

ORIGINAL

Decision No. 77756

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)
of National Motor Freight Traffic)
Association, Inc., Agent, for and)
on behalf of certain highway com-)
mon carriers and express corpora-)
tions, for authority to make)
various revisions in National Motor)
Freight Classification A-11.)

Application No. 52121
(Filed August 11, 1970)

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 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).)

Case No. 5432
(Petition for Modification
No. 595)
(Filed August 11, 1970)

And Related Matters

) Cases Nos. 5435, 5436, 5439, 5441,
) 5603, 7783, 7857 and 7858
) (Petitions for Modification Nos.
) 157, 101, 124, 202, 90, 32,
) 36 and 81, respectively)
) (Filed August 11, 1970)

OPINION AND ORDER

Various common carriers engaged in intrastate transporta-
tion within California participate in National Motor Freight Clas-
sification A-11, hereinafter referred to as the Governing Classifi-
cation, for class ratings and other provisions. Also, certain
Commission minimum rate tariffs are subject to the class ratings
and/or other provisions of such classification.

By Application No. 52121, National Motor Freight Traffic
Association, Inc., Agent, seeks authority, on behalf of such common
carriers, to publish specific revisions in the Governing Classifica-
tion to become effective October 15, 1970, concurrently with the

national effective date for such revisions.¹ 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.² 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 scheduled to become effective October 15, 1970, 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.

¹ The changes, which are provided in Supplement 8 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 the application.

² The tariffs are Minimum Rate Tariffs Nos. 1-B (East Bay Drayage), 2 (General Commodities Statewide), 5 (Los Angeles Drayage), 6-A (Petroleum and Petroleum Products Statewide), 9-B (San Diego Drayage), 11-A (Uncrated New Furniture Statewide), 14-A (Agricultural Commodities Statewide), 15 (Vehicle Unit Rates) and 19 (San Francisco Drayage) and Exception Ratings Tariff No. 1.

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.³ 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.⁴

Copies of the application and petitions were mailed to various chambers of commerce, shipper organizations, carrier representatives and other interested parties on or about August 11, 1970. The application and petitions were listed on the Commission's Daily Calendar of August 13, 1970. No objection to the granting of the application and petitions has been received.

The Transportation Division staff has reviewed the application and petitions and recommends that they be granted by ex parte order.

3

Commission staff analysis reveals that, of the 133 revisions in question, 55 would result in increases, 28 in reductions and 50 in neither increases nor reductions. Of the 55 increases, 48 involve cancellation of obsolete commodities and modification of ratings and minimum weights on certain commodities to reflect more adequately their transportation characteristics and 7 involve changes in commodity descriptions.

4

See Decision No. 68324 in Case No. 5432, et al., 63 Cal.P.U.C. 728, and Decision No. 68711 in Case No. 5432, et al., 64 Cal.P.U.C. 146.

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

1. The proposed classification revisions set forth in Application No. 52121 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. 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 and charges for the transportation of property by 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. 52121 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-11 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. Minimum Rate Tariff No. 2 and Exception Ratings Tariff No. 1 will be amended by the order herein and, to avoid

duplication of tariff distribution, Minimum Rate Tariff No. 5 will be amended by separate order to reflect changes in item number references in such tariffs to commodity descriptions in the Governing Classification.

IT IS ORDERED that:

1. National Motor Freight Traffic Association, Inc., Agent, on behalf of the involved common carriers participating in National Motor Freight Classification A-11, is authorized to establish and publish the classification ratings and rules set forth in Application No. 52121 to become effective not earlier than October 15, 1970, on not less than two days' notice to the Commission and to the public.

2. Except as otherwise provided in Ordering Paragraph 8 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 Minimum Rate Tariffs Nos. 1-B, 2, 5, 6-A, 9-B, 11-A, 14-A, 15 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 October 15, 1970, Sixth Revised Page 30-C and Ninth Revised Page 37-BB, 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 October 15, 1970, Fifth Revised Page 27-B and Seventh Revised Page 27-F attached hereto and by this reference made a part hereof.

5. Tariff publications required to be made by common carriers as a result of Ordering Paragraphs 2, 3 and 4 hereof shall be

made effective October 15, 1970, on not less than two days' notice to the Commission and to the public 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 October 15, 1970, and may be made effective on not less than two days' notice to the Commission and to the public if filed not later than December 14, 1970.

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, or
- (c) Commodities for which rates have been established based upon Minimum Rate Tariffs Nos. 1-B, 2, 5, 6-A, 9-B, 11-A, 14-A, 15 and 19.


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, 6-A, 9-B, 11-A, 14-A, 15 and 19 and Exception Ratings Tariff No. 1 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, 6-A, 9-B, 11-A, 14-A, 15 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.

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

Dated at San Francisco, California, this 27th day of September, 1970.



Chairman




Commissioner William Symons, Commissioners necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.

MINIMUM RATE TARIFF 2

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">EXCEPTIONS TO GOVERNING CLASSIFICATION AND EXCEPTION RATINGS TARIFF (Continued)</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 style="text-align: center;">Class Rating</p>
<p style="text-align: center;">CANNED GOODS (Items 320 and 320-1)</p> <p>CANNED GOODS in inner containers of earthenware, glass, molded plastic, hermetically-sealed fibreboard, or metal cans, in outer containers, viz.: boxes, fibreboard boxes or crates; or in metal cans in metal strapped bundles; or in bulk in the following containers: barrels, hogs-heads, pipes, puncheons, tierces, casks, drums, half-barrels, quarter-barrels, sixth-barrels, eighth-barrels or kegs; not subject to Item 300, viz.:</p> <p>Breads (72200) Brine (74720) Broths, Chowders and Soups (73180 or 74820) Buttermilk (73920) Chili, ground (170820) Egg Yolk (55580 or 72820) Fish, cooked, pickled or preserved, with or without vegetable ingredients (72930, 72950, 72970, 72990 or 73200) Fish Roe (72300 or 73000) Food, Baby (73160) Fruit, Fruit Butter, Crushed Fruit, Fruit Pulp (73240) Fruit Drink, consisting of concentrated fruit juice, water and fruit derivatives, not carbonated (72160) Garlic or Onion, powdered or chips (77160) Honey (73460) Jams, Jellies or Preserves (73240 or 73500) Juice, clam (72480) Juice, fruit (72440, 73540, 73550, 73570, 73590, 73600, 73620, 73630, 73650 or 73670) Juice, vegetable (73690, 74720 or 75322) Macaroni, Noodles, Spaghetti or Vermicelli, prepared (73740) Meats (134620, 134640, 134660 or 134680) Milk Beverage, liquid, flavored (73970) Milk, condensed, evaporated or sterilized (672740, 73920) Milk Food, other than malted, liquids (74020) Mince Meat (74050)</p> <p>Less truckload----- 50.1</p> <p>Truckload:</p> <p>Minimum Weight 30,000 pounds----- 35 Minimum Weight 36,000 pounds----- 35.1 Minimum Weight 42,000 pounds----- 35.2 Minimum Weight 45,000 pounds----- (1)35.3</p> <p>(1) Not applicable to shipments which are subject to charges for temperature control service.</p> <p style="text-align: center;">(Continued in Item 320-1)</p>	<p style="text-align: center;">320</p>
<p>Change, Decision No. 77756</p>	
<p style="text-align: right;">EFFECTIVE OCTOBER 15, 1970</p>	
<p>Correction 2324</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;">EXCEPTIONS TO GOVERNING CLASSIFICATION AND EXCEPTION RATINGS TARIFF (Continued)</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>Class Rating</p>
<p>FOODSTUFFS FOR HUMAN CONSUMPTION, viz.: Fish, cooked, pickled or preserved (72930, 72950 or 72970), with or without fruit or vegetable ingredients, in bulk in boxes, Macaroni, noodles, rice, spaghetti or vermicelli (73750), dry, not cooked, with cheese, fish, meat or poultry, vegetables or other ingredients, in combined packages in boxes (not less than 55 percent of the gross weight of the combined packages shall be that of the ingredients named, in metal cans), Meats, cooked, cured or preserved (73180, 134620, 134640, 134660 or 134680), with or without cereal or vegetable ingredients, in bulk, in crates or boxes, or in inner containers or packages, other than those specified in Item 320 of this tariff, in crates or boxes, Milk (not malted), Buttermilk (not casein), Dry Milk Solids (73880), or Whey (75440 or 75450), in inner containers of earthenware, glass, metal cans or packages, in outer containers of boxes; or in bulk in barrels, fibre cans, boxes, double bags or multiple-wall paper bags, (2) Milk or Cream, Sterilized or Pasteurized (55660, 72740 ** or 74000), or Milk or Cream Substitutes, processed from vegetable, soybean or grain products (74000 or 74040), with or without other ingredients, in hermetically sealed inner containers in boxes, or in gas-charged dispensing cylinders or cans, Pizza Pie Mix (74360), consisting of flour, yeast and sauce with or without cheese, in combined packages in boxes (not less than 50 percent of the gross weight of the combined packages shall be that of the ingredients named, in metal cans), Sandwich Spreads (74680), in paper cartons in boxes, Spaghetti and Cheese or Noodles and Cheese (73750), with sauce, in combined packages in boxes (not less than 55 percent of the gross weight of the combined packages shall be that of the ingredients named, in metal cans).</p> <p>Less truckload ----- 50.1</p> <p>Truckload: Minimum weight 30,000 pounds ----- 35 Minimum weight 36,000 pounds ----- 35.1 Minimum weight 42,000 pounds ----- 35.2 Minimum weight 45,000 pounds ----- (1) 35.3</p> <p>(1) Not applicable to shipments which are subject to charges for temperature control service. (2) Subject only to the less truckload rating shown in this item.</p> <p>Not subject to Item 300 of this tariff, see Note 1.</p> <p>NOTE 1.-- (a) Rates or ratings applicable on shipments in boxes will apply also to such shipments in fibreboard boxes in metal strapped bundles or crates. (b) Rates or ratings applicable to shipments in barrels will apply also to such shipments in hogsheads, pipes, puncheons, tierces, casks, drums, half-barrels, quarter-barrels, sixth-barrels, eighth-barrels or kegs.</p>	<p>6345</p>

Change) Decision No. **77756**
 ** Eliminated)

EFFECTIVE OCTOBER 15, 1970

Correction 2325

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,
 SAN FRANCISCO, CALIFORNIA

EXCEPTION RATINGS TARIFF 1

SECTION 2-A--LESS TRUCKLOAD CLASSES (RATINGS) WHICH ARE EXCEPTIONS TO THE GOVERNING CLASSIFICATION						ITEM
FURNITURE and RELATED ARTICLES as described in the following item numbers of the Governing Classification, viz.:						
ITEM	LTL RATING	ITEM	LTL RATING	ITEM	LTL RATING	
79050	200	80520		81310		
79090	125	Sub 1	150	Sub 1	100	
79110	85	80540		81430		
79180		Sub 1	200	Sub 1	100	
Sub 2	100	Sub 2	125	Sub 3	100	
79260		80560	85	81440	100	
Sub 1	200	80590		81465		
Sub 2	125	Sub 1	175	Sub 1	125	
79275		Sub 2	150	81500		
Sub 1	200	Sub 5	100	Sub 1	150	
Sub 2	100	Sub 6	100	81570		
79400	100	Sub 7	85	Sub 1	100	
79440	150	80603		81600		
79460		Sub 1	175	Sub 1	150	
Sub 1	100	Sub 1	100	Sub 2	70	
79480		80620		81610		
Sub 1	85	Sub 1	150	Sub 1	200	
79520	100	Sub 2	100	Sub 3	85	
79550	150	80640		81650		
79720	125	Sub 1	150	Sub 1	175	
79740		Sub 2	100	81725		
Sub 2	100	80770		Sub 1	100	
79800		Sub 1	200	81740		
Sub 1	125	Sub 2	100	Sub 1	100	(E)
Sub 2	100	80775		Sub 3	100	\$1000
**		Sub 1	200	81840		
79900		Sub 2	100	Sub 1	100	
Sub 1	125	80830		81970	100	
Sub 2	100	Sub 1	100	82105		
79940		80865	150	Sub 2	100	
Sub 1	100	80869	150	Sub 3	100	
80000		80900		82110		
Sub 1	100	Sub 1	100	Sub 2	100	
80020		80920	100	Sub 5	125	
Sub 2	100	80980		82120		
Sub 4	85	Sub 1	100	Sub 1	100	
80040		80990	200	Sub 2	85	
Sub 1	100	81008	100	82130		
80080	100	81080		Sub 1	100	
80100		Sub 2	125	Sub 2	85	
Sub 1	100	81090		82160	100	
80120		Sub 3	85	82210	100	
Sub 1	100	81100		82220	100	
80290	100	Sub 2	150	82250	100	
80320	100	81140		82340	100	
80445		Sub 2	85	82360		
Sub 1	100	81190		Sub 1	100	
Sub 2	85	Sub 1	100	82420	70	
80450		81200		82520	85	
Sub 1	125	Sub 1	125	82620	100	
80460		Sub 2	100	82640		
Sub 1	100	81250		Sub 2	100	
80470		Sub 1	150	83270	100	
Sub 1	100					
80485	125					

(E) This item expires with December 31, 1970.

Change)
 ** Eliminated) Decision No. **77756**

EFFECTIVE OCTOBER 15, 1970

Correction 231

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,
 SAN FRANCISCO, CALIFORNIA.

EXCEPTION RATINGS TARIFF 1

SECTION 2-B--TRUCKLOAD CLASSES (RATINGS) AND MINIMUM WEIGHTS WHICH ARE EXCEPTIONS TO THE CC						ITEM
ARTICLES as described in the following items of the Governing Classification, viz.:						
ITEM	TL RATING	TL MINIMUM WEIGHT	ITEM	TL RATING	TL MINIMUM WEIGHT	
48390						
Sub 1	35.2	50,000	67700	35.1	30,000	
48400	35.3	50,000	67710	35.1	24,000	
48410	35.3	50,000	67760	35.1	30,000	
48420			67920	35.2	46,000	
Sub 1	35.4	50,000	85030	35.4	40,000	
Sub 2	35.2	36,000	86600	35.3	50,000	
48450	35.2	50,000	86650	35.2	40,000	
48500	35.2	40,000	89820			
48540	35.2	50,000	Sub 2	35.1	50,000	
49975	35.3	36,000	89910	35.1	50,000	
49977	35.3	60,000	89960	35.1	40,000	
49993			90120	35.4	50,000	
Sub 1	35.3	40,000	90160	35.4	40,000	
Sub 2	35.3	40,000	90180	35.4	50,000	
49993	35.3	40,000	90200	35.3	50,000	
50180			90210	35.3	60,000	
Sub 1	35.2	36,000	90220	35.4	40,000	
Sub 2	35.2	30,000	90240	35.4	60,000	
50185			90260	35.4	50,000	
Sub 1	35.2	36,000	90280	35.3	36,000	
50217	35.2	40,000	90300	35.4	40,000	(E)
50220	35.2	60,000	90340			61040
50295	35.2	40,000	Sub 1	35.3	40,000	
50320	35.2	30,000	Sub 2	35.3	40,000	
**			90360	35.4	50,000	
50540			90380	35.4	50,000	
Sub 1	35.3	30,000	90400			
Sub 2	35.3	30,000	Sub 1	35.2	36,000	
50570			Sub 2	35.2	36,000	
Sub 1	35.4	26,000	90420	35.3	36,000	
Sub 3	35.4	60,000	90540	35.1	36,000	
50590			90560	35.2	50,000	
Sub 1	35.4	30,000	90580	35.4	50,000	
Sub 2	35.4	30,000	90600	35.4	50,000	
50610	35.4	30,000	90620	35.4	50,000	
50620	35.3	26,000	90630	35.4	50,000	
50680	35.3	30,000	90650	35.4	50,000	
50700			90660	35.4	50,000	
Sub 5	35.4	26,000	90680	35.3	50,000	
Sub 6	35.3	26,000	90700	35.4	50,000	
Sub 7	35.4	26,000	90720	35.3	50,000	
50930	35.2	36,000	90740	35.2	36,000	
51010	35.2	36,000	91860	35.2	40,000	
56320	35.1	40,000	91870	35.4	40,000	
57520	35.2	60,000	91890	35.2	36,000	
58690			91930	35.4	40,000	
Sub 2	35.1	30,000	91950			
60000	35.2	40,000	Sub 1	35.2	40,000	
67060	35.1	30,000	Sub 2	35.2	40,000	
			91960	35.2	40,000	

(E) Expires with December 31, 1970.

Change } Decision No. 77756
 ** Eliminated }

EFFECTIVE OCTOBER 15, 1970

Correction 232

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,
 SAN FRANCISCO, CALIFORNIA.