, empty, second-hand, returning from an outbound paying load of commodities for which rates are provided in this tariff, subject to Note 1. <p>NOTE 1.--Highway carriers must determine before accepting shipment that said containers were moved filled and are being returned by the same carrier or carriers to consignor of the filled containers; or that containers shipped for return paying load will, when filled, move by the same carrier or carriers to the consignor of the original empty containers.</p> <p style="text-align: center;">(Continued)</p>
	<p>No change on this page, Decision No. 88318</p>
	<p style="text-align: right;">EFFECTIVE</p>
Correction	<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>