

Decision No. 77632

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)
into the rates, rules, regulations,)
charges, allowances and practices)
of all common carriers, highway)
carriers, and city carriers relat-)
ing to the transportation of any)
and all commodities 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).

And Related Matters.

Case No. 5432
Petition for Modification No. 561
(Filed October 31, 1969)

Cases Nos. 5435, 5439,
5441, 7783 and 7858
Petitions for Modification Nos.
135, 104, 178, 22 and 64
(Filed October 31, 1969)

(For List of Appearances see Appendix A)

O P I N I O N

The California Trucking Association (CTA) seeks revision in the rates and rules set forth in the Commission's minimum rate tariffs governing the highway transportation of dangerous articles (hazardous materials) by for-hire highway carriers.

Eight days of public hearing were held before Examiner Gagnon at San Francisco. The matter was submitted for decision on May 7, 1970. The sought relief is vigorously opposed by numerous protestant shippers of articles which may be classified as dangerous or hazardous. The California Manufacturers Association submitted a motion for dismissal of CTA's petitions on grounds that petitioner's evidence is insufficient and fails to justify the relief sought. Several protestant shippers joined in support of the motion. Decision No. 76795, dated

February 17, 1970, in this proceeding, granted the California Fertilizer Association's motion for dismissal of that portion of CTA's requested relief pertaining to the restriction of the current exemption status for fertilizers, fungicides and insecticides as set forth in Items 40 and 41 of Minimum Rate Tariff No. 2 (MRT 2).^{1/}

The petitioner's rate proposal pertains to the application of the minimum rates and rules provided in MRT 2 (General Commodities Statewide), MRT 1-B (East Bay Drayage), MRT 5 (Los Angeles Drayage), MRT 9-B (San Diego Drayage), MRT 15 (Vehicle Unit Rates), MRT 19 (San Francisco Drayage) and Exception Ratings Tariff No. 1 (ERT 1). All of said tariffs apply to movements of dangerous articles which, except in MRT 9-B and ERT 1, are defined as articles described in Motor Carriers' Explosives and Dangerous Articles Tariff 14 Cal. P.U.C. 9, of American Trucking Associations, Inc., Agent (DAT 14).^{2/} Except for provisions pertaining to computation of circuitous mileage in connection with shipments moving under distance rates in MRT 2 and penalty and hazardous accessorial cargo charges in MRT 15, the various minimum rate tariffs do not contain any specific rules governing the highway transportation of hazardous materials.

General Regulations

The 1963 California Legislature by Statutes 1963, Chapter 2148, amended Section 768 of the Public Utilities Code and Section 3546 of the Highway Carriers' Act so as to eliminate the Commission's authority

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- 1/ The CTA sought the application of the class rates named in MRT 2 to movements of fertilizers, fungicides and insecticides which are required to be labeled as a dangerous article and are currently exempt from the minimum rate provisions of Minimum Rate Tariff No. 2.
 - 2/ The term "dangerous articles" as used hereinafter refers to articles as described in DAT 14.

to regulate the safety of operations of highway common carriers, petroleum irregular route carriers and petroleum contract carriers. Such authority was transferred to the California Highway Patrol.^{3/} The safety regulations administered by the California Highway Patrol, pertaining to the highway transportation of explosives, radioactive materials, and other hazardous materials, are set forth in the California Vehicle Code and Title 13, 14, 14.5 and 19 of the California Administrative Code. In 13 Cal. Adm. 1222 The Hazardous Materials Regulations of the U. S. Department of Transportation (Code of Federal Regulations, Title 49, Parts 171, 172, 173, 174, 175, 176, 177 and 178) are adopted as the regulations governing the transportation of hazardous materials by motor vehicles in the State of California. All motor carriers and drivers must comply with such regulations. Said federal safety regulations are reproduced in the American Trucking Association's DAT 14 which, in turn, is referred to in the Commission's various minimum rate tariffs as the source for what constitutes a dangerous article for transportation purposes. In addition to the safety regulations administered by the California Highway Patrol, motor carriers of explosives and certain other hazardous materials must observe the routing restrictions of the State Fire Marshall. The California Health and Safety Code is also concerned with the transportation of hazardous materials.

The class rate structure set forth in the Commission's several minimum rate tariffs are subject to the classification ratings and certain specified rules named in National Motor Freight Classification No. A-11 (NMFC A-11). Item 540 of NMFC A-11 provides that the packaging of explosives, dangerous articles and other hazardous commodities must comply with the packaging requirements of said classification and the federal regulations as reflected in DAT 14. The minimum rate tariffs involved herein presently exclude the application of Item 540 of the otherwise governing NMFC A-11.

3/ Decision No. 67532, dated July 14, 1964, in Case No. 5097.
Decision No. 69331, dated June 29, 1965 (64 Cal. P.U.C. 447).

Petitioner's Proposal

The CTA's rate proposal has two primary objectives. The first pertains to safety of operations in connection with the highway transportation of dangerous articles. The second objective concerns the economic rate factors involved in the transportation of hazardous materials.

1. Safety of Operations. Petitioner advances the general proposition that the established minimum rates for the highway transportation of dangerous articles are inadequate per se, and in gross discord with the California safety regulations administered by the California Highway Patrol. To alleviate this problem, CTA recommends that the minimum rate tariffs be amended so as to clearly indicate that their application is governed by the provisions of the Motor Carriers' Explosives and Dangerous Articles Tariff 14.

The CTA suggests also that certain transportation services, currently available and performed under the established provisions of the minimum rate tariffs, be restricted so as not to apply in connection with shipments containing articles classified as dangerous in DAT 14. Said tariff restrictions are more stringent and extensive in scope of application than the established federal regulations, DAT 14 and the related rules of NMFC A-11. For example, the CTA's proposal would preclude the mixed shipment provisions of MRT 2 in connection with all commodities classified as dangerous in DAT 14; whereas only certain incompatible articles listed in said tariff as dangerous are prohibited from being included in a mixed shipment. Under the CTA's proposal all food stuffs, drugs and general merchandise packaged in aerosol containers could not be tendered as part of a mixed shipment. Collect on delivery (C.O.D.), split pickup and split delivery services

would also be limited to commodities which are not classified as dangerous in DAT 14. At the present time, the federal regulations, the tariff safety rules of DAT 14 and NMFC A-11 do not contain such all inclusive restrictions as recommended by petitioner. While the CTA would prohibit shippers from tendering dangerous articles as part of a mixed shipment for purposes of rate determination, it is not suggested that such restriction be placed upon the actual operations of the carriers; whereby dangerous cargo is accorded terminal handling and subsequently transported as a portion of a general mixed truckload, at one time, in a single unit of equipment.

The petitioner also recommends that the documentation provisions of the minimum rate tariffs provide that shippers of dangerous articles be required to furnish the carrier, at the time of or prior to the initial pickup of the shipment, information necessary to identify the shipment in terms of the dangerous articles tariff, including appropriate labeling requirements. If a shipment of dangerous articles must be transported under special permit, the CTA suggests that a copy of said permit be furnished to the carrier at time of or prior to the pickup of the shipment.

The petitioner's witness explained that permitted carriers do not generally subscribe to the dangerous articles tariff and are not familiar with the extensive and rather complex federal safety regulations. The CTA's witness expressed the view that the only direct source and guideline many highway carriers have to facilitate their understanding and observance of the California safety regulations is the reference and application, if any, of DAT 14 in the Commission's several minimum rate tariffs. Adoption of CTA's proposal will assertedly bring these tariffs into closer alignment with the State's safety

regulations, enhance shipper-carrier knowledge of their respective responsibilities toward safe transportation, and make the thrust of the Commission's minimum rate program a realistic part of the current general concern over critical problems of environmental ecology and pollution control.

2. Economic Rate Factors. It is petitioner's contention that highway carriers experience higher costs of operations when handling and transporting hazardous materials than when handling and transporting non-hazardous general freight. The CTA witness submits that such additional operating costs are not covered by the established minimum rates and to this extent said rates are assertedly insufficient or otherwise unreasonable. The CTA urges the adoption of the following amendments to the several minimum rate tariffs involved:

(1) Amend the provisions of MRT 2 so as to make the class rate scales named therein applicable to the highway transportation of fertilizers, fungicides and insecticides required to be labeled under DAT 14 rules. Such traffic is now exempt from MRT 2 regulations. (CTA recommendation was denied by Decision No. 76795 in this proceeding.)

(2) Restrict application of established minimum commodity rates so as not to apply on commodities classified as dangerous in DAT 14; class rates only would apply on such traffic.

(3) Provide that each shipment of dangerous articles shall be rated as a separate and single class rated shipment and not as part of a mixed shipment.

(4) Limit the application of exception ratings named in the several minimum rate tariffs and the Commission's Exception Ratings Tariff No. 1 so as not to apply to shipments of dangerous articles.

(5) Restrict the present tariff provisions for split pickup, split delivery and collect on delivery (C.O.D.) accessorial services to shipments which do not contain dangerous articles.

(6) Limit the MRT 2 small shipment service charges to movements of commodities not classified as dangerous in DAT 14.

(7) Provide that the current allowances to shippers for depot delivery will not be made in connection with shipments which must be transported under special permits or include articles rated as dangerous.

(8) Establish accessorial charges for (a) cost of placards, (b) failure to accomplish delivery of dangerous articles and (c) special labor costs for handling certain hazardous materials within specified territories.

(9) Establish other tariff provisions assertedly designed to enable the highway carriers to recover the additional costs of handling and transporting hazardous materials.

In addition to petitioner's contention that the established minimum rate levels do not reflect the added transportation costs associated with dangerous articles, the CTA maintains also that the class ratings named in NMFC A-11 or the otherwise applicable exceptions thereto do not contain elements for recovery of such additional costs. The only cost evidence submitted by CTA in support of its rate proposal, other than the oral testimony of its staff witness, concerns the cost of placards, publications regarding safety of operations, driver safety equipment and penalty cargo payments paid to carriers' employees whenever they handle certain hazardous materials within specified union jurisdictions.

Position of Protestants

Aside from the California Manufacturers Association's motion for dismissal of CTA's petition, protestants registered no fundamental objection to CTA's position that the Commission's minimum rate tariffs should be in complete agreement with and fully support the safety regulations administered by the California Highway Patrol. To the extent that the minimum rates may not be in concert with such safety regulations, protestants raise no serious objections to appropriate tariff amendments designed to achieve this desired alignment.

Protestants are opposed to CTA's efforts to have tariff rules adopted, as part of the Commission's minimum rate program to govern the California intrastate highway transportation of dangerous articles, which are different or more restrictive than the federal-state safety regulations administered by the U. S. Department of Transportation and the California Highway Patrol, respectively. Many of the protestants are major inter-intrastate shippers of articles which are classified as dangerous under federal-state safety regulations. Several shipper representatives testified as to the hardships shippers would sustain if the CTA's safety proposals were adopted. They expressed particular concern over petitioner's desire to have the services, currently available under the minimum rates, severely curtailed or eliminated in connection with shipments of dangerous articles. In addition, protestant shippers submit that their existing inter-intrastate dangerous articles traffic would be seriously disrupted under CTA's proposal to eliminate the existing uniformity of safety regulations as administered at the federal and state level. Finally, protestants contend that the California Highway Patrol, not the California Public Utilities Commission, is the proper forum to which the trucking association should have presented its request for revisions in the existing California safety regulations.

With respect to the economic rate aspects of petitioner's proposal, wherein substantive increases in the level of the minimum rates applicable to movements of dangerous articles are sought, protestants urge that this phase of CTA's proposal be denied. It is protestants' position that petitioner has failed to present any semblance of cost or other related probative evidence to justify the magnitude of the sought increase in rates.

Summary Discussion

The Commission's several minimum rate tariffs are, with minor exceptions, generally silent as to their scope of application with respect to the highway transportation of articles subject to the safety regulations administered by the California Highway Patrol. It should be understood, of course, that the Commission's minimum rates are established within the framework of all outstanding statutory and related legal authority of equal import affecting the highway transportation of property in California. To the extent that the current provisions of the several minimum rate tariffs governing the transportation of dangerous articles raise questions as to their scope of application in relation to the State's safety regulations, said questions should be resolved by appropriate tariff amendment. On the other hand, neither this Commission nor its minimum rate program are the proper forum and channel to seek revisions in the safety regulations administered by the California Highway Patrol for the highway transportation of dangerous materials in California.

Adoption of certain of petitioner's tariff proposals pertaining to safety of operations, modified along lines suggested by protestant shippers, would achieve the desired clarification and alignment of the Commission's several minimum rate tariffs with the safety regulations administered by the California Highway Patrol. Other safety

proposals of the CTA, which would establish in the minimum rate tariffs safety regulations different or more restrictive than those currently administered by the California Highway Patrol, are beyond our jurisdiction and should not be adopted.

With respect to the economic rate phase of CTA's proposal, the evidence submitted in support of the sought increase in minimum rates is not generally persuasive. Petitioner suggests a tariff rule for the recovery of the actual cost of placards. The determination of such cost was left to the discretion of the Commission or the carrier and shipper at time of movement. The record shows that placards are at times furnished free by the shipper and, when supplied by the carrier, the cost thereof varies considerably. Whether the cost of placards is now or should be an element in the underlying cost data supporting the minimum rates or reflected as a factor in the classification ratings governing hazardous materials was not factually developed by petitioner.

The CTA suggests the establishment of accessorial charges in MRT 2 as compensation to the carrier for penalty cargo handling charges paid to its employees when working under certain labor agreements. The proposed charges are largely a restatement of the penalty cargo charges initially adopted in MRT 15. In the latter tariff such charges are set up on a per man, per calendar day basis; whereas the like charges proposed in MRT 2 are on a per shipment basis. The underlying labor contracts indicate that penalty cargo handling compensation is generally to be paid on a per man, per day or hour basis. The penalty cargo charges adopted in MRT 15 were established by Decision No. 75932, dated July 15, 1969, in Case No. 7783. In said decision the Commission stated:

"The vehicle unit rates named in MRT 15 apply only when...shipper enters into a written agreement with the carrier. When such agreement is executed, rates otherwise provided in the Commission's minimum rate tariffs will not apply. In other minimum rate tariffs...the added costs of handling and transporting commodities having unusual transportation characteristics are either reflected in the governing classification ratings, when class rates are applied, or in the actual level of specific commodity rates..."
(Emphasis supplied.)

In support of petitioner's sought general increase in rates covering the highway transportation of dangerous articles, the CTA takes a rather self-serving position that the existing minimum rates and class ratings do not reflect the added costs assertedly experienced by the carriers when handling hazardous materials. No factual probative evidence was introduced by CTA in justification of this phase of petitioner's sought relief. In this connection it should be noted also that, historically, the CTA has directed the Commission's attention, and the latter has so recognized on several occasions, the procedure for effecting classification changes as suggested in Decision No. 67610 (63 Cal. P.U.C. 170)^{4/}.

In response to protestants, the CTA suggests that shippers change their shipping practices so as to conform with the petitioner's proposals. Such cavalier treatment of protestants is, of course, without merit and will not be further considered herein.

Findings and Conclusions

The Commission finds that:

4/ Decision No. 76408, dated November 12, 1969, in Case No. 5432 (Order Setting Hearing, dated August 31, 1965) et al., Decision No. 76371, dated November 4, 1969, in Case No. 5432 (Petition for Modification No. 546) et al., and Decision No. 76158, dated September 10, 1968, in Case No. 7858 (Petition for Modification No. 53).

1. The highway transportation of property in interstate commerce, which is classified as dangerous (hazardous materials), is subject to the federal safety regulations promulgated by the U. S. Department of Transportation and published in the Federal Register and in the Code of Federal Regulations (Title 49).

2. The United States Department of Transportation regulations governing the transportation of dangerous articles (hazardous materials) are generally adopted as the safety regulations, to be administered by the California Highway Patrol, for the highway transportation of intra-state traffic in California.

3. The Motor Carriers' Explosives and Dangerous Articles Tariff 14, Cal. P.U.C. 9, of the American Trucking Associations, Inc., Agent, contains the U. S. Department of Transportation safety regulations governing the transportation of dangerous articles (hazardous materials).

4. The Commission's established minimum rates for the highway transportation of property in California are applicable to movements of articles classified as dangerous (hazardous materials) under the safety regulations administered by the California Highway Patrol.

5. The established provisions of the Commission's several minimum rate tariffs need to be brought into closer alignment with the California safety regulations.

6. The California Trucking Association recommends extensive amendments and revisions to the Commission's several minimum rate tariffs designed to (1) bring said minimum rates into complete concert with the California safety regulations; (2) establish tariff safety rules more restrictive or different than the California safety regulations administered by the California Highway Patrol; and (3) provide increased rates and charges for the transportation of dangerous articles (hazardous materials).

7. Adoption of selected portions of petitioner's tariff proposal, with certain additional modifications and refinements, would bring the several minimum rate tariffs involved herein into closer alignment with the California safety regulations and make shippers and highway carriers more aware of their responsibilities under said state regulations.

8. Consideration of petitioner's proposed tariff safety rules which are more restrictive than the existing California safety regulations are outside this Commission's jurisdiction.

9. Except as otherwise provided herein, petitioner's sought increase in minimum rates, rules and charges applicable to the highway transportation of dangerous articles (hazardous materials) has not been shown to be reasonable or otherwise justified by transportation conditions. Increases in minimum rates, rules and charges resulting from adoption of certain portions of petitioner's tariff proposal, in accordance with Finding 7 hereof, are reasonable and justified.

10. The Commission's several minimum rate tariffs should be governed by the Motor Carriers' Explosives and Dangerous Articles Tariff 14, Cal. P.U.C. 9, of American Trucking Associations, Inc., Agent, including supplements thereto or reissues thereof, to the extent said tariff reflects the California safety regulations administered by the California Highway Patrol.

We conclude that:

1. The California Trucking Association's tariff proposal in Case No. 5432 (Petition for Modification No. 561) et al., should be granted, in part, as further modified herein.

2. The Commission's several minimum rate tariffs involved should be governed by the Motor Carriers' Explosives and Dangerous Articles

Tariff No. 14, Cal. P.U.C. 9, of American Trucking Associations, Inc., Agent, including supplements thereto and/or reissues thereof, to the extent said tariff reflects the California safety regulations administered by the California Highway Patrol.

3. The rates, rules and charges resulting from the application of the regulations of the Motor Carriers' Explosives and Dangerous Articles Tariff No. 14, Cal. P.U.C. 9, of American Trucking Associations, Inc., Agent, as provided in Finding 2 hereof, are, and will be the just, reasonable and nondiscriminatory minimum rates, rules and charges for the transportation of dangerous articles by highway carriers subject to the provisions of Minimum Rate Tariffs Nos. 2, 1-B, 5, 9-B, 15, 19 and Exception Ratings Tariff No. 1.

4. To the extent motions made in this proceeding are not granted, in whole or in part, said motions should be denied.

5. To the extent petitioner's tariff proposals in Case No. 5432 (Petition for Modification No. 561) et al., are not granted said sought relief should be denied.

In order to avoid duplication of tariff distribution, Minimum Rate Tariff No. 2 will be amended by the ensuing order and Minimum Rate Tariffs Nos. 1-B, 5, 9-B, 15 and 19 and Exception Ratings Tariff No. 1, respectively, will be amended by separate orders.

O R D E R

IT IS ORDERED that:

1. The United States Department of Transportation regulations governing the transportation of dangerous articles (hazardous materials), to the extent adopted as the safety regulations administered by the California Highway Patrol for the transportation of hazardous materials in California, as published in Motor Carriers' Explosives and

Dangerous Articles Tariff 14, Cal. P.U.C. 9, as amended, are hereby also approved and adopted as the just, reasonable and nondiscriminatory safety regulations to govern the application of the Commission's minimum rates and rules for the highway transportation of dangerous articles (hazardous materials) within California.

2. The American Trucking Associations, Inc., Agent, is hereby authorized to publish, on behalf of the common carriers participating in Motor Carriers' Explosives and Dangerous Articles Tariff 14, Cal. P.U.C. 9, as amended, the safety regulations as described in ordering paragraph one hereof.

3. Minimum Rate Tariff No. 2 (Appendix D to Decision No. 31606, as amended) is further amended by incorporating therein, to become effective September 26, 1970, the revised pages attached hereto and listed in Appendix B, also attached hereto, which pages and appendix by this reference are made a part hereof.

4. Common carriers subject to the Public Utilities Act to the extent that they are subject also to Decision No. 31606, as amended, are hereby directed to establish in their tariffs the increases necessary to conform with the further adjustments ordered herein.

5. Common carriers maintaining rates on a level other than the minimum rates for transportation for which rates are prescribed in Minimum Rate Tariff No. 2 are authorized to increase such rates by the same amounts authorized for Minimum Rate Tariff No. 2 rates herein.

6. Common carriers maintaining rates on the same level as Minimum Rate Tariff No. 2 rates for the transportation of commodities and/or for transportation not subject to Minimum Rate Tariff No. 2 are authorized to increase said rates by the same amounts authorized for Minimum Rate Tariff No. 2 rates herein.

7. Common carriers maintaining rates at levels other than the minimum rates for the transportation of commodities and/or for transportation not subject to Minimum Rate Tariff No. 2 are authorized to increase said rates by the same amounts authorized for Minimum Rate Tariff No. 2 rates herein.

8. Tariff publications required or authorized to be made by common carriers as a result of the order herein shall be filed not earlier than the effective date of this order and may be made effective not earlier than the tenth day after the effective date of this order, on not less than ten days' notice to the Commission and to the public; such tariff publications as are required shall be made effective not later than September 26, 1970; and as to tariff publications which are authorized but not required, the authority herein granted shall expire unless exercised within sixty days after the effective date hereof.

9. Common carriers, in establishing and maintaining the rates 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 rates published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

10. To the extent motions are not granted in whole or in part herein, said motions are hereby denied.

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

12. To the extent Petitions for Modification Nos. 561, 135, 104, 178, 22 and 64 in Cases Nos. 5432, 5435, 5439, 5441, 7783 and 7858, respectively, are not granted herein, said petitions are hereby denied.

The effective date of this order shall be twenty-four days after the date hereof.

Dated at San Francisco, California, this 18th
day of AUGUST, 1970.

[Signature]
Chairman
[Signature]
William J. [Signature]
[Signature]
Vernon L. Stinger
Commissioners

APPENDIX A

LIST OF APPEARANCES

For Petitioner California Trucking Association: Richard W. Smith,
A. D. Poe and H. F. Kollmyer.

For Certain Respondents: J. McSweeney, John Odoxta, Lee Pfister,
Harold F. Culy, A. W. Savage, M. L. Frost, Armand Karp and
Gordon S. Ramey.

For Protestants: Noel Dyer, R. Canham, by A. A. Wright, Vaughn,
Paul & Lyons, by John G. Lyons, E. R. Chapman, Geoffrey B. Fink,
Earl W. Gerloff, Edward A. Guldaman, Maurice J. Heyerick,
R. J. Kreps, Ronald P. McCloskey, John T. Reed, C. R. Rehbock,
Jack M. Sandell, Robert J. Sullivan, Paul J. Wellnitz, Larry
Zaro, Robert K. Wallace, W. L. Marlow, W. L. McDannald,
A. L. Huber, S. E. Burt, William H. Wade, William D. Little,
R. J. Van Nostrand, George A. Coulas, Robert C. Oebser,
D. H. Marken, E. T. Wadsley, J. D. Kain, Charles H. Caterino,
Warren P. Mayhugh, William C. Fleck, C. Robert Looney and
Max A. Hill.

For Interested Parties: Kenneth C. Delaney, A. T. Eche, Ralph
Hubbard, John C. Jessup, Michael Kallas, N. I. Molauz,
Tad Muraoka, W. J. Newlove, W. Paul Tarter, G. C. Willis,
James H. Christie, Mario Cioletti, James E. Kobbler, Donald P.
Lynott, Wayne K. Tinker, M. A. Passman, Robert K. Schwenig,
Lewis G. Hallett, Earl Cranston and Gordon A. Rodgers.

For Commission Staff: Robert E. Walker.

C. 5432 (Pet. 561) - se

APPENDIX B TO DECISION NO. 77632

LIST OF REVISED PAGES TO MINIMUM RATE TARIFF 2
AUTHORIZED BY SAID DECISION

TENTH REVISED TITLE PAGE

THIRTY-NINTH REVISED PAGE 11

TWENTY-FIRST REVISED PAGE 12

THIRTEENTH REVISED PAGE 16

TWENTY-EIGHTH REVISED PAGE 19

TENTH REVISED PAGE 19-A

THIRTEENTH REVISED PAGE 27-A

FIFTH REVISED PAGE 27-B

TWELFTH REVISED PAGE 29

(END OF APPENDIX B LIST)

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
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.

Change, Decision No.

77632

Correction 2311

EFFECTIVE
(Original Tariff Effective August 7, 1939)

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

SECTION 1--RULES OF GENERAL APPLICATION	ITEM
<p style="text-align: center;">DEFINITIONS 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, 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 as a single unit.</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; 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.</p> <p>CONSIGNOR means the person, firm or corporation shown on the shipping document as the shipper of the property received by the carrier for transportation.</p> <p> DANGEROUS ARTICLES TARIFF means Motor Carriers' Explosives and Dangerous Articles Tariff 14, Cal. P.U.C. 9, of American Trucking Associations, Inc., Agent, and supplements thereto or reissues thereof.</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 7.</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 1 issued by the Commission.</p> <p>GOVERNING CLASSIFICATION means National Motor Freight Classification A-11.</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>MULTIPLE LOT SHIPMENT means a shipment transported in accordance with the provisions of Item 85.</p> <p>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).</p> <p style="text-align: center;">(Continued in Item 11)</p>	<p style="text-align: center;">610</p>
<p>(1) Definition of "Permit Shipment" and "Pickup and Delivery Charge" transferred to Twenty-first Revised Page 12.</p> <p>6 Change, Decision No. 77632</p>	
EFFECTIVE	
<p>Correction 2303</p>	<p style="text-align: right;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Continued) (Items 10, 11 and 12)</p> <p>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.</p> <p>PICKUP AND DELIVERY CHARGE means the full charge applicable without the deduction authorized by Item 110.</p> <p>POINT OF DESTINATION means the precise location at which property is tendered for physical delivery into the custody of the consignee or his agent. All points within a single industrial plant or receiving area of one consignee shall be considered as one point of destination. An industrial plant or receiving area of one consignee shall include only contiguous property which shall not be deemed separate if intersected only by public street or thoroughfare.</p> <p>POINT OF ORIGIN means the precise location at which property is physically delivered by the consignor or his agent into the custody of the carrier for transportation. All points within a single industrial plant or shipping area of one consignor shall be considered as one point of origin. An industrial plant or shipping area of one consignor shall include only contiguous property which shall not be deemed separate if intersected only by public street or thoroughfare.</p> <p>POOL SHIPMENT means a shipment consisting of component parts which are for reshipment to two or more points of destination, such shipment being consigned to:</p> <ol style="list-style-type: none"> 1. A carrier with instructions for unloading, distribution and delivery of one or more component parts to consignees, their agents, or to other carriers; or 2. A consignee (other than a carrier) in connection with which pool shipment a carrier is instructed to unload, distribute and deliver one or more component parts to the consignee, subconsignees, their agents or to other carriers. <p>The term "delivery" as used in this definition means relinquishing the property to the consignee, his agent, or another carrier entitled to receive such property, whether at the point of distribution or elsewhere.</p> <p>POWER EQUIPMENT means any gasoline, diesel, electric or gas driven equipment including electric powered cranes and lift-truck equipment.</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 and rules governing, and the accessorial charges applying in connection therewith.</p> <p>SAME TRANSPORTATION means transportation of the same kind and quantity of property between the same points, and subject to the same limitations, conditions and privileges, but not necessarily in an identical type of equipment.</p> <p>SHIPMENT means a quantity of property physically tendered by one consignor at one point of origin at one time for one consignee at one point of destination, for which a single shipping document has been issued. (See also exceptions in rules and definitions for multiple lot, split pickup and split delivery shipments.)</p> <p style="text-align: center;">(Continued in Item 12)</p>	<p>(1) 11</p>
<p>(1) Definition of "Permit Shipment" and "Pickup and Delivery Charge" transferred from Thirty-eighth Revised Page 11, Decision No.</p>	<p style="text-align: center;">77632</p>
EFFECTIVE	
<p>Correction 2304</p>	<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p align="center">APPLICATION OF GOVERNING PUBLICATIONS</p> <p>This tariff is governed to the extent shown herein by:</p> <p>(a) The Governing Classification, (b) The Exception Ratings Tariff, * (c) The Dangerous Articles Tariff (California Regulations) and * (d) The Distance Table.</p> <p>Where the ratings and rules or other provisions or conditions provided in the governing publications described in paragraphs (a), (b) and (d) hereof are in conflict with those provided in this tariff, the provisions of this tariff will apply. *Except as otherwise specifically provided in this tariff, where the provisions of the Dangerous Articles Tariff are in conflict with provisions set forth in this tariff or the otherwise governing publications referred to in paragraphs (a), (b) and (d) hereof, the provisions of the Dangerous Articles Tariff will apply.</p>	50
<p align="center">REFERENCES TO ITEMS AND OTHER TARIFFS</p> <p>Unless otherwise provided, references herein to item numbers in this or other tariffs include references to such numbers with letter suffix, and references to other tariffs or classifications include references to amendments and successive issues of such publications.</p>	55
<p align="center">SHIPMENTS TO BE RATED SEPARATELY</p> <p>Each shipment shall be rated separately. Shipments shall not be consolidated or combined by the carrier. (Shipments may be picked up in multiple lots in accordance with the provisions of Item 85. Component parts of split pickup or split delivery shipments, as defined in Item 12, may be combined under the provisions of Items 160-163, 170-173, 220 and 230.)</p>	60
<p align="center">GROSS WEIGHT</p> <p>Charges shall be assessed on the gross weight of the shipment. No allowance shall be made for the weight of containers. (See Exception)</p> <p>EXCEPTION.--When palletized shipments subject to minimum weights of 20,000 pounds or more are loaded or unloaded by power-loading device, the weight of the pallets (elevating truck pallets or platforms or lift truck skids) shall not be used in determining the weight of the shipment nor the charges thereon. This exception applies only in connection with rates contained in this tariff, and is not applicable to shipments of empty pallets. When rail rates are used under the provisions of Items 200 through 230 of this tariff, the weight of the pallets shall be included or excluded in accordance with the provisions of the governing rail tariff.</p>	70
<p align="center">RATES BASED ON VARYING MINIMUM WEIGHTS</p> <p>When charges accruing on a shipment based upon actual weight exceed the charges computed upon a rate based upon a greater minimum weight, the latter shall apply. For the purpose of applying this item to a mixed shipment, deficiency between actual weight of the shipment and the greater minimum weight shall be computed at the rate applicable to the lowest rated commodity in the shipment.</p>	80
<p> * Change) * Addition) Decision No. 77632 </p>	
EFFECTIVE	
<div style="display: flex; justify-content: space-between;"> Correction 2305 ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA. </div>	

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">CHARGES FOR PERMIT SHIPMENTS</p> <p>(a) Rates for transportation of permit shipments which are required to move via a circuitous route because of conditions imposed by a governmental agency, other than shipments subject to the provisions of Item 720, shall be distance rates utilizing distances determined under the provisions of Item 100.</p> <p>(b) In addition to all other applicable rates and charges named in this tariff, the following charges shall be assessed on all permit shipments:</p> <ol style="list-style-type: none"> 1. A charge of \$10.80 shall be made for the service of securing each permit, and 2. A charge shall be made equal to the fee, if any, assessed by the governmental agency for issuing each permit. 	128
<p style="text-align: center;">DANGEROUS ARTICLES</p> <p>Dangerous Articles include those articles described in and subject to the provisions of the Dangerous Articles Tariff.</p> <p>Rates for transportation of shipments of dangerous articles which are required to move via a circuitous route because of conditions imposed by a governmental agency shall be distance rates utilizing distances determined under the provisions of Item 100.</p> <p>Dangerous articles must not be accepted for transportation unless at the time of or prior to the initial pickup the consignor has furnished to the carrier written information as required under the regulations of the Dangerous Articles Tariff.</p> <p>To the extent hereinafter provided, the following provisions of this tariff will not apply to shipments of dangerous articles:</p> <ol style="list-style-type: none"> 1. Items 90 and 90-1 (Mixed Shipments) will not apply to shipments containing one or more commodities which the Dangerous Articles Tariff prohibits being transported at the same time on a single unit of carrier's equipment. 2. Items 110 (Application of Rates-Deductions), 160-163 (Split Pickup), 170-173 (Split Delivery) and 180-182 (C.O.D. Shipments) will not apply to shipments, including any component parts thereof, containing explosives (Class A, B or C) and/or any other dangerous articles which may not be left unattended in the carrier's equipment under the regulations of the Dangerous Articles Tariff. 	129
<p style="text-align: center;">ACCESSORIAL SERVICES</p> <p>When carrier performs, at shipper's or receiver's request or order, service such as stacking, sorting, providing helpers for loading or unloading, or any other like service which is not authorized to be performed under rates named in this tariff, and for which a charge is not otherwise provided, additional charges per man shall be assessed as provided in Item 145(a). The charge provided in Item 145(b) for unit of equipment shall also apply whenever the accessorial or incidental service requires its use, or whenever the unit of equipment is inactivated by reason of the driver or helper being engaged in such service.</p> <p>The provisions of this item shall not apply when a helper is provided for any reason other than shipper's or receiver's request or order. The reason for supplying helpers shall be recorded on shipping and accessorial service documents.</p> <p>When charges are provided in this tariff for performance of accessorial services, said charges shall be based upon the weight upon which the transportation rates are computed.</p>	140
Change, Decision No. 77632	
EFFECTIVE	
<div style="display: flex; justify-content: space-between;"> Correction 2306 ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA </div>	

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">FAILURE TO ACCOMPLISH DELIVERY (Applies only in connection with Items *129, 176, 177 and 179)</p> <p>Except as otherwise provided in the Dangerous Articles Tariff, if the carrier, through no fault of its own, is unable to effect delivery of any shipment within 48 hours (excluding Saturdays, Sundays and holidays) after the first 7:00 a.m. following initial attempt of delivery, the shipment will be placed in storage and notice will be sent or given to consignor or consignee. Thereafter the shipment will be stored at carrier's terminal subject to the rates and charges set forth below or, at carrier's option, may be placed in a public warehouse at public storage rates.</p> <p>For each of the first five days, 5½ cents per 100 pounds. For the sixth and each succeeding day, 7½ cents per 100 pounds.</p> <p>Minimum storage charge per shipment on freight held beyond 48 hours, 5 days or less-73 cents; 6 days or more-112 cents.</p> <p>In computing time, any fractional part of 24 hours will be counted as one day.</p> <p>In computing charges, any fractional part of 100 pounds will be computed as 100 pounds.</p> <p>Shipments unloaded from vehicle and reloaded on vehicle for subsequent delivery will be subject to a charge of \$2.55 per ton in addition to all other charges set forth herein.</p> <p>During period in which component part is held in storage carrier's liability for loss or damage will be that of a warehouseman.</p> <p>Subsequent delivery from point of storage will be charged for as a new shipment.</p>	<p>§141</p>
<p style="text-align: center;">(1) DELAYS TO EQUIPMENT</p> <p>Except as hereinafter noted, whenever the elapsed time between commencement and completion of the loading or unloading of shipments subject to minimum weights of 10,000 pounds or more exceeds 8 minutes per ton (based on the weight on which transportation charges are computed), additional charges for delay time in excess of 8 minutes per ton shall be assessed as provided in Item 145. The charge provided in Item 145(b) for unit of equipment shall apply only when the accessorial or incidental service requires its use or when the unit of equipment is inactivated by reason of its driver or helper being engaged in such service. The provisions of the item shall not apply in connection with the placement of units of equipment under agreement with the shipper or consignee for loading by the shipper or unloading by the consignee, when such agreement is recorded on the shipping document.</p> <p>By unit of equipment is meant a motor truck, trailer or semitrailer, exclusive of motor tractors.</p> <p>The provisions of this item shall also apply in connection with:</p> <p>(a) Component parts of shipments transported under the provisions of Items 160-163 and 170-173, when the component part picked up or delivered weighs 10,000 pounds or more. In such instances, the charges assessed shall be based on the actual weight of the component part loaded or unloaded.</p> <p>(b) Shipments transported under the provisions of Items 200, 210, 220 and 230.</p> <p>(1) Does not apply on shipments of Whole Grain, in bags, subject to minimum weights of 10,000 pounds or more.</p>	<p>142</p>
<p>Change) * Addition) Decision No. 77632</p>	
EFFECTIVE	
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA</p> <p>Correction 2307</p>	

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">(I) ISSUANCE OF DOCUMENTS (Items 255 and 256)</p> <p>§1. ISSUANCE OF SHIPPING DOCUMENT. A shipping document (bill of lading or comparable shipping order) (see Note) shall be issued by the carrier to the consignor for each shipment received for transportation. The shipping document (bill of lading or comparable shipping order) shall be issued at the time of or prior to the receipt of or pickup of the shipment and shall show the following information: (See Item 85, multiple lot shipment; Items 160-163, split pickup shipment; and Items 170-173, split delivery shipment, for special governing provisions.)</p> <ul style="list-style-type: none"> (a) Name of carrier. (b) Date of shipment. (c) Name of consignor and name of consignee. (d) Point of origin and point of destination. §(e) Description of property constituting the shipment (in terms of the Governing Classification, Exception Ratings Tariff, "Dangerous Articles Tariff, or as provided in this tariff). (f) Weight of the shipment (or other factor or unit of measurement upon which the charges are based). <p>NOTE.--If a shipping order form of shipping document is used, it may be issued either in individual or manifest form.</p> <p>§2. ISSUANCE OF FREIGHT BILL. A freight bill shall be issued by the carrier for each shipment transported. Except with respect to intercarrier transactions, only one freight bill shall be issued for each shipment transported and the carrier shall not apportion, prorate, or otherwise divide the freight charges between or among the consignor(s), consignee(s), or any other parties. The freight bill shall show the following information:</p> <ul style="list-style-type: none"> (a) Name of carrier. (b) Date of freight bill. (c) Date of shipment. (d) Name of consignor and name of consignee. (e) Point of origin and point of destination. §(f) Description of shipment (in terms of the Governing Classification, Exception Ratings Tariff, "Dangerous Articles Tariff, or as provided in this tariff). (g) Weight of the shipment (or other factor or unit of measurement upon which the charges are based). (h) Rate and charge assessed. (i) Such other information as may be necessary to an accurate determination of the applicable minimum rate and charge. <p>3. ISSUANCE OF ACCESSORIAL SERVICE DOCUMENT. An accessorial service document shall be issued by the carrier to the consignor or consignee who requested or ordered the service for stacking, sorting, helpers for loading or unloading, vehicle detention or any other accessorial or incidental service when rendered by the carrier, but which is not authorized to be performed under the transportation rates named in Sections 2 and 3 of this tariff. The accessorial service document shall show the following information:</p> <ul style="list-style-type: none"> (a) Name of carrier. (b) Date of issuance. (c) Name of consignor or consignee or their representative, ordering or requiring the services, or for whom they are rendered. (d) Shipping document numbers or other identification of the shipments in connection with which the services are rendered. (e) Time for which equipment ordered, if any, and time of constructive and actual placement. (f) Address at which the accessorial service is performed. (g) Weight, in pounds, loaded or unloaded. (h) Time loading or unloading begun and completed. (i) Free time allowable. (j) Time or weight on which charges are based. (k) Rate and charges assessed. (l) Such other information as may be necessary to an accurate determination of the applicable minimum rate and charge. <p style="text-align: center;">(Continued in Item 256)</p>	<p style="text-align: center;">§255</p>
<p>(1) Certain provisions transferred to Fifth Revised Page 27-B.</p> <p>§ Change) * Addition) Decision No. 77632</p>	
EFFECTIVE	
Correction 2308	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p data-bbox="536 350 1043 402">(1) ISSUANCE OF DOCUMENTS (Concluded) (Items 255 and 256)</p> <p data-bbox="163 423 1462 550">4. For the transportation of (1) permit shipments, (2) shipments which require circuitous routing, (3) shipments requiring escort service, or *(4) dangerous articles, the following information, wherever applicable, shall be shown on all shipping documents issued by the carrier in connection therewith and shall be in addition to the information otherwise required to be shown by Paragraphs 1, 2 and 3 of this item:</p> <ul data-bbox="223 547 1419 700" style="list-style-type: none">(a) Permit identification of all permit shipments. (See Item 11)(b) Any circuitous routing required, and the authority therefor.(c) Any escort service furnished and the authority therefor. (See Item 10)* (d) Description of dangerous articles must be in terms prescribed in the Dangerous Articles Tariff, including reference to labeling requirements. A further description, not inconsistent therewith, may be included. <p data-bbox="163 718 1390 771">5. The forms of documents in Items 910 and 912, or a consolidation thereof, will be suitable and proper.</p> <p data-bbox="163 792 1436 968">6. A copy of each shipping document, freight bill, accessorial service document, weighmaster's certificate, written instructions, written agreement, written request or any other written document which supports the rates and charges assessed and which the carrier is required to issue, receive or obtain by this tariff for any transportation or accessorial service shall be retained and preserved by the carrier, at a location within the State of California, subject to the Commission's inspection, for a period of not less than three years from the date of issue.</p>	<p data-bbox="1496 673 1555 700">*256</p>
<p data-bbox="553 1037 1052 1063">UNITS OF MEASUREMENT TO BE OBSERVED</p> <p data-bbox="163 1084 1385 1163">Except as otherwise provided in this tariff, rates or accessorial charges shall not be quoted or assessed by carriers based upon a unit of measurement different from that in which the minimum rates and charges in this tariff are stated.</p>	<p data-bbox="1513 1097 1555 1123">257</p>
<p data-bbox="274 1231 1205 1258">(1) Certain provisions transferred from Twelfth Revised Page 27-A.</p> <div data-bbox="240 1279 847 1350"><div>of Change) * Addition)</div><div>Decision No. 77632</div></div>	
<p data-bbox="1120 2060 1257 2087">EFFECTIVE</p> <div data-bbox="181 2113 1555 2179"><div>Correction 2309</div><div>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</div></div>	

SECTION 1--RULES OF GENERAL APPLICATION (Continued)		ITEM
EXCEPTIONS TO GOVERNING CLASSIFICATION AND EXCEPTION RATINGS TARIFF		
RULES		
⊘ Rates in this tariff are subject to the provisions of the rules in the following items only of the Governing Classification:		⊘280
110 (Sections 4(b), 7, 9, 11, 12, 13, 14, 15 and 16 only)	*520	
310	*540	
360 (Sections 2(c), 2(d) and 3 only)	565	
420	595	
421	640	
422	*780 (Section 2 only)	
424	845	
	997 (Table A)	
APPLICATION OF EXCEPTION RATINGS NAMED IN THIS TARIFF		
Unless otherwise specifically provided in individual items in this Section, the exception ratings named herein apply as follows:		
(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.		285
(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.		
RATINGS		
Except as otherwise provided in this Section, class rates contained in Section 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)		290
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 2 of this tariff.		
EMPTY PACKAGES OR CARRIERS, SECONDHAND		
When Empty Packages or Carriers, as described below, are offered for shipment at the rates published in this tariff:		
(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;		(E) 291
(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.		
(E) Expires with December 31, 1970.		
⊘ Change	} Decision No.	77632
* Addition		
EFFECTIVE		
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA		
Correction 2310		