Decision No. __79008

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of National Motor Freight Traffic Association, Inc., Agent, for and on behalf of certain highway common carriers and express corporations, for authority to make various revisions in National Motor Freight Classification A-11.

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

And Related Matters

Application No. 52701

ORIGINAL

Case No. 5432 (Petition for Modification No. 658)

)Case No. 5436, Petition No. 111)Case No. 5439, Petition No. 147)Case No. 5441, Petition No. 229)Case No. 5603, Petition No. 100)Case No. 7783, Petition No. 44)Case No. 7857, Petition No. 49)Case No. 7858, Petition No. 99) (Filed June 21, 1971)

OPINION AND OPDER

Various common carriers engaged in intrastate transportation within California participate in National Motor Freight Classification A-11, hereinafter referred to as the Governing Classification, for class ratings and other provisions. Also,

various Commission minimum rate tariffs are subject to the class ratings and/or other provisions of such classification.

By Application No. 52701, National Motor Freight Traffic Association, Inc., Agent, seeks authority, on behalf of such common carriers, to reissue the current Governing Classification as National Motor Freight Classification A-12 to become effective September 1, 1971.¹

By the above petitions, California Trucking Association proposes that National Motor Freight Classification A-11 be discontinued as the Governing Classification for various Commission minimum rate tariffs and that National Motor Freight Classification A-12 be adopted and prescribed as the Governing Classification for the Commission's minimum rate tariffs.² Petitioner requests that exception ratings on certain commodities³ be established in Exception Ratings Tariff No. 1 and 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

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

³ The commodities are described in detail in Exhibit D attached to the petitions.

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The proposed reissue of National Motor Freight Classification A-12 and the changes provided therein are set forth in Exhibits A, B, C and D attached to the application.

revised to meet the changing needs of commerce and is also periodically reiscued to minimize the difficulties which accompany excessive supplementation of tariff material, and accordingly the present classification is being reissued as National Motor Freight Classification A-12, with an effective date of September 1, 1971. Applicants assert that the procedures available to shippers and carriers to initiate such revisions, to participate in their disposition and to protect their interests are generally known to the parties involved. Applicants aver that reissue of the Governing Classification, if authorized by this Commission, would permit maintenance of uniformity of classification provisions between California and the other states.

Applicants declare that they are informed and believe that the currently effective National Motor Freight Classification A-ll will become obsolete, and its utilization impractical, upon the issuance of National Motor Freight Classification A-l2 and that the currently effective classification should be discontinued as the Governing Classification for various Commission minimum rate tariffs.

Petitioner avers that the proposed establishment of certain exception ratings in Exception Ratings Tariff No. 1 is necessary to retain ratings presently in effect on California intrastate traffic, which are different than those set forth in the proposed Governing Classification. Petitioner asserts that such exception ratings would eliminate the need for issuance of a special supplement to the proposed Governing Classification and the expense involved in issuing said supplement.

Copies of the application and petitions were mailed to various chambers of commerce, shipper organizations, carrier representatives and other interested parties on or about June 18, 1971. The application and petitions were listed on the Commission's

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Daily Calendar of June 22, 1971. Furniture Manufacturers Association of California has, by letter, requested that the adoption of Governing Classification A-12 be deferred at this time in connection with Minimum Rate Tariff No. 11-A. In compliance therewith California Trucking Association requests dismissal of Petition 100 in Case No. 5603. No objection to the granting of the application and the other petitions has been received.

Commission staff analysis discloses that the ratings and rules in National Motor Freight Classification A-12 generally involve reissues of ratings and rules that are currently in effect in National Motor Freight Classification A-11 and no new or revised provisions are proposed.⁴ The staff recommends that the application and petitions, except Petition 100 in Case No. 5603, be granted by ex parte order to the extent hereinafter indicated.

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

1. The ratings and rules named in National Motor Freight Classification A-12 should replace those set forth in National Motor Freight Classification A-11.

2. Common carriers named in Application No. 52701 should be authorized to adopt National Motor Freight Classification A-12 in lieu of National Motor Freight Classification A-11 subject to the conditions specified in Findings 3 and 4 hereof.

3. Common carriers named in Application No. 52701 should be required to observe only those ratings and rules which are reissues of ratings and rules that are currently in effect on California intrastate traffic in connection with their particular operations.

4. Common carriers named in Application No. 52701 should be required to observe ratings and governing provisions set forth

Section 12 of Item 430 of National Motor Freight Classification A-12 contains increased charges which have not been authorized.

in Items 1855 and 1857 of Exception Ratings Tariff No. 1 on and after September 1, 1971.

5. The proposed ratings and rules which applicant will be authorized to reissue, except to the extent that said ratings and rules are different from and are superseded by 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.

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

Based on the above findings, the Commission concludes that the proposed classification ratings and rules set forth in Application No. 52701 and the proposed exception ratings set forth in Case No. 5432 (Petition for Modification No. 658), et al. should be authorized, to the extent indicated in the ensuing order, and that such authorized ratings and rules should be adopted and approved, to govern the minimum rates established by the Commission. The necessary amendments to Minimum Rate Tariff No. 2 and Exception Ratings Tariff No. 1 will be made in the order which follows. Amendments to the other minimum rate tariffs will be made by separate orders to avoid duplication of tariff distribution. The order which follows should be made effective August 27, 1971, and the earliest effective date of the tariff publications involved should be September 1, 1971.

IT IS ORDERED that:

1. National Motor Freight Traffic Association, Inc., Agent, on behalf of the involved common carriers participating in

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National Motor Freight Classification A-12, is authorized to establish and publish the classification ratings and rules set forth in Application No. 52701, to become effective not earlier than September 1, 1971, on not less than one day's notice to the Commission and to the public, subject to the conditions specified in Ordering Paragraphs 2 and 3 hereof.

2. Common carriers named in Application No. 52701 shall observe only those ratings and rules which are reissues of ratings and rules that are currently in effect on California intrastate traffic in connection with their particular operations.

3. Common carriers named in Application No. 52701 shall observe the ratings and governing provisions in Items 1855 and 1857 of Exception Ratings Tariff No. 1 on and after September 1, 1971.

4. 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, 9-B and 19.

5. Tariff publications required to be made by common carriers as a result of Ordering Paragraphs 2 and 3 hereof shall be made effective September 1, 1971, on not less than one day's 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 Paragraphs 2 and 3 hereof may be made effective not earlier than September 1, 1971, and may be made effective on not less than one day's notice to the Commission and to the public if filed not later than November 1, 1971.

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6. The classification ratings and rules authorized to be established by Ordering Paragraphs 2 and 3 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, 9-B 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, 9-B and 19 are authorized to be maintained in connection with the ratings and rules authorized and directed to be established herein.

8. Except as provided in Ordering Paragraph 7 hereof, common carriers are not authorized to publish ratings and rules which are different from, and are superseded by, present exceptions contained in Exception Ratings Tariff No. 1 and Minimum Rate Tariffs Nos. 1-B, 2, 9-B and 19.

9. Minimum Rate Tariff No. 2 (Appendix D to Decision No. 31606, as amended) is hereby further amended by incorporating therein, to become effective September 1, 1971, Forty-third Revised Page 11 and Sixteenth Revised Page 29, attached hereto and by this reference made a part hereof.

10. Exception Ratings Tariff No. 1 (Appendix A to Decision No. 66195, as amended) is hereby further amended by incorporating therein, to become effective September 1, 1971,

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Eleventh Revised Page 2, Twenty-seventh Revised Page 3, Fourth Revised Page 28 and Third Revised Page 28-A, attached hereto and by this reference made a part hereof.

11. Common carriers subject to the Public Utilities Act, to the extent that they are subject also to Decisions Nos. 31606 and 66195, as amended, are hereby directed to establish in their tariffs the provisions necessary to conform with the further adjustments ordered herein.

12. 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 shorthaul 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.

13. In all other respects, Decisions Nos. 31606 and 66195, as amended, shall remain in full force and effect.

14. Petition for Modification No. 100 in Case No. 5603 is hereby dismissed without prejudice.

The effective date of this order shall be August 27,1971. Dated at San Francisco, California, this _____ day of August, 1971.

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Commissioners

MINIMUM RATE TARIFF . 2 FORTY-SECOND REVISED PAGE 11 SECTION 1--RULES OF GENERAL APPLICATION TTEM DEFINITIONS OF TECHNICAL TERMS (Items 10, 11 and 12) AIR-MILE means a statute mile measured in a straight line without regard to terrain features or differences in elevation. ARMORED CAR means any motor truck and/or other highway vehicle which has been armored with bullet resistant metal and/or bullet proof glass, and which is manned by an arned crew. 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. 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. 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 inter-state 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 Com-mission under Section 203(b)(6) or Section 203(b)(8) of Part II of the Interstate Com-610 merce Act. COMPONENT PART means any part of a shipment received by the carrier whether or not such part is separately delivered by the carrier; and any part of a shipment separately delivered by the carrier whether or not such part is separately received by the carrier. CONSIGNOR means the person, firm or corporation shown on the bill of lading as the shipper of the property received by the carrier for transportation. DANGEROUS ARTICLES TARIFF means Motor Carriers' Explosives and Dangerous Articles Tariff 14, Cal.P.U.C. 9, of American Trucking Associations, Inc., Agent. DEBTOR means the person obligated to pay freight charges to the carrier, whether consignor, consignee or other party. DISTANCE TABLE means Distance Table 7 issued by the Cal.P.U.C. ESCORT SERVICE means the furnishing of pilot cars or vehicles by a carrier as may be required by any governmental agency to accompany a shipment for highway safety. ESTABLISHED DEPOT means a freight terminal owned or leased and maintained by a carrier for the receipt and delivery of shipments. EXCEPTION RATINGS TARIFF means Exception Ratings Tariff 1 issued by the Cal.P.U.C. 6 GOVERNING CLASSIFICATION means National Motor Freight Classification A-12, Cal. P.U.C. 9. of National Motor Freight Traffic Association, Inc., Agent. HOLIDAYS means New Year's Day (January 1), Washington's Birthday (the third Monday in February), Memorial Day (the last Monday in May), Fourth of July, Labor Day (the first Monday in September), Thanksgiving Day, the Day after Thanksgiving, December 24 and Christmas Day (December 25). When a holiday falls on Sunday, the following Monday shall be considered as a holiday. 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. (Continued in Item 11) o Change, Decision No. 79008 EFFECTIVE ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA. correction SAN FRANCISCO, CALIFORNIA.

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MINIMUM RATE TARIFE 2

SECTION 1 RULES OF GENERAL APPLICATION (Continued)	ITEN	
EXCEPTIONS TO GOVERNING CLASSIFICATION AND EXCEPTION RATINGS TARIFF		
ROLES		
This tariff is subject to the following rules (items) only of the Governing Classification:		
<pre>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;</pre>		
2007 2057 2107 2157 2207 2227 2257 2307 2357 2407 2457 2507 2557 2577 2607 2657 2707 2757 2807 2857 2917 2927 2947 2967 2977 3007 3107	ø 280	
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 57		
370; 381; 420, Sections 1, 2, 4 and 5; 421; 422; 423; 424; 426; 428, Section 2;		
430, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11(a), 11(b), and 13;		
4557 5207 5357 5407 5657 5957 6407 6457 6807 6857 6877 6897 7657 780, Section 27		
8457 9957 997 \$ (Section 2 only).		
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, but do not supersede "less-truckload" or "any quantity" ratings provided in the Governing Classification or Exception Ratings Tariff, but do not supersede "less-truckload" or "any quantity" ratings provided in the Governing Classification or Exception Ratings Tariff. (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, supersed 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 and Exception Ratings Tariff but do not supersede the "truckload" ratings and minimum weights 	285	
RATINGS Ø(Exception to Sec. 2 of Item 997 of the Governing Classification)		
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)	ø290	
EXCEPTIONWhen the truckload minimum weight provided in connection with ratings in the Governing Classification or Exception Ratings Tariff exceeds 45,000 pounds, the minimu 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 deter- mine that such packages were moved filled and are being returned over the same carrier or carriers to consignor of the original filled packages at locations from which original filled packages were shipped or to another location; (b) Empty Packages or Carriers, secondhand, forwarded for return paying loads; Carrier must determine that such packages will, when filled, be moved over the same car- rier 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	291	
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EXCEPTION RATINGS TARIFF 1

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EXCEPTION RATINGS TARINY 1

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CONDIDITIES	ITEN	COMMODITIES	ITEN
Acids Articles as described in the	1200	Kernels, corn, reasted	480
Governing Classification	1030-1050	Ladders, step	900
AAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA	*****	Logs, compressed sawdust	600
Blankets	1800	welst and target	1
Boxes	1820	Machines, viz. :	ſ
Briquettes, wood	180	Accounting Card	
		Copying, Duplicating	
Cans, ash, garbage, oiled		or Reproducing	1850
Waste, refuse	1680		
Carriers, old (used)	280	Pads, sanitary	755
Carriers, used packages	300,320,	Paper or Paper Articles	1640,
	321,340	- , -	1840
Cartons, egg, pulp	270	н - <i>к</i>	1·
Chemicals	1320	Returned Shipments	820
Cocca or Cocca Paste	480	Rubber Articles	1660
Compounds, tree and weed	I. II		1
killing	460	Salt, common	
Confectionery	480	(Sodium Chloride)	880
*Containers, Sheet steel	1855-1857	Shipments, returned	820
the second to the second		Stepladders	900
Pertilizers	540,560,580	Sugar .	940
Flowers, fresh, cut	592		1
Purniture	1020	Wood Briquettes	180
Furniture and related arti-	1	Wood, fuel	600
cles	1000	Wood, kindling	600

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EXCEPTION RATINGS TARIFF '1

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	SECTION 2-DPROVISIONS WHICH ARE EXCEPTIONS TO THE GC			ITEM
2	(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.)			
GC No. '	ARTICLES	Rat LTL	ings TL	
52755 52760 52770 Sub 1 Sub 2 52772 S2780 Sub 1 Sub 2 Sub 2 Sub 2 Sub 3 Sub 4 Sub 5 Sub 4 Sub 5 Sub 5 Sub 1 Sub 5 Sub 1 Sub 5 Sub 3 Sub 4 Sub 5 Sub 3 Sub 4 Sub 5 Sub 5 Sub 7	NoteAlso applies when one or both ends are made of aluminum. Liquid capacity exceeding 1 gallon but not exceeding 5 gallons Not nested, in packages; also TL, loose	100 925 125 925 200	85 774 50 35	-1855
•	 (1) Third Revised Page 28 was canceled by Supplement 9. Addition, Decision No. 79068 	•	·	
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EXCEPTION RATINGS TARIFF 1

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SECTION 2-D--PROVISIONS WHICH ARE EXCEPTIONS TO THE GC

(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.)

SC No	Articles	Rat: LTL	ings TL	
52820 52830 SUD 1 SUD 2	CONTAINERS, SHEET STEEL, GROUP (subject to Item 52750) Cans, cream or milk shipping- Cans, ice cream (see Note, Item 52836) Not nested, LTL, in barrels, boxes or crates; TL, loose or in packages	- 100	, .	+1857
52834 52836	<pre>packages</pre>	85		
. •	Minimum Weight 12,200 pounds		85 775 50 35	
		(i	l	1

(1) Second Revised Page 28-A was canceled by Supplement 9.

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