

ORIGINAL

Decision No. 89883 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)
sand, rock, gravel and related)
items in bulk, in dump truck)
equipment between points in)
California as provided in Mini-)
mum Rate Tariff 7-A and the)
revisions or reissues thereof.)

Case No. 5437

SUPPLEMENTAL OPINION AND ORDER

Decision 89882, 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 7-A should be amended by separate order to avoid duplication of tariff distribution.

IT IS ORDERED that:

1. Minimum Rate Tariff 7-A (Appendix B of Decision 82061, as amended) is hereby further amended by incorporating therein, to become effective February 1, 1979, Second Revised Title Page, Sixth Revised Page 6, and Sixth Revised Page 7, attached hereto and by this reference made a part hereof.

2. The rates, charges and rules set forth in Minimum Rate Tariff 7-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 fodder in carrier's equipment between the points for which rates are provided in said tariff.

3. In all other respects, Decision 82061, 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 7-A.

5. The Executive Director shall serve a copy of each of the tariff amendments on each subscriber to Minimum Rate Tariff 7-A.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 16th day of January, 1979.

Robert Bateman
President
Robert D. Gould
Charles J. DeSantis

Commissioners

MINIMUM RATE TARIFF 7-A
(CANCELS MINIMUM RATE TARIFF 7)

NAMING
MINIMUM RATES AND RULES
FOR THE
TRANSPORTATION OF PROPERTY IN DUMP TRUCK
EQUIPMENT BETWEEN POINTS IN CALIFORNIA
BY
RADIAL HIGHWAY COMMON CARRIERS
HIGHWAY CONTRACT CARRIERS
AGRICULTURAL CARRIERS
AND
DUMP TRUCK CARRIERS

The original tariff contains rates and rules established in Decision No. 82061 in Case No. 5437. 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.

Expiration date on Agricultural Carriers eliminated, Decision No.

89883

EFFECTIVE FEBRUARY 1, 1979
(Original Tariff Effective January 19, 1974)

Correction

SECTION 1--RULES	ITEM
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS</p> <p>BATCHING PLANT means an installation (structure and appurtenant storage area) at which the ingredients for the production of concrete are received, stored, weighed, batched and subsequently transported therefrom.</p> <p>**CARRIER means a radial highway common carrier, a highway contract carrier, an agricultural carrier, or a dump truck carrier as defined in the Highway Carriers' Act.</p> <p>COMMERCIAL PRODUCING PLANT means an installation (structure and appurtenant storage area) at which rock, sand, and/or gravel are processed as to size and/or grade and placed in stockpiles or bunkers.</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>CONSIGNEE means the person, firm or corporation to whom the property is to be physically delivered by the carrier.</p> <p>CONSIGNOR means the person, firm or corporation from whom the property was physically received by the carrier for transportation.</p> <p>DEBTOR means the person(s) and/or corporation(s) obligated to pay a freight charge of a carrier. It also includes an overlying carrier utilizing service(s) of an underlying carrier.</p> <p>DISTANCE TABLE means Distance Table 8 issued by the Commission.</p> <p>DISTRIBUTING YARD means an area for storage of rock, sand, gravel, or cold road oil mixture (commonly called "plant mix") in piles, bins, silos or bunkers.</p> <p>DIY MIXTURES OF SAND, AND/OR GRAVEL AND/OR CRUSHED STONE (WITH OR WITHOUT CEMENT) IN BATCHES means a shipment of said mixture transported in dump truck equipment provided with one or more batch gates permitting the loading and unloading of a portion or portions of the shipment separately from the other portion or portions of the shipment.</p> <p>DUMP TRUCK EQUIPMENT means any motor vehicle (including component trailing equipment) as defined in the Highway Carriers' Act, which discharges its load by gravity either (a) in conjunction with mechanical or pneumatic (induction of air used to speed gravitation) means that are an integral part of the vehicle, or (b) by opening all or a portion of the bottom, sides or end, or (c) by combination of (a) and (b). It does not include a motor vehicle engaged in the transportation of concrete mechanically mixed in transit or equipment which is unloaded by air pressure in defiance of gravity.</p> <p>EARTH includes dirt, loam, silt or soil, individually or in any combination. It also includes miscellaneous material such as stone, rock, tree stumps, and broken concrete in combination with earth when such material does not exceed 50 percent of the total volume of the shipment.</p> <p>FREIGHT CHARGE means a charge which applies pursuant to provisions of this tariff for any service(s) performed by a carrier.</p> <p>HOT PLANT means a fixed installation for the heating of road oil or asphalt and the mixing of such heated oil or asphalt with rock, sand and any other ingredients to produce cold road oil mixture ("plant mix") or asphaltic concrete ("hot stuff").</p> <p>MAXIMUM ALLOWED LOAD means the maximum total gross weight with load in pounds permitted under the provisions of Section 35551 of the California Vehicle Code, based on a distance between the first and last axles of 56 feet or over.</p> <p style="text-align: center;">(Continued)</p>	10
<p>** Expiration date on Agricultural Carrier eliminated, Decision No. 89883</p>	
<p>EFFECTIVE FEBRUARY 1, 1979</p>	
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	

ITEM	SECTION 1--RULES (Continued)
10	<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Continued)</p> <p>OVERLYING CARRIER (PRINCIPAL CARRIER) means a carrier which contracts with a shipper to provide transportation service for the latter, but which carrier in turn employs another carrier, known as the Underlying Carrier (independent-contractor subhauler), to perform that service. (See Note.)</p> <p>NOTE.--The term "Overlying Carrier" also includes an underlying carrier which employs another carrier to perform transportation service.</p> <p>POINT OF DESTINATION means the precise location at which a shipment is tendered for physical delivery into the custody of the consignee or his agent. It includes all locations within 100 feet of the point at which physical delivery of said shipment is initiated.</p> <p>POINT OF ORIGIN means the precise location at which a shipment is physically delivered by the consignor or his agent into the custody of the carrier for transportation. Except for transportation subject to paragraph (1) of Item 150, all points within a single commercial producing plant shall be considered as one point of origin. A single commercial producing plant shall include only contiguous property which shall not be deemed separate if intersected by a public street or streets.</p> <p>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 or vessels. It also includes truck loading facilities of plants or industries located at such rail or vessel loading or unloading point.</p> <p>RATE includes charge, and also the ratings, minimum weight, rules governing, and the accessorial charges applying in connection therewith.</p> <p>SAME TRANSPORTATION means transportation of the same kind and quantity of property and subject to the same limitations, conditions and privileges, although not necessarily transported in an identical type of equipment.</p> <p>SEWAGE DISPOSAL PLANT means a fixed installation in which filtering rock is used for getting rid of sewage.</p> <p>SHIPMENT means a quantity of freight tendered by one consignor on one shipping document at one point of origin for one consignee at one point of destination to be transported at one time in one unit of equipment. (See also exceptions in rule and definition for multiple lot shipment). (1) Shipment does not include the unit of equipment utilized to transport property for which rates are provided in this tariff, nor any trailer, semitrailer or dolly when moved empty in connection with transportation of such commodities (See also exceptions in rule and definition for multiple lot shipment).</p> <p>SHIPPER means the person, firm or corporation (other than a carrier) who arranges with the carrier for the transportation of the property.</p> <p>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 style="text-align: center;">(Continued)</p>
<p>No change on this page, Decision No. 89883</p>	
<p>EFFECTIVE FEBRUARY 1, 1979</p>	
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Correction