

ORIGINAL

Decision No. 89882 } JAN 16 1979

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

And Related Matters)

Case No. 5437
Case No. 5438
Case No. 5439
Case No. 5441
Case No. 7783
Case No. 7857

OPINION AND ORDER

Senate Bill No. 860 enacted by the Legislature at the 1977 session, established, effective January 1, 1978, a new class of highway carrier defined as an "agricultural carrier" by amendment to the Highway Carriers' Act. By Decision 88316, dated January 10, 1978, Minimum Rate Tariffs 1-B, 2, 7-A, 8-A, 9-B, 14-A, 15 and 19 were amended to cover transportation by agricultural carrier subject to an expiration date of January 31, 1979. By Decision 89575, dated October 31, 1978, the Commission issued its decision concerning the implementation of Senate Bill No. 860.

In the circumstances, it appears, and the Commission finds, that amendment of Minimum Rate Tariffs 1-B, 2, 7-A, 8-A, 9-B, 14-A, 15 and 19 to cover transportation by agricultural carrier is justified to the extent indicated in the following order and the separate orders hereinafter mentioned. A public hearing is not necessary. Minimum Rate Tariff 2 will be amended accordingly by the order herein. In order to avoid duplication of tariff distribution, the other minimum rate tariffs will be amended by separate orders.

C. 5432, et al. - FS

This order will eliminate the expiration date of January 31, 1979, and the provisions will not be subject to an expiration date.

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 February 1, 1979, Twelfth Revised Title Page and Fifty-fifth Revised Page 11 attached hereto and by this reference made a part hereof.

2. The rates, charges and rules set forth in Minimum Rate Tariff 2 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, logs 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 31606, as amended, shall remain in full force and effect.

4. The Executive Director shall serve a copy of this decision on every common carrier, or such carriers' authorized tariff publishing agents, performing transportation services subject to Minimum Rate Tariff 2.

5. The Executive Director shall serve a copy of each of the tariff amendments on each subscriber to Minimum Rate Tariff 2.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 11th day of January, 1979.

Robert B. ...
President
Charles D. ...
Clara L. ...

Commissioners

MINIMUM RATE TARIFF 2
(FORMERLY HIGHWAY CARRIERS' TARIFF NO. 2)

NAMING

MINIMUM RATES, RULES AND REGULATIONS

FOR THE

TRANSPORTATION OF PROPERTY OVER THE

PUBLIC HIGHWAYS WITHIN THE

STATE OF CALIFORNIA

BY

RADIAL HIGHWAY COMMON CARRIERS

HIGHWAY CONTRACT CARRIERS

AGRICULTURAL CARRIERS

CEMENT CONTRACT CARRIERS

DUMP TRUCK CARRIERS

AND

HOUSEHOLD GOODS CARRIERS

IMPORTANT NOTICE

Reference in this or other tariffs to Highway Carriers' Tariff No. 2 shall be construed as referring to Minimum Rate Tariff 2.

The original tariff contains rates, rules and regulations established in Decision No. 31606 in Case No. 4246. Changes contained in subsequent orders will be made by reissuing the pages on which the changes occur or by issuing supplements showing the corrected items.

This tariff is governed by the publications described in Item 50 to the extent shown herein.

Expiration date on Agricultural Carriers eliminated, Decision No.

89882

EFFECTIVE FEBRUARY 1, 1979
(Original Tariff Effective August 7, 1939)

Correction

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

MINIMUM RATE TARIFF 2

| SECTION 1--RULES OF GENERAL APPLICATION | ITEM |
|--|------|
| <p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Items 10, 11 and 12)</p> <p>AIR-MILE means a statute mile measured in a straight line without regard to terrain features or differences in elevation.</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, an agricultural carrier, a cement contract carrier or a dump truck carrier as defined in the Highway Carriers' Act, or a household goods carrier as defined in the Household Goods 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>COMPONENT PART means any part of a shipment 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>CONSIGNOR means the person, firm or corporation shown on the bill of lading as the shipper of the property received by the carrier for transportation.</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 named in the Hazardous Materials Tariff.</p> <p>DEBTOR means the person obligated to pay freight charges to the carrier, whether consignor, consignee or other party.</p> <p>DISTANCE TABLE means Distance Table 8 issued by the Commission.</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 2 issued by the Commission.</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>HAZARDOUS MATERIALS means articles or materials 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>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 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> | 10 |
| <p>** Expiration date on Agricultural Carrier eliminated, Decision No. 89882 !</p> | |
| EFFECTIVE FEBRUARY 1, 1974 | |
| ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA. | |

Correction