C. 5432 (Pet. 664) et al. - ams

Decision No. 79358



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 highway 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).

And Related Matters

Case No. 5432 Petition for Modification No. 664

Case No. 5436, Petition No. 113 Case No. 5439, Petition No. 149 Case No. 5441, Petition No. 231 Case No. 5603, Petition No. 101 Case No. 7783, Petition No. 45 Case No. 7857, Petition No. 51 Case No. 7858, Petition No. 103

Application No. 52784

(Filed July 30, 1971)

OPINION AND ORDER

Various common carriers engaged in intrastate transportation within California participate in National Motor Freight Classification A-12, hereinafter referred to as the Governing Classification, 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.

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By Application No. 52784 National Motor Freight Traffic Association, Inc., Agent, seeks authority, on behalf of such common carriers, to publish specific revisions in the Governing Classification which were to become effective 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.

The changes, which are provided in Supplement 1 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.

The tariffs are Minimum Rate Tariffs Nos. 1-B (East Bay Drayage), 2 (General Commodities Statewide), 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.

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Applicants allege that the sought revisions have been authorized by the National Classification Board, after due process, and were generally scheduled to become effective October 1, 1971, for tariffs covering areas other than California and that such revisions, if authorized, would permit maintenance of uniformity of classification provisions between California and the rest of the nation.

A review of applicants' proposed revisions indicates that they pertain principally to (1) format of classification; (2) correction of publishing errors and omissions; (3) clarification of existing descriptions of articles; (4) cancellation of obsolete provisions; and (5) establishment of specific ratings for newly designed or manufactured articles.³ These principal 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 July 30, 1971. The application and petitions were listed on the Commission's Daily Calendar of August 3, 1971.

Commission staff analysis reveals that, of the 174 revisions in question, 69 would result in increases, 59 in reductions and 46 in neither increases nor reductions. Of the 69 increases, 53 involve cancellation of obsolete commodities and modification of ratings and minimum weights on certain commodities to reflect more adequately their transportation characteristics and 6 involve changes in commodity descriptions.

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

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By letters dated August 18 and September 10, 1971, Continental Can Company, Inc., objected to the adoption of the proposed classification changes on barrels, drums, pails and tubs (Item 21960-A of Supplement No. 1 to the Governing Classification).

The Transportation Division staff has reviewed the application and petitions and recommends that except for the aforementioned classification changes on barrels, drums, pails and tubs, they be granted by ex parte order. Petition No. 101 in Case No. 5603 should be dismissed as the minimum rate tariff covered by that proceeding is not subject to said Governing Classification.

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

1. The proposed classification changes on barrels, drums, pails and tubs in Item 21960-A of Supplement No. 1 to the Governing Classification should not be authorized at this time.

2. Except as provided in Finding 1, the proposed classification revisions set forth in Application No. 52784 are reasonable and, to the extent that said ratings and rules will result in increases, such increases are justified.

3. 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.

4. Except as provided in Finding 1, the rates and charges resulting from the application of the aforesaid ratings and rules are, and for the future will be, the just, reasonable and nondiscriminatory minimum rates for the transportation of property by highway carriers subject to the applicable minimum rate tariffs.

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5. Petition No. 101 in Case No. 5603 should be dismissed in view of the fact that Minimum Rate Tariff No. 11-A is not subject to National Motor Freight Classification A-12.

Based on the above findings, the Commission concludes that the proposed classification changes set forth in Application No. 52784 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-12 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.

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-12, is authorized to establish and publish the classification ratings and rules set forth in Application No. 52784, except the provisions of Item 21960-A therein, to become effective not earlier than December 28, 1971, on not less than five days' notice to the Commission and to the public.

2. Except as otherwise provided in Ordering Paragraph 10 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, 6-A, 9-B, 14-A, 15 and 19.

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3. Minimum Rate Tariff No. 2 (Appendix D of Decision No. 31606, as amended) is further amended by incorporating therein to become effective December 28, 1971, Seventeenth Revised Page 29, attached hereto and by this reference made a part hereof.

4. Minimum Rate Tariff No. 1-B (Appendix B of Decision No. 65834, as amended) is hereby further amended by incorporating therein to become effective December 28, 1971, Seventh Revised Page 18-A, attached hereto and by this reference made a part hereof.

5. Minimum Rate Tariff No. 9-B (Appendix A to Decision No. 67766, as amended) is hereby further amended by incorporating therein to become effective December 28, 1971, Eleventh Revised Page 18, attached hereto and by this reference made a part hereof.

6. Minimum Rate Tariff No. 19 (Appendix A of Decision No. 41363, as amended) is hereby further amended by incorporating therein, to become effective December 28, 1971, Thirty-fifth Revised Page 16, attached hereto and by this reference made a part hereof.

7. Tariff publications required to be made by common carriers as a result of the order herein shall be made effective December 28, 1971, on not less than five 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 December 28, 1971, and may be made effective on not less than five days' notice to the Commission and to the public if filed not later than April 1, 1972.

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8. 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, 6-A, 9-B, 14-A, 15 and 19.

9. 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, 6-A, 9-B, 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.

10. Except as provided in Ordering Paragraph 5 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, 6-A, 9-B, 14-A, 15 and 19.

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11. 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.

12. Petition for Modification No. 101 in Case No. 5603 is hereby dismissed without prejudice.

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

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

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Dated at San Francisco, California, this <u>27-ml</u> day of > November, 1971.

Commissioners

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MINIMUM RATE TARIFF 2

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SIXTEENTR REVISED PAGE.	******
SECTION 1RULES OF GENERAL APPLICATION (Continued)	ITEM
EXCEPTIONS TO COVERNING CLASSIFICATION AND EXCEPTION RATINGS TARIFF	
RULES This tariff is subject to the following rules (items) of the Governing Classifications 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, 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), *15(e) and 167 200; 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; 360, Sections 1, 1(a), 1(b), **, 1(h), 2 2(a), **, 2(c), 2(d), 3, **, and 5; 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; 455; 520; 535; 540; 565; 595; 640; 645; 680; 685; 687; 689; 765; 780, Section 2; 845; 995; 997 (Section 2 only).	ø280
APPLICATION OF EXCEPTION RATINGS NAMED IN THIS TARINT Unless otherwise specifically provided in individual items in this Section, the excep- tion ratings named herein apply as follows: (a) Exception ratings provided in this Section which are designated as truckload rat- ings 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. (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 Excep- tion Ratings Tariff but do not supersede the "truckload" ratings and minimum weights in the Governing Classification, Exception Ratings Tariff or in this tariff.	285
RATINGS (Exception to Sec. 2 of Item 997 of the Governing Classification) Except as otherwise provided in this Section, class ratings 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) EXCEPTIONWhen 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.	290
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; (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; (chervise carrier will apply the ratings for secondhand packages or carriers not returned,	291
¢ Change, * Addition) Decision No. 79358 ** Eliminated)	
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C. 5432 (Pet. 664), et al.* revised page....18-a Cancels SEVEN MINIMUM RATE TARIFF 1-B SIXTH REVISED PACE 18-A TTEM SECTION 1--RULES (Continued) 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) 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), *15(e), and 16;

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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;

360, Sections 1, 1(a), 1(b), **, 1(h), 2, 2(a), **, 2(c), 2(d), 3, **, and 5;

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;
- 455; 520; 535; 540; 565; 595; 640; 645; 680; 685; 687; 689; 765; 780, Section 2;

845; 995; 997 (Section 2 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 publica-tions 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 6% 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.

ø Change * Addition ** Eliminated)

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Decision No.

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

Correction

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C. 5432 (Pet. 664), et al.*

MINIMUM RATE TARIFF 9-D

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SECTION 1RULES (Continued)	ITEM.
RATINGS (Exception to Sec. 2 of Item 997 of the Governing Classification)	
Except as otherwise provided in this tariff, class rates contained in Section 2 are ubject to any quantity, less truckload and truckload ratings (including minimum weights) s shown in the Governing Classification and Exception Ratings Tariff. (See Exception)	60
EXCEPTIONWhen the truckload minimum weight provided in connection with ratings in he Governing Classification or Exception Ratings Tariff exceeds 40,000 pounds, the minimum eight shall be considered as being 40,000 pounds for the purpose of applying rates in ection 2 of this tariff.	
APPLICATION OF CLASS RATES THAT ARE PERCENTAGES, MULTIPLES OR PROPORTIONS OF SPECIFIC CLASS RATINGS	
Class ratings which are based on percentages, multiples or proportions of Class 100 or ther specified class ratings are not restricted in their application solely to the minimum lass rates in the any quantity weight brackets but will apply in connection with the inimum weight brackets set forth in this tariff applicable to the shipment transported.	70
Application of governing publications	
a) This tariff is governed to the extent shown herein by:	ļ
(1) The Governing Classification, except that this tariff is subject to the following rules (items) only thereof:	
<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), *15(e), and 167</pre>	
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;	
360, Sections 1. 1(a), 1(b), **, 1(h), 2, 2(a), **, 2(c), 2(d),3, ** and 5;	
3707.301; 420, Sections 1, 2, 4 and 5; 421; 422; 423; 424; 426; 428, Section 2;	థనిం
430, Soctions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11(a), 11(b), and 13;	
4557 5207 5357 5407 3657 5957 6407 6457 6807 6857 6877 6897 7657 780, Section 27	Ì
0437 995; 997 (Section 2 only).	}
(2) Sections 2-A, 2-C and 2-D only of the Exception Ratings Tariff.	
(3) The Dangerous Articles Tariff (California Regulations).	
(4) The Distance Table (territorial descriptions only - see Item 30 herein).	
b) Where the ratings and rules or other provisions or conditions provided in the govern- ing publications described in paragraph (a) are in conflict with those provided in this tariff, the provisions of this tariff will apply.	
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.	
(*) Except as otherwise provided in this tariff, shipments subject to truckload ratings lower than Class 50 will be subject to rates provided for Class 50.	
b Change) * Addition) Decision No. 79358 ** Eliminated)	
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C. 5432 (Pet. 664), et al.*

THIRTY-FI REVISED PAGE....16 CANALS THIRTY-FOURTH REVISED PAGE...16

MINIMUM RATE TARIFF 19

SECTION 1--RULES OF GENERAL APPLICATION (Continued) ITEM APPLICATION OF RATES 60 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. APPLICATION OF GOVERNING PUBLICATIONS 1. This tariff is governed to the extent shown herein by: The Governing Classification, except that this tariff is subject to the follow-(a) ing 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), *15(e) and 16; 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; 360, Sections 1, 1(a), 1(b), **, 1(h), 2, 2(a), **, 2(c), 2(d), 3, **, and 57 \$70 370; 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 27 845; 995; 997 (Section 2 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 publications set forth in this item are in conflict with those provided in this tariff, the provi-sions 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. ACCESSORIAL CHARGES 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 80 charge shall be made as follows: (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. (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. ø Change 79358 Addition Decision No.

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 Decision No.
 79358
 ** Eliminated
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 ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,
 Correction
 SAN FRANCISCO, CALIFORNIA.