

ORIGINAL

Decision No. 89379 SEP 6 1978

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 any)
and all commodities statewide)
including, but not limited to,)
those rates which are provided)
in Minimum Rate Tariff 2 and the)
revisions or reissues thereof.)

Case No. 5432

Case No. 5439

And Related Matters)

Case No. 5441

SUPPLEMENTAL OPINION AND ORDER

By Decision 77632 dated August 18, 1970, in the above proceeding, the Commission found that its several minimum rate tariffs should be governed by the Motor Carriers' Explosives and Dangerous Articles Tariff 14, Cal.P.U.C. 9, of American Trucking Association, Inc., Agent, to the extent that this tariff reflects the California safety regulations administered by the California Highway Patrol.¹

Regulations that dangerous articles must be described on bills of lading in accordance with the provisions of the Hazardous Materials Tariff are contained in the various tariffs.² It has come to the Commission's attention that these regulations are located in the tariffs in a nonprominent location where they may not be readily observed. The Commission believes that the seriousness of the necessity that carriers put the proper descriptions on bills of lading is

¹ This tariff is now known as the Hazardous Materials Tariff ATA 111-C, Cal.P.U.C. 13, of American Trucking Associations, Inc., Agent.

² The regulation in Minimum Rate Tariff 2 is set forth in paragraph 4(a) of Item 256.

such that these regulations should be placed in positions in the tariffs so that they can be easily seen by all tariff users.

In the circumstances, the Commission finds that the necessary amendments should be made by the order herein. A public hearing is not necessary. In order to avoid duplication of tariff distribution, Minimum Rate Tariff 2 should be amended by this order and the other minimum rate tariffs should be amended by separate orders.

IT IS ORDERED that:

1. Minimum Rate Tariff 2 (Appendix D to Decision 31606, as amended) is further amended by incorporating therein, to become effective thirty-nine days after the date hereof, Eighteenth Revised Page 27-A and Fifteenth Revised Page 27-B, attached hereto and by this reference made a part hereof.

2. Common carriers subject to the Public Utilities Act, to the extent that they are subject also to Decision 31606, as amended, are authorized to establish in their tariffs the amendments necessary to conform with the further adjustment ordered by this decision.

3. Tariff publications authorized to be made by common carriers as a result of this order may be made effective not earlier than thirty-nine days after the date hereof and may be made effective on not 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.

4. Common carriers, in establishing and maintaining the amendments authorized by this order, are 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.

5. In all other respects, Decision 31606, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 6th day of SEPTEMBER, 1978.

Robert B. Johnson
President
William S. Jones Jr
Vernon L. Stinson
Charles D. Hoyle

Commissioners

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">ISSUANCE OF DOCUMENTS (Items 255 and 256)</p> <p>1. ISSUANCE OF BILLS OF LADING. The bill of lading required to be issued in accordance with provisions of the Governing Classification shall be issued at the time of or prior to the receipt of or pickup of the shipment. *DESCRIPTION OF DANGEROUS ARTICLES OR HAZARDOUS MATERIALS MUST BE IN TERMS PRESCRIBED IN THE HAZARDOUS MATERIALS TARIFF, INCLUDING REFERENCE TO LABELING REQUIREMENTS (See Item 129 of this tariff). (See Item 85, multiple lot shipment; Items 160-163, split pickup shipment; and Items 170-173, split delivery shipment and Item 188, multiple service shipment, for special governing provisions.)</p> <p>2. ISSUANCE OF FREIGHT BILL. A freight bill shall be issued by the carrier for each shipment transported. Except with respect to intercarrier transactions, the carrier shall not apportion, prorate, or otherwise divide the freight charges between or among the consignor(s), consignee(s), or any other parties. The freight bill shall show the following information:</p> <ul style="list-style-type: none"> (a) Name of carrier, the carrier's current address (including zip code) and carrier's telephone number (including area code). (b) Date of freight bill. (c) Date of shipment. (d) Name of consignor and name of consignee. (e) Point of origin and point of destination. Δ(f) Description of shipment (in terms of the Governing Classification, Exception Ratings Tariff, Hazardous Materials Tariff, or as provided in this tariff). (g) Weight of the shipment (or other factor or unit of measurement upon which the charges are based). (h) Rate and charge assessed. (i) Such other information as may be necessary to make an accurate determination of the applicable minimum rate and charge. <p>3. ISSUANCE OF ACCESSORIAL SERVICE DOCUMENT. An accessorial service document shall be issued by the carrier to the consignor or consignee who requested or ordered the service for stacking, sorting, helpers for loading or unloading, vehicle detention or any other accessorial or incidental service when rendered by the carrier, but which is not authorized to be performed under the transportation rates named in Sections 2 and 3 of this tariff. The accessorial service document (see Item 912 for a suitable and proper form) shall show the following information:</p> <ul style="list-style-type: none"> (a) Name of carrier, the carrier's current address (including zip code) and carrier's telephone number (including area code). (b) Date of issuance. (c) Name of consignor or consignee or their representative, ordering or requiring the services, or for whom they are rendered. (d) Bill of lading numbers or other identification of the shipments in connection with which the services are rendered. (e) Time for which equipment ordered, if any, and time of constructive and actual placement. (f) Address at which the accessorial service is performed. (g) Weight, in pounds, loaded or unloaded. (h) Time loading or unloading begun and completed. (i) Free time allowable. (j) Time or weight on which charges are based. (k) Rate and charges assessed. (l) Such other information as may be necessary to make an accurate determination of the applicable minimum rate and charge. <p style="text-align: center;">(Continued in Item 256)</p>	<p style="text-align: center;">255</p>
<ul style="list-style-type: none"> Ø Change) * Addition) Δ Change, neither increase) Decision No. 89379 nor reduction) 	
EFFECTIVE	
Correction	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.

MINIMUM RATE TARIFF 2

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">ISSUANCE OF DOCUMENTS (Concluded) (Items 255 and 256)</p> <p>64. For the transportation of (1) permit shipments, (2) shipments which require circuitous routing, (3) shipments requiring escort service, or (4) dangerous articles or hazardous materials, the following information, wherever applicable, shall be shown on all bills of lading, freight bills or accessorial service documents issued by the carrier in connection therewith and shall be in addition to the information otherwise required to be shown thereon:</p> <p>(a) Permit identification of all permit shipments. (See Item 11)</p> <p>(b) Any circuitous routing required, and the authority therefor.</p> <p>(c) Any escort service furnished and the authority therefor. (See Item 10)</p> <p>Δ(d) Any description of dangerous articles *or hazardous materials must be in terms prescribed in the Hazardous Materials Tariff, including reference to labeling requirements. A further description not inconsistent therewith may be included.</p> <p>5. A copy of each bill of lading, freight bill, accessorial service document, weighmaster's certificate, written instructions, written agreement, written request or any other written document which supports the rates and charges assessed and which the carrier is required to issue, receive or obtain by this tariff for any transportation or accessorial service shall be retained and preserved by the carrier, at a location within the State of California, subject to the Commission's inspection, for a period of not less than three years from the date of issue.</p>	256
<p style="text-align: center;">UNITS OF MEASUREMENT TO BE OBSERVED</p> <p>Except as otherwise provided in this tariff, rates or accessorial charges shall not be quoted or assessed by carriers based upon a unit of measurement different from that in which the minimum rates and charges in this tariff are stated.</p>	257
<p>Δ Change) * Addition) Δ Change, neither increase) Decision No. 59379 nor reduction)</p>	
EFFECTIVE	
Correction	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.