

Decision No. 78915**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 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
 Order Setting Hearing No. 604
 (Filed October 20, 1970)
 Petition for Modification
 No. 618
 (Filed December 18, 1970)

And Related Matters

Cases Nos. 5435, 5439, 5441
 Orders Setting Hearing
 Nos. 162, 129, 208
 (Filed October 20, 1970)
 Petitions for Modification
 Nos. 168, 134, 215
 (Filed December 18, 1970)

(For List of Appearances see Appendix A)

O P I N I O N

Orders Setting Hearing in Case No. 5432 (OSH 604) et al.
 were issued due to alleged conflicts between the wording contained
 in Item 997 of the National Motor Freight Classification A-11
 (NMFC A-11) and the provisions contained in certain of the Commis-
 sion's minimum rate tariffs which define the extent said tariffs
 are governed by NMFC A-11.¹ The petitions of the California Trucking

¹ The minimum rate tariffs involved are MRT 2 (Item 280), MRT 1-B (Item 100), MRT 9-B (Item 80), and MRT 19 (Item 70). Effective April 24, 1971, MRT 5 (Metropolitan Los Angeles Drayage Area) was canceled by Decisions Nos. 78264 and 78266, dated February 2, 1971, in Cases Nos. 6322 and 5435, respectively. (See also related Decision No. 78472 of March 22, 1971, in Case No. 6322.)

Association (CTA) filed in Case No. 5432 (Petition for Modification No. 618) et al. were filed as an alternative to CTA's Petition to Broaden Issues and Expand Scope of OSH 604 et al. Petition 618 et al. seeks establishment of a tariff rule providing that volume or truckload rates, subject to prescribed minimum weights, shall apply "per unit of carrier's equipment used" rather than on the present "per shipment" basis.

Public hearings were held before Examiner Gagnon at San Francisco on January 13, 1971 and at Los Angeles on March 3 and 4, 1971. The Commission's Orders Setting Hearing and CTA's several petitions were all heard on a common record. The matters were submitted subject to the filing of concurrent briefs which have been received.

On February 25, 1971, the California Manufacturers Association filed a motion to dismiss Petition 618 et al. without the receipt of further evidence and requested the Commission to make a final determination of these proceedings adverse to petitioner. At the March 3, 1971 Los Angeles hearing the presiding Examiner denied that part of the motion which would have Petition 618 et al. terminated; whereas ruling on the remainder of the motion to dismiss seeking ultimate denial of CTA's overall rate proposal was taken under submission for final determination by the Commission. The motion to dismiss Petition 618 et al. was supported by the Traffic Managers' Conference of California and the Office of Traffic Management, General Services Administration, State of California. Numerous other shipper interests and several highway carriers opposed the CTA's suggested tariff proposal. The Commission's Transportation Division staff also recommends that Petition 618 et al. be denied. Except for the overall expression of dissatisfaction by the CTA, the

tariff proposal presented by the Commission staff in OSH 604 et al. received the general support of the parties.

Case No. 5432 (OSH) et al.

The National Motor Freight Classification was initially adopted, effective September 1, 1968, as the governing classification for Minimum Rate Tariff 2 by Decision No. 74310 (68 Cal. P.U.C. 445). Similar action was taken in connection with the Commission's drayage tariffs (MRT 1-B, 5, 9-B and 19) by Decision No. 74449, dated July 23, 1968, in Case No. 7858 (Petition 40) et al., and related companion decisions. The adoption of the National Motor Freight Classification is limited to the extent provided in the respective tariffs involved. For example, Item 280 of MRT 2 states that "This tariff is subject to the following rules (items) only of Governing Classification: 997 (Table A)."²

The application of truckload class ratings named in the National Motor Freight Classification, as the governing ratings for the minimum truckload class rate scales, required the publication of a tariff rule in the minimum rate tariffs which, among other things, sets out the scope of application of Item 997 of the Governing Classification. Such action was necessary, in the first instance, because the individual truckload class ratings named in the classification make reference to a minimum weight factor only. The actual minimum weights provided for such weight factors were originally listed in Section 3 (Tables A or B) of Item 997 of the Governing Classification. For purposes of minimum class rate construction, it was only necessary to make reference to Table A of Item 997 of the classification in order to provide an appropriate basis for determining the proper minimum weight for a truckload class rating

² References herein to Minimum Rate Tariff 2 apply equally to the other minimum rate tariffs (MRT 1-B, 9-B and 19).

published elsewhere in the classification for any given commodity.³ Sections 1 and 2 of Item 997 of the classification were previously determined to be not appropriate for minimum class rates in California. It was, therefore, excluded when the predecessor (NMFC A-10) to the current Governing Classification (NMFC A-11) was originally adopted pursuant to Decision No. 74310. The minimum rate tariff publication employed to reflect the aforementioned restricted applications of Item 997 of the Governing Classification is apparently not clear or uniformly understood by all parties. Accordingly, the Commission staff recommends that the minimum tariff items governing the application of the Classification's Item 997 be clarified.

By Decision No. 77279, dated June 3, 1970, in Application No. 51888, and Case No. 5432 (Petition 586) et al., the National Motor Freight Traffic Association, Inc., Agent, was authorized to publish in Supplement 2 of NMFC A-11, on behalf of participating California common carriers, numerous changes in class ratings and other classification provisions. Said decision concurrently adopted such classification changes to govern the Commission's minimum rates to the extent authorized in the various minimum rate tariffs. Included in Supplement 2 of NMFC A-11 was the following revision of Section 1, Item 997 of the classification:

"Sec. 1. The minimum weight factors named in connection with the individual descriptions and classes herein apply as set forth in Sec. 3 of this rule. The minimum weights assigned to minimum weight factors ~~do not necessarily reflect complete utilization of the full cubic capacity of vehicles; and apply per vehicle, not less than 30 feet in length, but~~ are not to be construed as affording shippers the exclusive use of such partially filled vehicles."⁴

³ Section 2 and Table B of Section 3 of Item 997 of NMFC A-11 having been previously canceled, only Section 1 and Section 3 (Table of Minimum Weights) is pertinent to this proceeding.

⁴ "Strikeover" indicates deletion.
"Underscoring" indicates addition.

The Commission's Transportation Division staff advises that the new wording of Section 1, Item 997 of NMFC A-11 noted above has prompted many inquiries, inasmuch as the truckload minimum weights applicable in connection with class rates named in the Commission's minimum rate tariffs have been assessed on a per shipment basis, regardless of the number of vehicles used in connection with any given shipment. Attention is also directed to the fact that the revised provisions of Section 1, Item 997 of NMFC A-11 is incompatible with various existing provisions of the Commission's minimum rate tariffs.⁵ Several shippers have informed the Commission by letter that the minimum rate tariff reference to Item 997 (Table A) of NMFC A-11 restricts, in their opinion, the application of said item to Section 3 thereof. On the other hand, there is the position, such as taken by the California Trucking Association, that both Sections 1 and 3 of Item 997 of the classification governs the minimum rate tariffs presently making reference to Item "997 (Table A)."

The Commission staff is of the opinion that the present application of Item 997 of NMFC A-11 is not clear. The staff believes that the chief reason for the existing uncertainty as to whether Section 1 of Item 997 of NMFC A-11 actually governs the several minimum rate tariffs is the questionable way in which the tariffs refer to Item 997, Table A. To correct such tariff ambiguity the staff concludes that the interests of all concerned would best be served by making it clear that the minimum rate tariffs are only subject to the provisions of Section 3 of Item 997 of the Governing Classification. To accomplish this objective the staff recommends

⁵ For example, in MRT 2, Item 85 (Shipments Transported in Multiple Lots); Item 292 (Volume Incentive Rates), and Items 200-240 Series (Alternative Application of Common Carrier Rates).

that the reference to Item 997 in each of the minimum rate tariffs be amended to read "997 (Section 3 only)", as shown in the appendix attached to staff Exhibit 1.

The California Trucking Association takes the view that the staff's rate proposal fails to come to grips with the real issue involved. The CTA would argue that the application of Section 1, Item 997 of NMFC A-11 in conjunction with the several minimum rate tariffs was previously authorized by Decision No. 77279. If, however, there is a question as to the scope of application of Section 1, Item 997 of the classification, both as to minimum class and/or commodity rates, the CTA, in Petition 618 et al., presents a minimum rate concept as an alternative to or supplement of the staff's rate proposal.

It is inconceivable that anyone would assume or suggest that this Commission, without benefit of substantial factual evidence adduced at formal public hearings, would issue an ex parte order which would turn the Commission's minimum class and commodity rates about so that the minimum weights prescribed for such rates would apply on a per shipment per unit of carrier's equipment utilized basis, in lieu of the established per shipment basis for determining freight charges; thereby granting one of the greatest, if not the greatest, rate increases in the history of the Commission's minimum rate program. Assuming arguendo that Decision No. 77279 did, in fact, authorize for minimum rate determination the application and/or revision of Section 1, Item 997, of NMFC A-11, one can only be drawn to the tortured conclusion that the Commission was misled by the justification submitted in Application No. 51888.⁶

⁶ Exhibit B attached to Application No. 51888 states that the proposed revision of Item 997, NMFC A-11 was "... for tariff clarification and simplification to assure proper application of the tariff provisions, which changed description could result in both an increase and a reduction.

If such be the case, the error should be corrected forthwith. It is clear, however, that Section 1 of Item 997, having no application in connection with the minimum rates involved, Decision No. 77279 was not concerned therewith.

The Commission staff suggested revision of the existing minimum rate tariff reference from Item "997 (Table A)" to "997 (Section 3 only)" will, if adopted, put to rest the alleged existing tariff ambiguity without affecting the scope of application of said classification provision insofar as the Commission's minimum rate tariffs are concerned. The staff rate proposal should be incorporated into the Commission's various minimum rate tariffs involved.

Case No. 5432 (Petition 618) et al.

The California Trucking Association suggests the following rate concept for Commission consideration and subsequent implementation into its minimum rate structure as an alternative or supplement to the staff rate proposal:

Application of Rates Subject to
Minimum Weights

"When the application of any rate named in this tariff is conditioned upon the assessment of charges based upon a specified minimum weight, charges shall be assessed on actual weight tendered, subject to a minimum charge of the specified minimum weight per unit of carrier's equipment utilized." (Exhibit 23.)

In justification of the above rate concept, as a basis for implementing the provisions of Section 1, Item 997 of NMFC A-11 or the establishment of like provisions in the minimum rate tariffs, the Director for CTA's Division of Transportation Economics presented a pictorial sketch (Exhibit 4) plus supporting oral testimony. The exhibit assertedly outlines three prevailing circumstances in the transportation of a shipment subject to truckload rates. For

purposes of demonstration, the director assumed three 36,000-pound straight truckload shipments, each producing freight revenue of \$150. The director explains that the problem involved is not limited to the examples shown nor confined to truckload lots. In the first example, 36,000 pounds of Commodity A is loaded into a single unit of carrier's equipment, producing revenues per shipment and per unit of equipment used of \$150. In Examples 2 and 3, the exhibit indicates that the truckload shipments of Commodities B and C were required to be loaded in two and three units of carrier's equipment, respectively, due to the alleged density characteristics of the two commodities involved. The CTA official points out that, in the absence of the governing provisions of Section 1, Item 997 of NMFC A-11, the revenue per unit of equipment used in Example 2 (Commodity B) and Example 3 (Commodity C) is reduced from \$150 to \$75 and \$50, respectively. The impact of such circumstances, the CTA witness explains, is apparent. The per-unit revenue has been reduced two-thirds while the expense to the carrier has remained constant. From CTA's Exhibit 4, the director advances the conclusion that, in the absence of the governing provisions such as provided in either Section 1 of Item 997 of NMFC A-11 or the tariff concept proposed in Petition 618 et al., the established minimum rate tariff provisions create absurdities such as demonstrated in CTA's Exhibit 4 which were not contemplated or intended. The oral testimony presented in support of CTA's rate proposal consisted primarily of an elaboration upon the following major allegations:

1. The truckload ratings, including the minimum weight factors published in connection therewith are constructed on a "per truckload per unit of equipment used" basis.

2. The cost data underlying the Commission's minimum truckload class rate structure is predicated upon a "per truckload per unit of equipment used" basis.
3. The minimum truckload class rate structure should reflect the same per truckload basis employed in the underlying supporting cost data and the related class ratings.

While no issue is taken at this time with the director's allegations per se, we do not subscribe to or accept the over simplification or generalizations thereof nor to the suggested solutions to the allegations advanced by the CTA's witness. If the CTA's evidence offered in this proceeding were to be characterized by its most singular feature, it would be the absence of factual probative evidence, on the one hand, and the overabundance of opinion testimony, drawn from the fund of knowledge of a single witness, on the other hand. Here again it is inconceivable that anyone would promote the possibility of this Commission drastically overhauling its established minimum rate program, in such a manner as to result in increases in freight charges averaging some 30-60 percent, without compelling factual evidence adduced at public hearing in justification therefor.

The evidence, or lack thereof, relative to the CTA's rate proposals in this proceeding compels a finding that petitioner has failed in its burden of proof as to the merits of its sought relief. Accordingly, the recommendations of protestant shippers, several highway carrier representatives and the Commission's Transportation staff, that CTA's pleadings in Case No. 5432 (Petition 618) et al. be denied, have considerable merit.

Findings and Conclusions

The Commission finds that:

1. The National Motor Freight Classification A-11 is the governing classification for the Commission's Minimum Rate Tariffs 1-B, 2, 9-B and 19 to the extent provided in said individual tariffs.
2. Item 997 (currently 997-B) of National Motor Freight Classification A-11 contains the basis for determining the minimum weight applicable to each minimum weight factor named in connection with the individual commodity descriptions and class ratings set forth in the governing classification.
3. The Commission's several minimum rate tariffs involved in this proceeding are governed by Section 3 only of Item 997-B of the governing classification. Sections 1 and 2 of said classification item do not govern the application of the Commission's various minimum rate tariffs.
4. The scope or extent to which the provisions of Item 997-B of the National Motor Freight Classification A-11 govern the minimum rate tariffs under the existing rules contained in said tariffs is not clear and is in need of clarification. The tariff revisions proposed by the Commission's staff in Case No. 5432 (OSH 604) et al. will, if adopted, provide the tariff clarification shown to be necessary in this proceeding.
5. The tariff clarification proposed by the staff will not result in any increase and/or decrease in the existing level of minimum rates and has been shown to be justified.
6. The alternative rate proposals of the California Trucking Association have not been shown to be either necessary, desirable or otherwise justified by transportation conditions.

The Commission concludes that:

1. The tariff revisions proposed by the Commission's Transportation Division staff in Case No. 5432 (OSH 604) et al. should be adopted and that Minimum Rate Tariffs 1-B, 2, 9-B and 19 should be amended accordingly.

2. The California Trucking Association alternative rate proposals in Case No. 5432 (OSH 604 and Petition 618) et al. should not be authorized.

3. The California Trucking Association petitions in Case No. 5432 (Petition 618) et al. should be denied.

O R D E R

IT IS ORDERED that:

1. Minimum Rate Tariff 2 (Appendix D of Decision No. 31606, as amended) is further amended by incorporating therein, to become effective August 21, 1971, Fifteenth Revised Page 29, attached hereto and by this reference made a part hereof.

2. Minimum Rate Tariff 1-B (Appendix B of Decision No. 65834, as amended) is further amended by incorporating therein, to become effective August 21, 1971, Fifth Revised Page 18-A, attached hereto and by this reference made a part hereof.

3. Minimum Rate Tariff 9-B (Appendix A of Decision No. 67766, as amended) is further amended by incorporating therein, to become effective August 21, 1971, Eighth Revised Page 18, attached hereto and by this reference made a part hereof.

4. Minimum Rate Tariff 19 (Appendix A of Decision No. 41363, as amended) is further amended by incorporating therein, to become effective August 21, 1971, Thirty-third Revised Page 16, attached hereto and by this reference made a part hereof.

5. Common carriers subject to the Public Utilities Act, to the extent that they are subject to Decisions Nos. 31606, 65834, 67766 and 41363, as amended, are hereby authorized to establish in their tariffs the amendments ordered herein.

6. Tariff publications 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 fifth day after the effective date of this order, and may be made effective on not less than five days' notice to the Commission and to the public if filed not later than sixty days after the effective date of the minimum rate tariff pages incorporated in this order.

7. 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.

8. In all other respects Decisions Nos. 31606, 65834, 67766 and 41363, as amended, shall remain in full force and effect.

9. The motion to dismiss Petition 618 et al., filed by the California Manufacturers Association, to the extent not previously denied in this proceeding, is hereby granted.

10. Petition for Modification Nos. 618, 168, 134 and 215 in Cases Nos. 5432, 5435, 5439 and 5441, respectively, are hereby denied.

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

Dated at San Francisco, California, this 13th day of JULY, 1971

Chairman

William J. Sweeney, Jr.

[Signature]

Vernon L. Stinson

Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A
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LIST OF APPEARANCES

Petitioner: R. W. Smith and A. D. Poe, Attorneys at Law, and H. F. Kollmyer, for California Trucking Association, also interested party in Case No. 5432 (OSH 604) et al.

Respondents: Bob Burns, for Blackburn Truck Lines; Ron Davis, for Associated Freight Lines; Elliott Eyring, A. J. Konicki and W. N. Greenham, for Pacific Motor Trucking Co.; Armand Karp, for Alltrans Express California, Inc.; Joe MacDonald, for California Motor Express; John Odoxta, for Shippers Express; John McSweeney, for Delta Lines; Lee Pfister, for Willig Freight Lines; James L. Roney and Raoul Dedeaux, for Dart Transportation Service; Charles P. Pinckard, for Progressive Transportation Company; William O. Ward, for Gillies Trucking Co.; Dale Riley and A. E. Baldon, for B.B.D. Transportation Co., Inc.; Gary Clawson, for Clawson Trucking Co., Inc.; James A. Ortloff, for Eager Beaver Trucking; John Kellerman, for Trails Trucking, Inc.; and Steve Hopper, for S & H Truck Lines Inc.

Protestants: Robert A. Kormel and J. Marino, for Pacific Gas and Electric Company (interested party in Case No. 5432, OSH 604 et al.); Harold W. Nordberg, for Dole Company; Earl W. Gerloff, for Humble Oil & Refining Company; Lloyd Kenneth Hoffman and Bill T. Farris, for County of Los Angeles and California Department of General Services; D. H. Marken, Attorney at Law, and Roger E. Marken, for Traffic Managers Conference of California; Raymond D. Vinick, for Hunt Wesson Foods, Inc.; William D. Mayer, for Cannery League of California; Howard W. Haage, for Can Manufacturer's Institute, Inc. (interested party in Case No. 5432 OSH 604 et al.); and R. M. Zaller, for Industrial Traffic Association of San Francisco (interested party in Case No. 5432, OSH 604 et al.).

Interested Parties: A. L. Libra, Attorney at Law, and William M. Larimore, for California Manufacturers Association; William D. Meyer, for Del Monte Corporation; Karl L. Mallard, for Hawaiian Sugar Refining Company; William D. Grindrod, for Norris Industries; Gordon Larsen, for American Can Company; Wayne R. Tinker, for Diamond Shamrock Corporation; Patrick F. Murphree, for Johnson & Johnson; Jack P. Sanders, for Gerber Products Company; John J. Wynne and Charles M. Hendrickson, for Owens Illinois, Inc.; Don B. Shields, for Highway Carriers Association; Ben Roth, for Crown Zellerbach Corp.; Gordon G. Gale and Charles D. Fry, for The Clorox Company; Harold Sumnerfield and W. A. Watkins, for Bethlehem Steel Corporation; E. R. Chapman, for Foremost Foods Company; Asa Button, for Spreckels Sugar Division-Amstar Corporation; Eustace O. Pate, for MJB Company and Western Can Company; Allen I. Taylor, for Kaiser Steel Corporation; Carv Ferrulli, for Simco-Pacific; R. M. Zaller, for Continental Can Company; G. E. Hassenfrits, for United States Steel Corporation; Meyer Kapler, for American Forest Products;

APPENDIX A
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M. G. Van Matre, for California Department of General Services; Alexander J. Stewart, for National Can Corporation; William A. Ashby, for Latchford Glass Company; Glen W. McAdoo, for Coca-Cola USA, a Division of the Coca-Cola Company; Robert D. Stout, for Swift Edible Oil, Division of Swift & Company; Jack N. Schumann, for Kal Kan Foods, Inc.; Raymond W. Scott, Jr., for Revere Copper and Brass, Inc.; Dorothy L. Dixon, for Thatcher Glass Manufacturing Co.; Austin G. McDonald, for Lever Brothers Company; Charles H. Caterino and Richard B. Colby, for The Flintkote Co.; Joe J. Lopez, for Atlantic Richfield Co.; Paul E. Hochelle, for Western Kraft Corp.; Norman D. Sullivan, for Shedd Bartush Foods, Division of Beatrice Foods Co.; Norman J. Coleman, for Firestone Tire & Rubber; Dale J. Trapp and Paul J. Burnett, for Shell Oil Company; H. G. Katterfeld, for Facelle Co., Division of International Paper Company; Sharon A. Testman, for Glass Containers Corp.; Maurice J. Heyerick, for Purex Corp., Ltd.; Joseph F. Ross, for Bird & Son, Inc.; Charles D. Gilbert, for Standard Brands, Inc.; Morton S. Colgrove, for The Northwest Paper Co., and Potlatch Forests, Inc.; Joseph E. Frias, for Essick Manufacturing Company; Gordon A. Rodgers, for Allied Chemical Corp.; Robert Hoffman, for United Concrete Pipe Corp.; Maurice J. Parker, for Sears Roebuck & Co.; William E. Staeck, for Davis Wire Corp.; Calhoun E. Jacobsen, for Sonoco Prods. Co., City of Industry, Pabst Brewing Co., Sun Lumber Co., and Kaiser Industries, Tubing Division; R. M. Hinkley, for Interpace Corp.; Ronald P. McCloskey, for Monsanto Co.; John F. Shannon, for Avon Products; Kenneth C. O'Brien, for Container Corporation of America; and Albert F. Reyher, for Alpha Beta Acme Markets.

Commission Staff: Robert E. Walker.

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF RATES</p> <p>Rates provided in this tariff are for the transportation of shipments from point of origin to point of destination and include tailgate loading into and tailgate unloading from the carrier's equipment with services of the driver only.</p>	60
<p style="text-align: center;">APPLICATION OF GOVERNING PUBLICATIONS</p> <p>1. This tariff is governed to the extent shown herein by:</p> <p>(a) The Governing Classification, except that this tariff is subject to the following rules (items) only thereof:</p> <p>110, Sections 1, 3(a), 3(b), 3(c), 3(d), 4, 4(a), 4(b), 5, 6(a), 6(b), 6(c), 7, 7(a), 7(b), 7(c), 7(d), 8, 9, 10, 11(a), 11(b), 11(c), 12, 12(a), 12(b), 12(c), 12(d), 12(e), 12(f), 13(a), 13(b), 13(c), 14, 15, 15(a), 15(b), 15(c), 15(d), and 16;</p> <p>200; 205; 210; 215; 220; 222; 225; 230; 235; 240; 245; 250; 255; 257; 260; 265; 270; 275; 280; 285; 291; 292; 294; 296; 297; 300; 310;</p> <p>360, Sections 1, 1(a), 1(b), 1(c), 1(d), 1(h), 2, 2(a), 2(b), 2(c), 2(d), 3, 4, 4(a), 4(b), and 5;</p> <p>370; 381; 420, Sections 1, 2, 4 and 5; 421; 422; 423; 424; 426; 428, Section 2;</p> <p>430, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11(a), 11(b), and 13;</p> <p>455; 520; 535; 540; 565; 595; 640; 645; 680; 685; 687; 689; 765; 780, Section 2;</p> <p>845; 995; 997 (Section 3 only).</p> <p>(b) The Exception Ratings Tariff, Sections 2-A, 2-B, 2-C and 2-D only.</p> <p>(c) The Dangerous Articles Tariff (California Regulations).</p> <p>2. Where the ratings and rules or other provisions or conditions provided in publications set forth in this item 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 the provisions set forth in this tariff or the otherwise governing publications referred to in paragraphs (a) or (b) hereof, the provisions of the Dangerous Articles Tariff will apply.</p>	670
<p style="text-align: center;">ACCESSORIAL CHARGES</p> <p>For other than tailgate loading or tailgate unloading, for help in addition to driver for loading or unloading furnished by the carrier at request of consignor or consignee, for distribution, segregation, tagging, reconditioning, stacking, sorting or any other accessorial or incidental service which is not authorized to be performed under the rates named in this tariff and for which a charge is not otherwise provided, an additional charge shall be made as follows:</p> <p>(a) The time consumed by the driver in performing such services shall be charged for at the rate of \$10.10 per hour, minimum charge \$2.55.</p> <p>(b) The time consumed by the helper or helpers in performing such services shall be charged for at the rate of \$10.00 per helper per hour, minimum charge one hour for each helper used.</p>	80
<p>Change, Decision No. 78915</p>	
EFFECTIVE	
<p>Correction</p>	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>

MINIMUM RATE TARIFF 9-B

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">RATINGS (Exception to Sec. 3 of Item 997 of the Governing Classification)</p> <p>Except as otherwise provided in this tariff, 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)</p> <p>EXCEPTION.--When the truckload minimum weight provided in connection with ratings in the Governing Classification or Exception Ratings Tariff exceeds 40,000 pounds, the minimum weight shall be considered as being 40,000 pounds for the purpose of applying rates in Section 2 of this tariff.</p>	60
<p style="text-align: center;">APPLICATION OF CLASS RATES THAT ARE PERCENTAGES, MULTIPLES OR PROPORTIONS OF SPECIFIC CLASS RATINGS</p> <p>Class ratings which are based on percentages, multiples or proportions of Class 100 or other specified class ratings are not restricted in their application solely to the minimum class rates in the any quantity weight brackets but will apply in connection with the minimum weight brackets set forth in this tariff applicable to the shipment transported.</p>	70
<p style="text-align: center;">APPLICATION OF GOVERNING PUBLICATIONS</p> <p>(a) This tariff is governed to the extent shown herein by:</p> <p>(1) The Governing Classification, except that this tariff is subject to the following rules (items) only thereof:</p> <p>110, Sections 1, 3(a), 3(b), 3(c), 3(d), 4, 4(a), 4(b), 5, 6(a), 6(b), 6(c), 7, 7(a), 7(b), 7(c), 7(d), 8, 9, 10, 11(a), 11(b), 11(c), 12, 12(a), 12(b), 12(c), 12(d), 12(e), 12(f), 13(a), 13(b), 13(c), 14, 15, 15(a), 15(b), 15(c), 15(d), and 16;</p> <p>200; 205; 210; 215; 220; 222; 225; 230; 235; 240; 245; 250; 255; 257; 260; 265; 270; 275; 280; 285; 291; 292; 294; 296; 297; 300; 310;</p> <p>360, Sections 1, 1(a), 1(b), 1(c), 1(d), 1(h), 2, 2(a), 2(b), 2(c), 2(d), 3, 4, 4(a), 4(b), and 5;</p> <p>370; 381; 420, Sections 1, 2, 4 and 5; 421; 422; 423; 424; 426; 428, Section 2;</p> <p>430, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11(a), 11(b), and 13;</p> <p>455; 520; 535; 540; 565; 595; 640; 645; 680; 685; 687; 689; 765; 780, Section 2;</p> <p>845; 995; 997 (Section 3 only).</p> <p>(2) Sections 2-A, 2-C and 2-D only of the Exception Ratings Tariff.</p> <p>(3) The Dangerous Articles Tariff (California Regulations).</p> <p>(4) The Distance Table (territorial descriptions only - see Item 30 herein).</p> <p>(b) Where the ratings and rules or other provisions or conditions provided in the governing publications described in paragraph (a) are in conflict with those provided in this tariff, the provisions of this tariff will apply.</p> <p>(c) Except as otherwise specifically provided in this tariff, where the provisions of the Dangerous Articles Tariff are in conflict with the provisions set forth in this tariff or the otherwise governing publications referred to in paragraph (a), the provisions of the Dangerous Articles Tariff will apply.</p>	80
<p>Change, Decision No. 78915</p>	
EFFECTIVE	
<p>Correction</p>	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>

SECTION 1--RULES (Continued)		ITEM
APPLICATION OF RATES		
Rates provided in this tariff are for the transportation of shipments from point of origin to point of destination and include tailgate loading into and tailgate unloading from the carrier's equipment. (See Item 110)		90
APPLICATION OF GOVERNING PUBLICATIONS		
1. This tariff is governed to the extent shown herein by:		
(a) The Governing Classification, except that this tariff is subject to the following rules (items) only thereof:		
110, Sections 1, 3(a), 3(b), 3(c), 3(d), 4, 4(a), 4(b), 5, 6(a), 6(b), 6(c), 7, 7(a), 7(b), 7(c), 7(d), 8, 9, 10, 11(a), 11(b), 11(c), 12, 12(a), 12(b), 12(c), 12(d), 12(e), 12(f), 13(a), 13(b), 13(c), 14, 15, 15(a), 15(b), 15(c), 15(d), and 16;		
200; 205; 210; 215; 220; 222; 229; 230; 235; 240; 245; 250; 255; 257; 260; 265; 270; 275; 280; 285; 291; 292; 294; 296; 297; 300; 310;		
360, Sections 1, 1(a), 1(b), 1(c), 1(d), 1(h), 2, 2(a), 2(b), 2(c), 2(d), 3, 4, 4(a), 4(b), and 5;		
370; 381; 420, Sections 1, 2, 4 and 5; 421; 422; 423; 424; 426; 428, Section 2;		2100
430, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11(a), 11(b), and 13;		
455; 520; 535; 540; 565; 595; 640; 645; 680; 685; 687; 689; 765; 780, Section 2;		
845; 995; 997 (Section 3 only).		
(b) The Exception Ratings Tariff, Sections 2-A, 2-B, 2-C and 2-D only.		
(c) The Dangerous Articles Tariff (California Regulations).		
2. Where the ratings and rules or other provisions or conditions provided in the Governing Classification or Exceptions Ratings Tariff 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) and (b) hereof, the provisions of the Dangerous Articles Tariff will apply.		
ACCESSORIAL CHARGES		
(a) For pickup or delivery or for stacking, sorting or other accessorial service which is not authorized to be performed under the rates named in this tariff and for which a charge is not otherwise provided, an additional charge of \$10.10 per man per hour, minimum charge \$2.55, shall be made.		
(b) When carrier is required to provide additional labor, at point of origin or point of destination, for the handling of articles or packages which, because of their weight or bulk, cannot be handled by one man, an additional charge of \$10.00 per man per hour, minimum charge \$10.00, shall be made.		110
(c) On shipments of glass as described under the heading "Glass" in the Governing Classification in packages named therein exceeding 120 united inches, add 6½ cents per 100 pounds to applicable class rates. (See Note)		
NOTE.--Will not apply where crane facilities are available without cost to carrier or loading and/or unloading is performed by shipper and/or consignee, at both pickup and delivery points.		
Change, Decision No. 78915		
EFFECTIVE		
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.		
Correction		

MINIMUM RATE TARIFF 2

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
EXCEPTIONS TO GOVERNING CLASSIFICATION AND EXCEPTION RATINGS TARIFF	
<p style="text-align: center;">RULES</p> <p>This tariff is subject to the following rules (items) only of the Governing Classification:</p> <p>110, Sections 1, 3(a), 3(b), 3(c), 3(d), 4, 4(a), 4(b), 5, 6(a), 6(b), 6(c), 7, 7(a), 7(b), 7(c), 7(d), 8, 9, 10, 11(a), 11(b), 11(c), 12, 12(a), 12(b), 12(c), 12(d), 12(e), 12(f), 13(a), 13(b), 13(c), 14, 15, 15(a), 15(b), 15(c), 15(d), and 16;</p> <p>200; 205; 210; 215; 220; 222; 225; 230; 235; 240; 245; 250; 255; 257; 260; 265; 270; 275; 280; 285; 291; 292; 294; 296; 297; 300; 310;</p> <p>360, Sections 1, 1(a), 1(b), 1(c), 1(d), 1(h), 2, 2(a), 2(b), 2(c), 2(d), 3, 4, 4(a), 4(b), and 5;</p> <p>370; 381; 420, Sections 1, 2, 4 and 5; 421; 422; 423; 424; 426; 428, Section 2;</p> <p>430, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11(a), 11(b), and 13;</p> <p>455; 520; 535; 540; 565; 595; 640; 645; 680; 685; 687; 689; 765; 780, Section 2;</p> <p>845; 995; 997 (Section 3 only).</p>	<p>280</p>
<p style="text-align: center;">APPLICATION OF EXCEPTION RATINGS NAMED IN THIS TARIFF</p> <p>Unless otherwise specifically provided in individual items in this Section, the exception ratings named herein apply as follows:</p> <p>(a) Exception ratings provided in this Section which are designated as truckload ratings or are made subject to specified minimum weights supersede the "truckload" ratings and minimum weights in the Governing Classification and Exception Ratings Tariff, but do not supersede "less-truckload" or "any quantity" ratings provided in the Governing Classification and Exception Ratings Tariff, but do not supersede "less-truckload" or "any quantity" ratings provided in the Governing Classification or Exception Ratings Tariff.</p> <p>(b) Exception ratings provided in this Section which are designated as "less-truckload" or "any quantity" ratings, or are not subject to specified minimum weights, supersede the "less-truckload" and "any quantity" ratings shown in the Governing Classification and Exception Ratings Tariff but do not supersede the "truckload" ratings and minimum weights in the Governing Classification, Exception Ratings Tariff or in this tariff.</p>	<p>285</p>
<p style="text-align: center;">RATINGS</p> <p>(Exception to Sec. 3 of Item 997 of the Governing Classification)</p> <p>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)</p> <p>EXCEPTION.--When the truckload minimum weight provided in connection with ratings in the Governing Classification or Exception Ratings Tariff exceeds 45,000 pounds, the minimum weight shall be considered as being 45,000 pounds for the purpose of applying rates in Section 2 of this tariff.</p>	<p>290</p>
<p style="text-align: center;">EMPTY PACKAGES OR CARRIERS, SECONDHAND</p> <p>When Empty Packages or Carriers, as described below, are offered for shipment at the rates published in this tariff:</p> <p>(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;</p> <p>(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;</p> <p>otherwise carrier will apply the ratings for secondhand packages or carriers not returned.</p>	<p>291</p>
<p>Change, Decision No. 78915</p>	
<p style="text-align: center;">EFFECTIVE, .</p> <p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA. SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	