

ORIGINAL

Decision No. 71183

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
National Motor Freight Traffic)
Association, Inc., Agent, for and)
on behalf of certain highway common)
carriers and express corporations,)
for authority to make various re-)
visions in National Motor Freight)
Classification A-8 and its California)
Supplement.)

Application No. 48609
(Filed July 11, 1966)

In the Matter of the Investigation)
into the rates, rules, regulations,)
charges, allowances and practices of)
all common carriers, highway carriers)
and city carriers relating to the)
transportation of any and all com-)
modities between and within all)
points and places in the State of)
California (including, but not)
limited to, transportation for)
which rates are provided in)
Minimum Rate Tariff No. 2).)

Case No. 5432
(Petition for Modification
No. 427)
(Filed July 11, 1966)

And Related Matters)

Cases Nos. 5435, 5439, 5440,
5441, 5603 and 7858
(Petitions for Modification
Nos. 81, 49, 37, 111, 31 and
16, respectively)
(Filed July 11, 1966)

OPINION AND ORDER

Various common carriers participate in National Motor Freight Classification A-8 (CAL) as governed by National Motor Freight Classification A-8, hereinafter referred to as the Governing Classification, for class ratings and other provisions. Also, various Commission minimum rate tariffs are subject to the class ratings and/or other provisions of such classification.

By Application No. 48609, National Motor Freight Traffic Association, Inc., Agent, seeks authority, on behalf of such common carriers, to reissue and supplement the current Governing Classification as National Motor Freight Classification A-9, and to reissue

and supplement its California Supplement as National Motor Freight Classification A-9(CAL), both of which are to become effective¹ September 21, 1966.

By the above petitions, California Trucking Association proposes that National Motor Freight Classification A-8 and National Motor Freight Classification A-8(CAL) be discontinued as the Governing Classification for various Commission minimum rate tariffs, and that National Motor Freight Classification A-9 and National Motor Freight Classification A-9(CAL) be adopted and prescribed as the Governing Classification for the Commission's minimum rate² tariffs. Petitioner further proposes that the involved minimum rate tariffs be revised to implement the change from one governing classification to the other. Petitioner requests that all common carriers be directed to establish in their respective tariffs such modifications as may be prescribed by the Commission's order in these proceedings, including relief from the long- and short- haul provisions of Section 460 of the Public Utilities Code.

Applicant and petitioner, hereinafter referred to as applicants, state that the Governing Classification is periodically revised to meet the changing needs of commerce and is also periodically reissued to minimize the difficulties which accompany excessive supplementation of tariff material, and accordingly the present classification is being reissued as National Motor Freight Classification A-9, with an effective date of September 21, 1966.

¹The proposed reissues of National Motor Freight Classification A-9 and National Motor Freight Classification A-9 (CAL), and the changes provided therein, are set forth in Exhibits A, B, C, D and E attached to the application.

²

The tariffs are Minimum Rate Tariffs Nos. 1-B (East Bay Drayage), 2 (General Commodities Statewide), 5 (Los Angeles Drayage), 9-B (San Diego Drayage), 10 (Cement Statewide), 11-A (Uncrated New Furniture Statewide), City Carriers' Tariff No. 1-A (San Francisco Drayage) and Exception Ratings Tariff No. 1.

Applicants assert that the procedures available to shippers and carriers to initiate such revisions, to participate in their disposition and to protect their interests are generally known to the parties involved. Applicants aver that reissue of the Governing Classification, if authorized by this Commission, would permit maintenance of uniformity of classification provisions between California and the other states.

A review of applicants' requested revisions indicates that they pertain principally to (1) format of classification, which includes a change in the numbering of rules to conform to a broad national program for uniformity in tariff compilations; (2) correction of publishing errors and omissions; (3) clarification of existing descriptions of articles; (4) cancellation of obsolete provisions; and (5) establishment of specific ratings for newly designed or manufactured articles. Such changes are within the framework of the criteria heretofore outlined by this Commission.

Applicants declare that they are informed and believe that the current effective National Motor Freight Classification A-8 and its California Supplement will become obsolete, and its utilization impractical, upon the issuance of National Motor Freight Classification A-9 and its California Supplement, and that the currently effective classifications should be discontinued as the Governing Classifications for various Commission minimum rate tariffs.

Applicants state that certain changes in rates, ratings and charges will result from the adoption of the National Motor Freight Classification A-9 and National Motor Freight Classification A-9(CAL), and that such changes will cause no substantial disturbance of the present minimum rate structure.

³
See Decision No. 68324 in Case No. 5432, et al., 63 Cal.P.U.C. 728; Decision No. 68711 in Case No. 5432 et al., 64 Cal.P.U.C. 146; also Decisions Nos. 70287, 70335, 70656, 70828 and 70960, all issued in Case No. 5432 et al., unreported.

Applicants suggest, to protect the interests of all parties, that the effective date of any order issued herein should be thirty days after the date of the decision. This would provide ample opportunity for any interested party to advise applicants and the Commission concerning those items which might require separate and further consideration without unduly delaying the effectiveness of all the other classification changes which, applicants assert, are necessary and desirable and concerning which there is no question or dispute.

Copies of the application and petitions were mailed to various chambers of commerce, shipper organizations, carrier representatives and other interested parties on or about July 8, 1966. The application and petitions were listed on the Commission's Daily Calendar of July 12, 1966. No objection to the granting of the application and petitions has been received.

In the circumstances, it appears, and the Commission finds, that:

1. The ratings and rules named in National Motor Freight Classification A-9(CAL) as governed by National Motor Freight Classification A-9, as proposed by applicant and petitioner herein, should replace National Motor Freight Classification A-8 (CAL) as governed by National Motor Freight Classification A-8.

2. The proposed classification revisions set forth in Application No. 48609 are reasonable and, to the extent that said ratings and rules will result in increases, such increases are justified.

3. Common carriers named in Application No. 48609 should be authorized to adopt National Motor Freight Classification A-9 and National Motor Freight Classification A-9(CAL) in lieu of National Motor Freight Classification A-8 and National Motor Freight Classification A-8 (CAL).

4. The proposed ratings and rules which applicant will be authorized to establish, except to the extent that said ratings and rules are different from and are superseded by present exceptions contained in the respective minimum rate tariffs and the governing exception ratings tariff, are suitable to govern the minimum rates established by the Commission.

5. The rates and charges resulting from the application of the aforesaid ratings and rules are, and for the future will be, the just, reasonable, and nondiscriminatory minimum rates for the transportation of property by city carriers and highway carriers subject to the applicable minimum rate tariffs.

Based on the above findings, the Commission concludes that the proposed classification changes set forth in Application No. 48609 should be authorized and that such ratings and rules should be adopted and approved, to the extent indicated in the ensuing order, to govern the minimum rates established by the Commission. The Commission further concludes that participating common carriers in applicant's National Motor Freight Classification A-9 and A-9 (CAL) should be authorized to depart from the provisions of Section 460 of the Public Utilities Code, to the extent necessary to adjust long- and short- haul departures now maintained under outstanding authorizations. In view of the time element, the order which follows should be made effective September 20, 1966, so that the tariff publications involved may be made effective September 21, 1966, as requested.

The necessary amendments to Minimum Rate Tariff No. 2 will be made in the order which follows. Amendments to the other minimum rate tariffs and to Exception Ratings Tariff No. 1 will be made by separate orders to avoid duplication of tariff distribution.

A minor change not directly related to Application No. 48609 or Petition for Modification No. 427, et al., will be made in one of the tariff pages herein being revised.⁴

IT IS ORDERED that:

1. National Motor Freight Traffic Association, Inc., Agent, on behalf of participating common carriers in National Motor Freight Classification A-9 (CAL) as governed by National Motor Freight Classification A-9, is authorized to establish and publish the classification ratings and rules set forth in Application No. 48609, to become effective not earlier than September 21, 1966, on not less than one day's notice to the Commission and to the public.
2. Except as otherwise provided in Ordering Paragraph 6 hereof, the classification ratings and rules authorized herein are approved and adopted as the just, reasonable and nondiscriminatory ratings and rules to govern the minimum rates and rules promulgated by the Commission in City Carriers' Tariff No. 1-A and Minimum Rate Tariffs Nos. 1-B, 2, 5, 9-B, 10 and 11-A.
3. Tariff publications required to be made by common carriers as a result of Ordering Paragraph 2 hereof may be made effective not earlier than September 21, 1966, on not less than one day's notice to the Commission and to the public and such tariff publications shall be made effective not later than October 15, 1966; and tariff publications which are authorized but not required to be made by common carriers as a result of Ordering Paragraph 2 hereof may be made effective not earlier than September 21, 1966.

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The change involves the updating of the tariff reference in the definition of "Dangerous Articles", which is set forth in Item No. 10 of Minimum Rate Tariff No. 2.

and may be made effective on not less than one day's notice to the Commission and to the public if filed within sixty days of the effective date of the tariff publications authorized in Ordering Paragraph 1 hereof.

4. The classification ratings and rules authorized to be established by Ordering Paragraph 2 hereof are authorized to be made applicable also for the transportation of:

- (a) Commodities for which minimum rates have not been established, or
- (b) Commodities which are subject to higher rates than, or more restrictive provisions than, the minimum rates or provisions otherwise applicable.

5. Any provisions concurrently maintained in common carrier tariffs, which are more restrictive than, or which produce charges greater than, those contained in City Carriers' Tariff No. 1-A and Minimum Rate Tariffs Nos. 1-B, 2, 5, 9-B, 10 and 11-A, are authorized to be maintained in connection with the ratings and rules authorized and directed to be established herein.

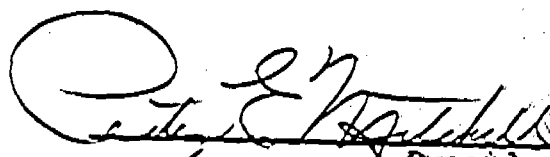
6. Except as provided in Ordering Paragraph 5 hereof, common carriers are not authorized to publish ratings and rules which are different from, and are superseded by, present exceptions contained in Exception Ratings Tariff No. 1, City Carriers' Tariff No. 1-A and Minimum Rate Tariffs Nos. 1-B, 2, 5, 9-B, 10 and 11-A.

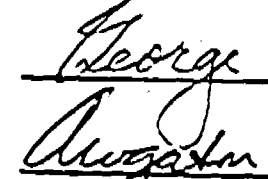
7. Minimum Rate Tariff No. 2 (Appendix D to Decision No. 31606, as amended) is hereby further amended by incorporating therein, to become effective September 21, 1966, Thirtieth Revised Page 11 and Seventh Revised Page 35-B, attached hereto and by this reference made a part hereof.


8. Common carriers, in establishing and maintaining the ratings and rules authorized hereinabove, are hereby authorized to depart from the provisions of Section 460 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 ratings and rules published under this authority shall make reference to the prior orders authorizing long- and short- haul departures and to this order.

This order shall become effective September 20, 1966.

Dated at San Francisco, California, this 27th day of August, 1966.



President




Commissioners

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.

Item
No.SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL
APPLICATIONDEFINITION OF TECHNICAL TERMS
(Items Nos. 10, 11 and 12)

AIR-MILE means a statute mile measured in a straight line without regard to terrain features or differences in elevation.

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.

CARRIER means a radial highway common carrier, a highway contract carrier or a cement contract carrier as defined in the Highway Carriers' Act, or a household goods carrier as defined in the Household Goods Carriers Act.

CARRIER'S EQUIPMENT means any motor truck or other self-propelled highway vehicle, trailer, semi-trailer, or any combination of such highway vehicles operated as a single unit.

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; any interstate or foreign rate or rates of any common carrier railroad or railroads applying between points in California by an interstate or foreign route, lawfully in effect at time of shipment; also any interstate or foreign rate or rates of any common carrier or common carriers, as defined in the Public Utilities Act, applying between points in California and in effect at time of shipment and covering transportation exempt from rate regulation of the Interstate Commerce Commission under Section 203(b)(6) or Section 203(b)(8) of Part II of the Interstate Commerce Act.

CONSIGNOR means the person, firm or corporation shown on the shipping document as the shipper of the property received by the carrier for transportation.

DANGEROUS ARTICLES means articles described in Motor Carriers' Explosives and Dangerous Articles Tariff 12, Cal.P.U.C. 7 of American Trucking Associations, Inc., Agent, and supplements thereto or re-issues thereof.

DISTANCE TABLE means Distance Table No. 5.

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.

ESTABLISHED DEPOT means a freight terminal owned or leased and maintained by a carrier for the receipt and delivery of shipments.

EXCEPTION RATINGS TARIFF means Exception Ratings Tariff No. 1 issued by the Commission.

GOVERNING CLASSIFICATION means National Motor Freight Classification A-9(CAL) as governed by National Motor Freight Classification A-9.

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.

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MULTIPLE LOT SHIPMENT means a shipment transported in accordance with the provisions of Item No. 85.

PALLETIZED SHIPMENT means a shipment tendered to and transported by the carrier on pallets (elevating-truck pallets or platforms or lift-truck skids, with or without standing sides or ends, but without tops).

PERMIT SHIPMENT 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.

PICKUP AND DELIVERY CHARGE means the full charge applicable without the deduction authorized by Item No. 110.

(Continued in Item No. 11)

Δ Change } Decision No. 71183
Δ Change, neither increase nor reduction }

EFFECTIVE SEPTEMBER 21, 1966

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 1203

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)														
	EXCEPTIONS TO GOVERNING CLASSIFICATION AND EXCEPTION RATINGS TARIFF														
280	<p style="text-align: center;">RULES</p> <p>Rates in this tariff are subject to the provisions of the following rules only of the Governing Classification:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">1</td> <td style="width: 50%; text-align: right;">422</td> </tr> <tr> <td>2</td> <td style="text-align: right;">424</td> </tr> <tr> <td>110 (Sections 4(b), 7, 9, 11, 12, 13, 14, 15 and 16 only)</td> <td style="text-align: right;">565 (Section 2)</td> </tr> <tr> <td>310</td> <td style="text-align: right;">640</td> </tr> <tr> <td>360 (Sections 2(c), 2(d) and 3 only)</td> <td style="text-align: right;">845</td> </tr> <tr> <td>420</td> <td style="text-align: right;">997 (Table A)</td> </tr> <tr> <td>421</td> <td></td> </tr> </table>	1	422	2	424	110 (Sections 4(b), 7, 9, 11, 12, 13, 14, 15 and 16 only)	565 (Section 2)	310	640	360 (Sections 2(c), 2(d) and 3 only)	845	420	997 (Table A)	421	
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420	997 (Table A)														
421															
285	<p style="text-align: center;">APPLICATION OF EXCEPTION RATINGS NAMED IN THIS TARIFF</p> <p>Unless otherwise specifically provided in individual items in this Section, the exception ratings named herein apply as follows:</p> <p>(a) Exception ratings provided in this Section which are designated as truckload ratings or are made subject to specified minimum weights supersede the "truckload" ratings and minimum weights in the Governing Classification and Exception Ratings Tariff, but do not supersede "less-truckload" or "any quantity" ratings provided in the Governing Classification or Exception Ratings Tariff.</p> <p>(b) Exception ratings provided in this Section which are designated as "less-truckload" or "any quantity" ratings, or are not subject to specified minimum weights, supersede the "less-truckload" and "any quantity" ratings shown in the Governing Classification and Exception Ratings Tariff but do not supersede the "truckload" ratings and minimum weights in the Governing Classification, Exception Ratings Tariff or in this tariff.</p>														
290	<p style="text-align: center;">RATINGS</p> <p>Except as otherwise provided in this Section, class rates contained in Section No. 2 are subject to any quantity, less-truckload and truckload ratings (including minimum weights) as shown in the Governing Classification and Exception Ratings Tariff. (See Exception.)</p> <p>EXCEPTION.-When the truckload minimum weight provided in connection with ratings in the Governing Classification or Exception Ratings Tariff exceeds 45,000 pounds, the minimum weight shall be considered as being 45,000 pounds for the purpose of applying rates in Section No. 2 of this tariff.</p>														

EMPTY PACKAGES OR CARRIERS, SECONDHAND

When Empty Packages or Carriers, as described below, are offered for shipment at the rates published in this tariff:

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- (a) Empty Packages or Carriers, secondhand, empty returned: The carrier must determine that such packages were moved filled and are being returned over the same carrier or carriers to consignor of the original filled packages at locations from which original filled packages were shipped or to another location;
- (b) Empty Packages or Carriers, secondhand, forwarded for return paying loads: Carrier must determine that such packages will, when filled, be moved over the same carrier or carriers to the consignor of the original empty packages at locations from which original empty packages were shipped or to another location;

otherwise carrier will apply the ratings for secondhand packages or carriers not returned.

Change, Decision No. 71183

EFFECTIVE SEPTEMBER 21, 1966

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Correction No. 1804