

JUN 27 1978

ORIGINAL

Decision No. 89005

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 in the Counties of Contra Costa, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Mateo, Santa Clara, Santa Cruz, Solano and Sonoma, and in the County of Alameda and in the City and County of San Francisco as provided in Minimum Rate Tariffs 1-B and 19, respectively, and the revisions or reissues thereof.

Case No. 5441, OSH 372  
(Filed November 2, 1976)

OPINION AND ORDER ON REHEARING

Decision No. 89004, entered today in Case No. 5432, OSH 922, found that with modifications there is a need for the exemption ordered by Decision No. 86380; that Decision No. 86380 should be rescinded by separate order; and that the tariff revisions attached hereto should be adopted.

IT IS ORDERED that:

1. Decision No. 86380 is rescinded.
2. Minimum Rate Tariff 1-B (Appendix B of Decision No. 65834, as amended) is further amended by incorporating therein, to become effective thirty-nine days after the date hereof, Supplement 30, Twenty-third Revised Page 11, and Third Revised Page 14-A attached hereto and by this reference made a part hereof.
3. Minimum Rate Tariff 19 (Appendix A of Decision No. 41363, as amended) is further amended by incorporating therein, to become effective thirty-nine days after the date hereof, Supplement 39, Twenty-eighth Revised Page 12, and Third Revised Page 15-B attached hereto and by this reference made a part hereof.

4. OSH 372 in Case No. 5441 is concluded.

The effective date of this order shall be thirty days after the date hereof.

Dated at San Francisco, California, this 27th day of San Francisco, 1978.

William Quinn President  
Gregory L. Sturgeon  
Robert D. Walsh  
Clare J. DeWitt Commissioners

Commissioner Robert Batinovich, being  
temporarily absent, did not participate  
in the disposition of this proceeding.

SUPPLEMENT 30  
(Cancels Supplement 25)  
(Supplements 20, 27, 29 and 30 Contain All Changes)  
TO  
MINIMUM RATE TARIFF 1-B  
NAMING  
MINIMUM RATES AND RULES  
FOR THE  
TRANSPORTATION OF PROPERTY OVER THE  
PUBLIC HIGHWAYS WITHIN AND  
BETWEEN THE CITIES OF  
ALAMEDA      ALBANY      BERKELEY  
EMERYVILLE      OAKLAND      PIEDMONT  
BY  
RADIAL HIGHWAY COMMON CARRIERS  
HIGHWAY CONTRACT CARRIERS  
AGRICULTURAL CARRIERS  
AND  
DUMP TRUCK CARRIERS

Decision No.

**89006**

EFFECTIVE

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

SECTION 1--RULES	ITEM
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS                      (Items 10, 11 and 12)</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, (E) an agricultural carrier, a cement contract carrier or a dump truck 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>CITY DELIVERY or CITY DELIVERIES means transportation of property to retail stores or direct consumers of the property transported when the shipment originates within the territory covered by this tariff at other than a carrier's depot, dock, wharf, pier, or landing.</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>*COURIER SERVICE is defined as operations having the following characteristics: (a) A carrier vehicle fleet consisting of only vehicles having a licensed weight of 4,500 pounds or less; (b) Delivery shall be made within 24 hours after pickup.</p> <p>DANGEROUS ARTICLES means articles described in the Hazardous Materials Tariff.</p> <p>HAZARDOUS MATERIALS TARIFF means Hazardous Materials Tariff ATA 111-C, Cal PUC 13, of American Trucking Associations, Inc., Agent.</p> <p>DEBTOR means the person obligated to pay the freight charges to the carrier, whether consignor, consignee or other party.</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>GOVERNING CLASSIFICATION means National Motor Freight Classification NMF 100-E, including supplements thereto or reissues thereof when the provisions of such supplements or reissues have been approved by the Commission.</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 style="text-align: center;">(Continued in Item 11)</p>	<p style="text-align: center;">§10</p>
<p>(E) Expires with January 31, 1979.</p> <p>Change )                      Addition ) Decision No. <b>89006</b></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 1-B

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES (Concluded)            (Items 30, 31 and 32)</p> <p>3. Rates in this tariff will not apply to the transportation of the following:</p> <p>Commodities weighing 100 pounds or less per piece or package when delivered from retail stores, or when returned to the original retail store shipper via the carrier which handled the outbound movement</p> <p>Commodities when transported in an armored car operated under permit from the Commissioner of the California Highway Patrol</p> <p>Commodities which consist of or contain materials essential to National Defense and which have been donated to and are transported for the United States government, governmental agencies or nonprofit organizations acting for or in behalf of said government in the collection, assembly or transportation of said commodities in connection with the recovery of said essential materials from the commodities transported</p> <p>Commodities which have been sold at retail by a retail merchant, and transported from a retail store or retail store warehouse to residences of retail customers, or transported from residences of retail customers to retail stores or retail store warehouses, and such transportation is performed in vehicles in the exclusive use of the retailer and providing no shipment exceeds 2,000 pounds in weight; further, that the merchandise is for the use or consumption of retail customers and is not for use in the furtherance of an industrial or commercial enterprise; and provided that the retailer shall certify on the shipping document for each delivery that the merchandise was sold at retail to a retail customer</p> <p>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</p> <p>Property of the United States, or property transported under an agreement whereby the United States contracted for the carrier's services</p> <p>Property shipped to or from producers of motion pictures or television shows when transported subject to the rates and rules provided by Decision No. 33226, in Cases Nos. 4246 and 4434, as amended</p> <p>Property transported by special messenger service</p> <p>Property transported in connection with pickup and delivery of shipments for common carriers when such shipments are transported from or to points outside the area named herein under through pickup and delivery rates</p> <p>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.</p> <p>*Shipments of the following commodities, when transported by carriers engaged in courier service as defined in Item No. 10 of this tariff: (1) Business Records, viz.: checks, drafts, money orders, securities, transit items, sales audit media, tabulation cards, data processing materials, legal documents, printed or reproduced documents or data and related items, video tapes, films, and printed news stories; (2) Medical specimens, viz., Human and animal specimens, contained in glass or plastic tubes or vials, or whole blood serum for medical laboratory examination; individual units of whole blood; glass slides for microscopic tissue examination; urine and stool specimens; sputum, wound and other similar cultures; tissue samples for pathological examination; X-ray photographs; medical transmittal documents, and documents reporting results of laboratory examination, and specimen envelopes, laboratory test forms and transmittal containers furnished by medical laboratories to their clients.</p> <p>4. Rates in this tariff will not apply in connection with unloading and distribution of freight forwarders' cars originating at points outside the state.</p>	<p style="text-align: center;">#32</p>
<p>(1) Second Revised Page 14-A was suspended by Supplement 25.</p> <p>Change )            * Addition ) Decision No. <b>89006</b></p>	
<p style="text-align: center;">EFFECTIVE</p>	
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,            SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	

SUPPLEMENT 39

(Cancels Supplement 34)

(Supplements 29, 36, 38 and 39 Contain All Changes)

TO

MINIMUM RATE TARIFF 19

NAMING

MINIMUM RATES AND RULES

FOR THE

TRANSPORTATION OF PROPERTY OVER THE

PUBLIC HIGHWAYS

OF THE

CITY AND COUNTY OF SAN FRANCISCO

BY

RADIAL HIGHWAY COMMON CARRIERS

HIGHWAY CONTRACT CARRIERS

AGRICULTURAL CARRIERS

AND

DUMP TRUCK CARRIERS

Decision No.

**89006**

EFFECTIVE

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

MINIMUM RATE TARIFF 19

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;"><b>DEFINITION OF TECHNICAL TERMS</b> (Items 10 and 20)</p> <p><b>ARMORED CAR</b> means any motor truck and/or other highway vehicle which has been armored with bullet resistant metal and/or bulletproof glass, and which is manned by an armed crew.</p> <p><b>CARRIER</b> means a radial highway common carrier, a highway contract carrier, (E)an agricultural carrier or a dump truck 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>CITY DELIVERY or CITY DELIVERIES</b> means the transportation of property to retail stores or direct consumers of the property transported when the shipment originates within the City and County of San Francisco at other than a carrier's depot, dock, wharf, pier or landing.</p> <p><b>COMMISSION</b> means the Public Utilities Commission of the State of California.</p> <p><b>*COURIER SERVICE</b> is defined as operations having the following characteristics: (a) A carrier vehicle fleet consisting of only vehicles having a licensed weight of 4,500 pounds or less; (b) Delivery shall be made within 24 hours after pickup.</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 governmental agency to accompany a shipment for highway safety.</p> <p><b>EXCEPTION RATINGS TARIFF</b> means Exception Ratings Tariff 1 issued by the Commission.</p> <p><b>GOVERNING CLASSIFICATION</b> means National Motor Freight Classification NMF 100-E, 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 ATA 111-C, Cal PUC 13, 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 Sunday, the following Monday shall be considered as a holiday.</p> <p><b>INDEPENDENT-CONTRACTOR SUBHAULER</b> 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><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>POINT OF DESTINATION</b> means the precise location at which property is tendered for physical delivery into the custody of the consignee.</p> <p><b>POINT OF ORIGIN</b> means the precise location at which property is physically delivered by the consignor into the custody of the carrier for transportation.</p> <p style="text-align: center;">(Continued in Item 20)</p>	<p style="text-align: center;">610</p>
<p>(E) Expires with January 31, 1979.</p>	
<p>Change )                  Addition ) Decision No. <b>89006</b></p>	
<p style="text-align: center;">EFFECTIVE</p>	
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,                  SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	

MINIMUM RATE TARIFF 19

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES (Continued)            (Items 50, 51 and 52)</p> <p>3. Rates in this tariff will not apply to the transportation of the following:</p> <ul style="list-style-type: none"> <li>Commodities weighing 100 pounds or less per piece or package when delivered from retail stores, or when returned to the original retail store shipper via the carrier which handled the outbound movement</li> <li>Commodities when transported in an armored car operated under permit from the Commissioner of the California Highway Patrol</li> <li>Commodities which consist of or contain materials essential to National Defense and which have been donated to and are transported for the United States Government, governmental agencies, or nonprofit organizations acting for or in behalf of said government in the collection, assembly or transportation of said commodities in connection with the recovery of said essential materials from the commodities transported</li> <li>Commodities which have been sold at retail by a retail merchant, and transported from a retail store or retail store warehouse to residences of retail customers, or transported from residences of retail customers to retail stores or retail store warehouses, and such transportation is performed in vehicles in the exclusive use of the retailer and providing no shipment exceeds 2,000 pounds in weight; further, that the merchandise is for the use or consumption of retail customers and is not for use in the furtherance of an industrial or commercial enterprise; and provided that the retailer shall certify on the shipping document for each delivery that the merchandise was sold at retail to a retail customer</li> <li>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</li> <li>Property of the United States, or property transported under an agreement whereby the United States contracted for the carrier's services</li> <li>Property shipped to or from producers of motion pictures or television shows when transported subject to the rates and rules provided by Decision No. 33226, in Cases Nos. 4246 and 4434, as amended</li> <li>Property transported to a United States post office for mailing and United States mail transported from a post office to the addressee thereof</li> <li>Property transported in connection with pickup and delivery of shipments for common carriers when such shipments are transported from or to points outside the San Francisco city limits under through pickup and delivery rates</li> <li>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.</li> <li>*Shipments of the following commodities, when transported by carriers engaged in courier service as defined in Item No. 10 of this tariff: (1) Business Records viz., checks, drafts, money orders, securities, transit items, sales audit media, tabulation cards, data processing materials, legal documents, printed or reproduced documents or data and related items, video tapes, films and printed news stories; (2) Medical specimens, viz., Human and animal specimens, contained in glass or plastic tubes or vials, or whole blood serum for medical laboratory examination; individual units of whole blood; glass slides for microscopic tissue examination; urine and stool specimens; sputum, wound and other similar cultures; tissue samples for pathological examination; X-ray photographs; medical transmittal documents, and documents reporting results of laboratory examination, and specimen envelopes, laboratory test forms and transmittal containers furnished by medical laboratories to their clients.</li> </ul> <p>4. Rates in this tariff will not apply in connection with unloading and distribution of freight forwarders' cars originating at points outside the state.</p>	<p style="text-align: center;">852</p>
<p>(1) Second Revised Page 15-B was suspended by Supplement 34.</p> <p>Change                    ) Decision No.   <b>89006</b>        * Addition                )</p>	
<p>EFFECTIVE</p>	
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,        SAN FRANCISCO, CALIFORNIA.</p>	

Correction