

Decision No. 91865 JUN 3 1980

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 used )  
household goods and related )  
property statewide as provided )  
in Minimum Rate Tariff 4-B and )  
the revisions or reissues )  
thereof. )

Case No. 5330

OPINION AND ORDER

Assembly Bill 483 (AB 483), which became effective September 12, 1979, amended Sections 5109 and 5112 of the Public Utilities Code. The term "exclusively" and the phrase "being so used exclusively" were removed from Section 5109 and Section 5112, respectively.

Before enactment of AB 483, a household goods carrier was restricted to the transportation of used household goods and personal effects, office, store and institution furniture and fixtures by means of a motor vehicle or motor vehicles used exclusively for transporting such goods. A household goods carrier was prohibited from transporting a mixed load of used household goods and general freight on the same vehicle at the same time. Also, if tendered a mixed shipment of uncrated used office equipment and crated new office equipment, a household goods carrier would have had to reject the shipment. On the other hand, a highway contract carrier or a highway common carrier, though prohibited from transporting straight shipments of household goods, could haul mixed shipments of household goods and other commodities at the same time and it was not required to obtain a household goods carrier permit.

With the enactment of AB 483, household goods carriers solely possess the highway carrier rights for the transportation of used household goods and personal effects, office, store and institution furniture and fixtures. Other for-hire highway carriers are prohibited from hauling such used property. A highway common carrier who previously held itself out and published rates for transportation of such used property may no longer do so as a highway common carrier. A contract carrier may no longer handle the traffic under its contract authority.

By Decision 90324, the Commission established a procedure for common carriers under Public Utilities Code Section 1063 and Section 1063.5 to adopt any of the Commission's minimum rate tariffs listed in that decision. The provision in ordering paragraph 5 of said Decision which allows the adoption of Minimum Rate Tariff 4-B should now be deleted.

In the circumstances, the Commission finds and concludes that the necessary amendments to the Commission's minimum rate tariff, stated in the ensuing order, should be made to comply with Assembly Bill 483.

IT IS ORDERED that:

1. Minimum Rate Tariff 4-B (Appendix C to Decision 65521, as amended) is further amended by incorporating therein to become effective June 19, 1980, Ninth Revised Page 4, Second Revised Page 5 and Supplement 44 attached hereto and by this reference made a part hereof.
2. Common carriers publishing and maintaining rates for the transportation of used property, viz: household goods, personal effects and office, store and institution furniture, fixture and equipment shall hereby delete these commodities from their respective tariffs.
3. Common carriers who have not excluded used property, viz: household goods, personal effects and office, store and institution furniture, fixture and equipment from their scope of operations shall hereby amend their tariffs to effect such an exclusion.

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4. The provisions of ordering paragraph 5 of Decision 90324 shall be deleted therefrom.

5. Appendix A (Adoption Notice) to Decision 90324, which lists Minimum Rate Tariff 4-B, among other minimum rate tariffs, shall be amended by deleting that tariff from such adoption notice. An Amended Adoption Notice is attached hereto and by this reference made a part hereof.

6. Special Commodity Tariff 4-B (Supplemental to Minimum Rate Tariff 4-B) attached to Decision 90324 shall be cancelled. Cancellation Supplement 45 is attached hereto and by this reference made a part hereof.

7. In all other respects, Decision 90324, as amended, and Appendix C to Decision 65521, as amended, shall remain in full force and effect.

8. The Executive Director shall serve a copy of this decision on all highway contract carriers, highway common carriers, and household goods carriers.

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

Dated JUN 3 1980, at San Francisco, California.

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

James E. Bayron  
President

William L. Lathrop  
Michael A. Hoeber

Leonard M. Smith  
Commissioners

SECTION 1--RULES	Page
<p style="text-align: center;"><b>DEFINITION OF TECHNICAL TERMS</b> (Items 5 and 10)</p> <p><b>3 CARRIER</b> means household goods carrier as defined in the Household Goods Carriers Act.</p> <p><b>COMMISSION</b> means the Public Utilities Commission of the State of California.</p> <p><b>COMMON CARRIER RATE</b> 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 the time of shipment.</p> <p><b>CRATED PROPERTY</b> means property securely packed in salesman's hand sample cases, suitcases, overnight or boston bags, brief cases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags (jute, cotton, burlap or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard, or straw matting).</p> <p><b>CREDIT CARD</b> means a card defined in Section 484(d) of the Penal Code of the State of California, other than a card issued by the carrier, including bank credit cards and cards issued by major credit card companies.</p> <p><b>DISTANCE TABLE</b> means Distance Table 2 issued by the Commission.</p> <p><b>FLIGHT</b> means (1) a series of over 7 but not over 20 steps, except in a single dwelling; (2) each series of not more than 20 steps in excess of the first 20 steps, except in a single dwelling; and (3) elevator service other than vehicular elevator service.</p> <p><b>GROUND FLOOR</b> means (1) all floors of a single dwelling; (2) a series of not more than the first 7 steps of other buildings; (3) all floors reached by a vehicular elevator or vehicular ramp; (4) the first 50 feet from carrier's unit of equipment to a stairway or other entrance of a building or dwelling at which pickup or delivery is to be made.</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 carrier as to the result of the work only and not as to the means by which such result is accomplished.</p> <p><b>LONG CARRY</b> means each 50 feet or portion thereof in excess of the first 50 feet when through no fault of the carrier, its unit of equipment cannot be placed 50 feet or closer to a stairway or other entrance of the building or dwelling at which shipment is to be picked up or delivered.</p> <p><b>MOTOR VEHICLE</b> means any motor truck, tractor or other self-propelled highway vehicle used for transportation of property over the public highways, and any trailer, semitrailer, dolly or other vehicle drawn thereby.</p> <p><b>PACKING</b> means any accessorial service performed in preparing a shipment or any portion thereof for transportation prior to loading, except services for which rates and charges are otherwise provided in this tariff.</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 or his agent, except that (1) all locations within a radius of 50 feet from a single point, and (2) all locations within a radius of 100 feet on a single piece of property of a single consignee will be considered as one point of destination.</p> <p style="text-align: center;">(Concluded in Item 10)</p>	5
<p>3 Change, Decision No. <b>91865</b></p>	
	EFFECTIVE 6/19/52
<p>Correction</p>	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Concluded)</p> <p><b>POINT OF ORIGIN</b> 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 (1) all locations within a radius of 50 feet from a single point, and (2) all locations within a radius of 300 feet on a single piece of property of a single consignor will be considered as one point of origin.</p> <p><b>PROBABLE COST OF SERVICES (ESTIMATE)</b> means a written document prepared by the carrier and furnished to the shipper, which shows the estimated cost of the services to be performed by the carrier.</p> <p><b>RATE</b> includes charge and, also, the ratings, minimum weight, and rules governing, and the accessorial charges applying in connection therewith.</p> <p><b>REGION</b> means one of the regions described in Section 2.</p> <p><b>SAME TRANSPORTATION</b> means transportation of the same kind and quantity of property between the same points, and subject to the same limitations, conditions and privileges, although not necessarily in an identical type of equipment.</p> <p><b>SHIPMENT</b> means a quantity of property tendered for transportation to one carrier at one time on one shipping document by:</p> <ol style="list-style-type: none"> <li>(1) One shipper at one point of origin for one consignee at one point of destination; or</li> <li>(2) One shipper at more than one point of origin, or more than one shipper at one or more points of origin, for one consignee at one point of destination (split pickup); or</li> <li>(3) One shipper at one point of origin for one consignee at more than one point of destination, or for more than one consignee at one or more points of destination (split delivery).</li> <li>(4) Shipment as defined in subparagraphs 1, 2 or 3 above to and from one point of storage in transit.</li> </ol> <p><b>STATE ROUTE</b> means the numbered highway route designated by California State Highway sign number.</p> <p><b>STORAGE IN TRANSIT</b> means storage of a shipment at request of consignor or consignee at one point between point of origin and point of destination for a period not in excess of 60 days.</p> <p><b>TERRITORY</b> means one of the territories described in Section 2.</p> <p><b>UNCRATED PROPERTY</b> means property not packed in accordance with the crated property requirements set forth in Item 3.</p> <p><b>UNIT OF EQUIPMENT</b> means one or more motor vehicles physically connected so as to form a complete unit.</p> <p><b>UNPACKING</b> means any accessorial service performed in connection with delivery of a shipment or portion thereof, subsequent to unloading, except services for which rates and charges are otherwise provided in this tariff.</p>	10
<p style="text-align: center;">APPLICATION OF TARIFF--CARRIERS</p> <p>* Rates provided in this tariff are minimum rates, established pursuant to the Household Goods Carriers Act. They apply for the transportation of commodities described in Item 20 by household goods carriers.</p> <p>Rates and rules named in this tariff shall not apply to transportation by independent-contractor subhaulers when such transportation is performed for other carriers for whom the independent contractors are performing transportation services.</p>	15
* Change, Decision No. <b>91865</b>	
EFFECTIVE 6/19/50	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA. Correction	

(CANCELLED)  
See Supplement 44

NOTICE

The cancellation of Special Commodity  
Tariff 4-B is hereby made in  
compliance with Assembly Bill 483.

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EFFECTIVE

6/19/80

SUPPLEMENT 44

(Cancels Supplemental Title Page)  
(Supplements 31, 43 and 44 Contain All Changes)

TO

MINIMUM RATE TARIFF 4-B

NAMING

MINIMUM RATES AND RULES

FOR THE

TRANSPORTATION OF USED PROPERTY, VIZ.:

HOUSEHOLD GOODS, PERSONAL EFFECTS AND

OFFICE, STORE AND INSTITUTION FURNITURE,

FIXTURES AND EQUIPMENT OVER THE

PUBLIC HIGHWAYS WITHIN THE

STATE OF CALIFORNIA

BY

HOUSEHOLD GOODS CARRIERS

NOTICE

The removal of Radial Highway Common Carriers  
and Highway Contract Carriers from Minimum Rate  
Tariff 4-B is hereby made in compliance  
with the provisions of Assembly Bill 483.

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EFFECTIVE

6/19/80

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

APPENDIX A  
ADOPTION NOTICE

TO:

- ( ) EXCEPTION RATINGS TARIFF 1
- ( ) DISTANCE TABLE 8
- ( ) DIRECTORY 1
- ( ) MINIMUM RATE TARIFF 1-B                      Except those items which are reprinted herein.
- ( ) MINIMUM RATE TARIFF 2                      Except those items which are reprinted herein.
- ( ) MINIMUM RATE TARIFF 3-A                    Except those items which are reprinted herein.
- "
- ( ) MINIMUM RATE TARIFF 7-A                    Except those items which are reprinted herein.
- ( ) MINIMUM RATE TARIFF 8-A                    Except those items which are reprinted herein.
- ( ) MINIMUM RATE TARIFF 9-B                    Except those items which are reprinted herein.
- ( ) MINIMUM RATE TARIFF 10                    Except those items which are reprinted herein.
- ( ) MINIMUM RATE TARIFF 11-A                   Except those items which are reprinted herein.
- ( ) MINIMUM RATE TARIFF 12-A                   Except those items which are reprinted herein.
- ( ) MINIMUM RATE TARIFF 13                    Except those items which are reprinted herein.
- ( ) MINIMUM RATE TARIFF 14-A                   Except those items which are reprinted herein.
- ( ) MINIMUM RATE TARIFF 15                    Except those items which are reprinted herein.
- ( ) MINIMUM RATE TARIFF 17-A                   Except those items which are reprinted herein.
- ( ) MINIMUM RATE TARIFF 18                    Except those items which are reprinted herein.
- ( ) MINIMUM RATE TARIFF 19                    Except those items which are reprinted herein.

\_\_\_\_\_ HEREBY ADOPTS AS ITS EXACT (NOT MINIMUM)  
(NAME OF CARRIER & CARRIER NUMBER)

RATES, RULES, AND CHARGES ALL PROVISIONS OF THE ABOVE INDICATED TARIFFS,  
EXCEPT AS PROVIDED HEREIN.

ISSUED BY:

\_\_\_\_\_  
(NAME AND ADDRESS OF OWNER OR

CORPORATE OFFICER)

EFFECTIVE: \_\_\_\_\_ (Date)

NOTE: (Attach list of territories to be served as a common carrier and any  
exception to the adopted tariffs.)

\*\* Eliminated, Decision No.

91865

RECEIVED

6/19/80