

**ORIGINAL**

Decision No. 75113

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 ) Applications Nos. 50695  
on behalf of certain highway com- ) and 50725  
mon carriers and express corpora- ) (Filed November 21 and  
tions, for authority to make ) December 5, 1968)  
various revisions in National Motor )  
Freight Classification A-10. )

In the Matter of the Investigation )  
into the rates, rules, regulations, )  
charges, allowances and practices )  
of all common carriers, highway ) Case No. 5432  
carriers and city carriers relat- ) (Petitions for Modification  
ing to the transportation of any ) Nos. 520 and 522  
and all commodities between and ) (Filed November 21 and  
within all points and places in ) December 5, 1968)  
the State of California (including, )  
but not limited to, transportation )  
for which rates are provided in )  
Minimum Rate Tariff No. 2). )

And Related Matters ) Cases Nos. 5435, 5439,  
 ) 5441, 5603 and 7858  
 ) (Petitions for Modification  
 ) Nos. 112, 81, 152, 62 and  
 ) 46, respectively and Nos.  
 ) 113, 82, 153, 63 and 47,  
 ) respectively)  
 ) (Filed November 21 and  
 ) December 5, 1968)

OPINION AND ORDER

Various common carriers engaged in intrastate transporta-  
tion within California participate in National Motor Freight Classi-  
fication A-10, hereinafter referred to as the Governing Classifica-  
tion, for class ratings and other provisions. Also, certain Commis-  
sion minimum rate tariffs are subject to the class ratings and/or  
other provisions of such classification.

By Applications Nos. 50695 and 50725, National Motor Freight Traffic Association, Inc., Agent, seeks authority, on behalf of such common carriers, to publish specific revisions in the Governing Classification to become effective January 21 and January 23, 1969, respectively, concurrently with the national effective dates for such revisions.<sup>1</sup> By the above petitions, California Trucking Association seeks to have the ratings and other provisions in the Governing Classification similarly revised to govern the minimum rates and rules in certain Commission minimum rate tariffs.<sup>2</sup> 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. Applicants aver 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 carriers and shippers. Applicants allege that the sought revisions have been authorized by the National Classification Board, after due process, and are generally

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<sup>1</sup>The changes, which are provided in Supplement 10 to the Governing Classification, are set forth in Exhibit A and the related justifications are set forth in Exhibit B, both of which are attached to Application No. 50695 and the changes, which are provided in Supplement 11 to the Governing Classification, are set forth in Exhibit A and the related justifications are set forth in Exhibit B, both of which are attached to Application No. 50725.

<sup>2</sup>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), 11-A (Uncrated New Furniture Statewide) and 19 (San Francisco Drayage) and Exception Ratings Tariff No. 1.

scheduled to become effective January 21 and 23, 1969, for tariffs covering areas other than California and that such revisions, if authorized, would permit maintenance of uniformity of classification provisions between California and the rest of the nation.

A review of applicants' proposed revisions indicates that they pertain principally to (1) format of classification; (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 announced by this Commission for establishing revisions in the Governing Classification on California intrastate traffic.<sup>3</sup>

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 this 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 the great body of classification changes which, applicants assert, are necessary and desirable, and concerning which there is no question or dispute.

Copies of the applications and petitions were mailed to various chambers of commerce, shipper organizations, carrier representatives and other interested parties on or about November 21 and December 5, 1968. The applications and petitions were listed on the Commission's Daily Calendar of November 22 and December 6, 1968. No objection to the granting of Application No. 50725 and Case No. 5432 (Petition for Modification No. 522), et al., has been received.

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<sup>3</sup>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.

By letter from its Director, Transportation & Distribution Department, dated November 27, 1968, California Manufacturers Association (CMA) informed the Commission that it is vigorously opposed to the density rule proposed by applicants in Application No. 50695 and Case No. 5432 (Petition for Modification No. 520), et al., as the rule would impose increased charges on shipments having a density of less than six pounds per cubic foot.<sup>4</sup> CMA requests that the sought publication of the density rule not be granted on an ex parte basis.

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

1. Except as provided in Finding No. 4, the proposed classification revisions set forth in Applications Nos. 50695 and 50725 are reasonable and, to the extent that said ratings and rules will result in increases, such increases are justified.

2. 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.

3. Except as provided in Finding No. 4, 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 highway carriers subject to the applicable minimum rate tariffs.

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<sup>4</sup>Item (Rule) 425 of National Motor Freight Classification A-10 would provide that, except where class ratings are specifically named in the Governing Classification for commodities with stated densities, ratings of Class 300, 250 and 150 would apply to commodities that respectively have densities per cubic foot of less than 2 pounds, 2 pounds but less than 4 pounds and 4 pounds but less than 6 pounds.

4. The change sought by applicants in connection with Item (Rule) 425 of the Governing Classification is not justified and such change and the governing expiration date of February 15, 1971, set forth in Item 535-C of the classification should be denied.

Based on the above findings, the Commission concludes that the proposed classification changes set forth in Applications Nos. 50695 and 50725 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 the involved participating common carriers in applicant's National Motor Freight Classification A-10 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. The order which follows should be made effective thirty days after the date hereof and the earliest effective date of Supplements 10 and 11 to the Governing Classification should be January 21 and 23, 1969, respectively. Minimum Rate Tariff No. 2 and Exception Ratings Tariff No. 1 will be amended to reflect a change in the item number reference therein to a commodity description in the Governing Classification.

IT IS ORDERED that:

1. Except as otherwise provided in Ordering Paragraph 11 hereof, National Motor Freight Traffic Association, Inc., Agent, on

behalf of the involved common carriers participating in National Motor Freight Classification A-10, is authorized to establish and publish the classification ratings and rules set forth in Applications Nos. 50695 and 50725, to become effective not earlier than January 21 and 23, 1969, respectively, on not less than five days' notice to the Commission and to the public.

2. Except as otherwise provided in Ordering Paragraphs 8 and 11 hereof, the classification ratings and rules authorized herein are approved and adopted as the just, reasonable and non-discriminatory ratings and rules to govern the minimum rates and rules promulgated by the Commission in Minimum Rate Tariffs Nos. 1-B, 2, 5, 9-B, 11-A and 19.

3. Minimum Rate Tariff No. 2 (Appendix D to Decision No. 31606, as amended) is hereby further amended by incorporating therein, to become effective January 21, 1969, Tenth Revised Page 51-C, attached hereto and by this reference made a part hereof.

4. Exception Ratings Tariff No. 1 (Appendix A to Decision No. 66195, as amended) is hereby further amended by incorporating therein, to become effective January 21, 1969, Third Revised Page 27-F attached hereto and by this reference made a part hereof.

5. Tariff publications required to be made by common carriers in connection with Application No. 50695 as a result of Ordering Paragraphs 2, 3 and 4 hereof and in connection with Application No. 50725 as a result of Ordering Paragraph 2 hereof may be made effective not earlier than January 21 and 23, 1969, respectively, on not less than five days' notice to the Commission and to the public and such tariff publications shall be made effective not later than March 24, 1969; 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 January 21 and 23, 1969, in connection with Applications Nos. 50695 and 50725, respectively, and may be made effective on not less than five days' notice to the Commission and to the public if filed not later than March 24, 1969.

6. 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.

7. Any provisions currently maintained in common carrier tariffs which are more restrictive than, or which produce charges greater than, those contained in Minimum Rate Tariffs Nos. 1-B, 2, 5, 9-B, 11-A and 19 are authorized to be maintained in connection with the ratings and rules authorized and directed to be established herein.

8. Except as provided in Ordering Paragraph 7 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 and Minimum Rate Tariffs Nos. 1-B, 2, 5, 9-B, 11-A and 19.

9. 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

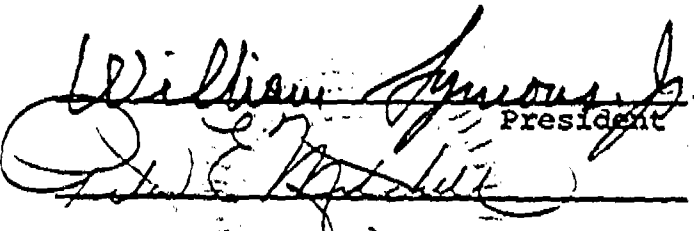
ratings and rules published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

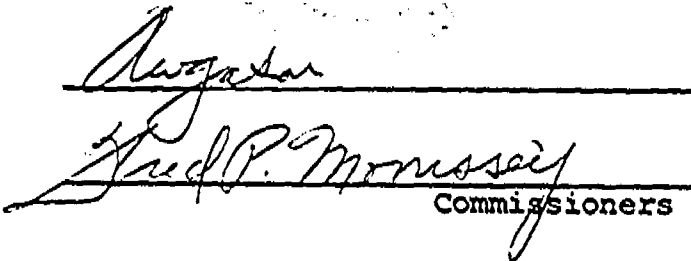
10. In all other respects, Decision No. 31606, as amended, and Decision No. 66195, as amended, shall remain in full force and effect.

11. The provisions proposed to be published by applicants in Item (Rule) 425 and the proposed governing expiration date of February 15, 1971, in Item (Rule) 535-C of Supplement 10 to National Motor Freight Classification A-10 are hereby denied.

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

Dated at San Francisco, California, this 17<sup>th</sup> day of December, 1968.

  
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President

  
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Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.



SECTION NO. 2-B--TRUCKLOAD CLASSES (RATINGS) AND MINIMUM WEIGHTS WHICH ARE EXCEPTIONS TO THE GC						Item No.
ARTICLES as described in the following item numbers of the Governing Classification, viz.:						
Item Number	TL Rating	TL Minimum Weight	Item Number	TL Rating	TL Minimum Weight	
27760	35.1	30,000	32360	35.1	36,000	
27800	35.3	40,000	32380	35.4	40,000	
28710	35.2	36,000	32410	35.4	36,000	
28840			32460	35.4	40,000	
Sub 1	35.1	26,000	32480	35.4	40,000	
Sub 2	35.1	26,000	32500	35.1	36,000	
29800			32550	35.4	40,000	
Sub 3	35.1	30,000	32590	35.4	50,000	
*29810			32600			
Sub 3	35.1	30,000	Sub 3	35.1	36,000	
30180	35.3	40,000	32620	35.1	40,000	
30400	35.3	40,000	32640	35.2	36,000	
30520	35.3	40,000	32670	35.4	36,000	
30840	35.3	40,000	32710	35.2	40,000	
30860	35.3	40,000	32730	35.3	30,000	
30900	35.3	40,000	32870	35.2	40,000	
32040	35.4	50,000	32970	35.2	30,000	
32060			33300	35.2	60,000	
Sub 1	35.4	60,000	33320	35.3	30,000	
Sub 2	35.4	40,000	33600			
32080			Sub 1	35.2	36,000	§1040
Sub 1	35.4	40,000	33620	35.3	40,000	
Sub 2	35.4	40,000	33640	35.3	40,000	
32100			33660	35.3	40,000	
Sub 1	35.4	40,000	33680			
Sub 3	35.4	40,000	Sub 1	35.2	36,000	
32130	35.4	40,000	Sub 2	35.2	36,000	
32150	35.1	40,000	33700			
32200	35.2	40,000	Sub 1	35.4	40,000	
32220	35.2	40,000	Sub 2	35.4	40,000	
32240	35.4	40,000	34040	35.2	40,000	
32280			35100	35.2	40,000	
Sub 1	35.2	40,000	35120	35.3	40,000	
Sub 2	35.2	40,000	35240	35.2	40,000	
Sub 3	35.2	40,000	35260	35.2	36,000	
32310	35.4	50,000	35480	35.2	40,000	
32330	35.4	40,000	37270	35.1	36,000	
32340	35.2	36,000	37530	35.1	24,000	
† Change ) * Addition )		Decision No. <b>75113</b>				
EFFECTIVE JANUARY 21, 1969						
Issued by the Public Utilities Commission of the State of California, San Francisco, California.						
Correction No. 166						

Item No.	SECTION NO. 3 COMMODITY RATES (Continued)
682	<p style="text-align: center;"><b>WEIGHMASTER'S CERTIFICATE</b></p> <p>(Applies in connection with rates making specific reference hereto.)</p> <p>(a) The actual gross weight of the shipment shall be confirmed by a public weighmaster's certificate, which shall be obtained by the carrier prior to or at the time of unloading (See Exception).</p> <p>(b) Charges shall be based on the weight of the commodities as confirmed by the public weighmaster's certificate. The original and duplicate copy of the public weighmaster's certificate shall be affixed to the shipper's and carrier's copy of the freight bill respectively (See Exception).</p> <p><b>EXCEPTION:</b> Such certificate shall not be required when the distance from point of origin to point of destination, computed in accordance with the method provided in the Distance Table, does not exceed 50 constructive miles.</p>
685	<p>(Applies in connection with rates making specific reference hereto.)</p> <p>(Numbers within parentheses immediately following commodities shown below refer to such commodities as they are described in the corresponding item numbers of the Governing Classification.)</p> <p><b>LUMBER AND FOREST PRODUCTS, treated or untreated, not finished beyond sanding and priming, viz.:</b> (See Notes 1 and 2)</p> <p><b>LIST A:</b></p> <p>Cross Arms, wooden (160110)  Lath, wooden (112760)  Piling, wooden (112960)  Poles, wooden, NOI (113060)  Posts, NOI, wooden (113100)  Shingles, wooden (113280 and 113300)  ☐ Boxes or Crates, wooden, or wood and wire combined, NOI, KD or folded flat or in flat sections (29800, Sub 3, and *29910, Sub3)  ☐ Box or Crate Material, wooden or wood and wire combined, folded flat or in flat sections (29800, Sub 3, and *29910, Sub 3)</p> <p><b>LIST B:</b></p> <p>Boards or Sheets, sawdust or ground wood (112320)  Plywood (113620 and 113630)  Veneer (112870, 112880, 112890 and 113520)</p> <p><b>LIST C:</b></p> <p>Lumber (112870, 112880 and 112890)  Ties, Railroad, wooden (113450)  Timbers, wooden (112940)</p>

NOTE 1.-- With shipments of commodities listed above, there may be included, at the rates provided herein, in quantities not to exceed 10% of the weight of the entire shipment, articles listed under the headings: "Lumber Group" and "Building Woodwork Group" in the Governing Classification.

NOTE 2.--Length not to exceed 24 feet, except piling and poles which shall not exceed 50 feet in length.

∅ Change ) Decision No. 75113  
\* Addition )

EFFECTIVE JANUARY 21, 1969

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.

Correction No. 2051