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ORIGINAL

Decision No. 81834

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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 cor-)
porations, for authority to make)
various revisions in National)
Motor Freight Classification)
A-13.)

Application No. 54097
(Filed June 7, 1973)

In the Matter of the Investiga-)
tion into the rates, rules,)
regulations, charges, allowances)
and practices of all common car-)
riers, highway carriers and city)
carriers relating to the trans-)
portation of any and all commodi-)
ties 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. 755)
(Filed June 7, 1973)

And Related Matters

Case No. 5436, Petition No. 141
Case No. 5439, Petition No. 182
Case No. 5441, Petition No. 269
Case No. 5603, Petition No. 125
Case No. 7783, Petition No. 73
Case No. 7857, Petition No. 79
Case No. 7858, Petition No. 155

(Filed June 7, 1973)

OPINION AND ORDER

Various common carriers engaged in intrastate transportation within California participate in National Motor Freight Classification A-13, 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.

By Application No. 54097, National Motor Freight Traffic Association, Inc., Agent, seeks authority, on behalf of such common carriers, to publish specific provisions in the Governing Classification setting forth rules and practices of carriers concerning the processing of claims for loss and damage.¹ According to applicant, the aforementioned rules and practices were published effective January 19, 1973, in Supplement 1 to the Governing Classification on interstate traffic as directed by the Interstate Commerce Commission in its order in Ex Parte 263 but these provisions were not published on California intrastate traffic due to objection of an interested party. Applicant contends that this party would now support the application of the involved rules and practices to transportation services performed on California intrastate traffic. By the above petitions, California Trucking Association seeks to make the proposed provisions applicable to 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.

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 sought revisions, if authorized, would permit maintenance of uniformity in the processing of loss and damage claims between

¹These provisions are applicable on interstate traffic as set forth in Supplements 1 and 14 of the Governing Classification.

²The tariffs are Minimum Rate Tariffs 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 1.

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carriers operating in California and carriers operating in the rest of the nation.

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 5, 1973. California Manufacturers Association, protestant to the earlier proposal, has informed the Commission by letter that it supports applicants' current proposal and recommends that it be granted on an ex parte basis. The application and petitions were listed on the Commission's Daily Calendar of June 11, 1973. No objection to the granting of the application and petitions has been received.

In the circumstances, the Commission finds that:

1. The proposed provisions set forth in Application No. 54097 are reasonable and justified.

2. The proposed provisions concerning the processing of claims for loss and damage are suitable to govern the highway permit carriers operating under the minimum rates named in the minimum rate tariffs involved herein.

Based on the above findings, the Commission concludes that the proposed provisions set forth in Application No. 54097 should be authorized, and that such provisions should be adopted and approved, to the extent indicated in the ensuing order, to govern the highway permit carriers operating under the minimum rates named in the minimum rate tariffs involved herein. The necessary amendments to Minimum Rate Tariffs 2 and 15 and Exception Ratings Tariff 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.

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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-13, is authorized to establish and publish the provisions set forth in Application No. 54097 to become effective not earlier than September 30, 1973, on not less than five days' notice to the Commission and to the public.

2. The provisions authorized herein are approved and adopted as the just, reasonable and nondiscriminatory provisions to govern the highway permit carriers operating under the minimum rates promulgated by the Commission in Minimum Rate Tariffs 1-B, 2, 6-A, 9-B, 11-A, 14-A, 15 and 19.

3. Minimum Rate Tariff 2 (Appendix D to Decision No. 31606, as amended) is further amended by incorporating therein, to become effective September 30, 1973, Second Revised Page 15-C attached hereto and by this reference made a part hereof.

4. Exception Ratings Tariff 1 (Appendix A to Decision No. 66195, as amended) is further amended by incorporating therein, to become effective September 30, 1973, Fourteenth Revised Page 6 attached hereto and by this reference made a part hereof.

5. Minimum Rate Tariff 15 (Appendix D to Decision No. 65072, as amended) is hereby further amended by incorporating therein, to become effective September 30, 1973, Thirteenth Revised Page 4 attached hereto and by this reference made a part hereof.

6. Common carriers subject to the Public Utilities Act, to the extent that they are subject to Decisions Nos. 31606, 65072 and 66195, as amended, are hereby authorized to establish in their tariffs the amendments necessary to conform with the further adjustments ordered herein.

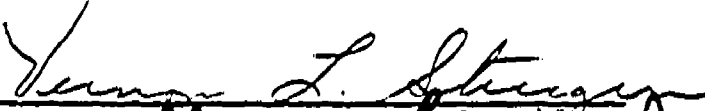
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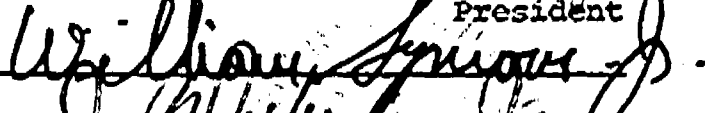
7. Tariff publications authorized to be made by common carriers as a result of this order shall be filed not earlier than the effective date of this order and may be made effective not earlier than September 30, 1973, and may be made effective on not less than five days' notice to the Commission and to the public if filed not later than sixty days after the effective date of the minimum rate tariff pages incorporated in this order.

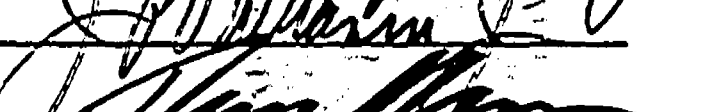
8. In all other respects, Decisions Nos. 31606, 65072 and 66195, as amended, shall remain in full force and effect.


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

Dated at San Francisco, California, this 5th day of September, 1973.



President






Commissioners

SECTION 1--RULES OF GENERAL APPLICATION (Continued)

ITEM

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 (see Notes 1 and 2):

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, 8(a), 8(b), 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(e), 1(f), 1(g), 1(h), 2, 2(a), 2(c), 2(d), 3 and 5;

381; 420, Sections 1, 2, 4 and 5; 421; 422; 423; 424; 426; 428;

430, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11(a), 11(b), 13 and 14;

455; 520; 535; 540; 565; 580; 595; 640; 645; 680; 685; 687; 689; 765; 770, Section 2; 780, Section 2; 810;

845; 995; 997 (Section 2 only).

NOTE 1.--The provisions of Item 55740 ** of the Governing Classification are not applicable on California intrastate traffic.

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NOTE 2.--Where dual provisions are set forth in the following items of the Governing Classification, only those provisions of said items preceded with any of the references (P1), (P4), (S1), (S2), (S4), (S6), (S7) or (S8) will apply on California intrastate traffic:

540	55229	55970
14060	55231	55990
39928	55233	56060
39960	55237	56080
	55920	56090
	55921	56100
55223	55922	56110
55224	55923	56230
55225	55924	159800
55226	55930	159830
55227	55950	159832
		190210

The explanations of such references are not, however, applicable to California intrastate traffic.

- (b) The Exception Ratings Tariff.
(c) The Dangerous Articles Tariff (California Regulations).
(d) The Distance Table.

2. Where the ratings and rules or other provisions or conditions provided in the governing publications described in paragraphs 1(a), (b) and (d) hereof are in conflict with those provided in this tariff, the provisions of this tariff will apply. Except as otherwise specifically provided in this tariff, where the provisions of the Dangerous Articles Tariff are in conflict with the provisions set forth in this tariff or the otherwise governing publications referred to in paragraphs 1(a), (b) and (d) hereof, the provisions of the Dangerous Articles Tariff will apply.

Change }
** Eliminated } Decision No. **81834**

EFFECTIVE

Correction

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

SECTION 1--RULES		ITEM
<p>DEFINITIONS OF TECHNICAL TERMS</p> <p>DANGEROUS ARTICLES TARIFF means Motor Carriers' Explosives and Dangerous Articles Tariff 14, Cal.P.U.C. 9, of American Trucking Associations, Inc., Agent, and supplements thereto or reissues thereof.</p> <p>GOVERNING CLASSIFICATION means National Motor Freight Classification A-13. **</p> <p>**</p>		620
EXPLANATIONS OF ABBREVIATIONS, LETTERS OR SYMBOLS		
Abbreviations, Letters or Symbols	EXPLANATION	
CAL.P.U.C. Col. ERT GC Lbs. No. NOIBN N.O.S. or n.o.s. " \$	Public Utilities Commission of the State of California. Column. Exception Ratings Tariff 1. Governing Classification. Pounds. Number. Not otherwise indexed by name in this Exception Ratings Tariff, or in the GC. The abbreviation "noibn" means that the description of which it is a part applies on articles included in the same "NOI" description in the Governing Classification. Not otherwise specified in this tariff. Ditto (same). Dollars.	40
of Change) ** Eliminated) Decision No. 81834		
EFFECTIVE		
Correction	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	

SECTION 1--RULES	ITEM
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS</p> <p>AIR MILE means a statute mile measured in a straight line without regard to terrain features or differences in elevation.</p> <p>BASE OF OPERATIONS means the single point described in the written agreement which shall be a point at which the shipper will regularly tender freight to the carrier or will regularly receive freight from the carrier.</p> <p>CARRIER means a radial highway common carrier, a highway contract carrier or a cement contract carrier as defined in the Highway Carriers' Act.</p> <p>CARRIER'S EQUIPMENT means any motor truck or other self-propelled highway vehicle, trailer, semi-trailer, or any combination of such highway vehicles, operated by the carrier.</p> <p>CHILLED TEMPERATURE CONTROL SERVICE means the service of providing protection against heat and maintaining the commodity at a temperature higher than 32 degrees Fahrenheit.</p> <p>DANGEROUS ARTICLES TARIFF means Motor Carriers' Explosives and Dangerous Articles Tariff 14, Cal.P.U.C. 9, of American Trucking Associations, Inc., Agent, including supplements thereto and reissues thereof.</p> <p>ESCORT SERVICE means the furnishing of pilot cars or vehicles by a carrier as may be required by any government agency to accompany a shipment for highway safety.</p> <p>FROZEN TEMPERATURE CONTROL SERVICE means the service of providing protection against heat and maintaining the commodity at a temperature of 32 degrees Fahrenheit or lower.</p> <p>GOVERNING CLASSIFICATION means National Motor Freight Classification A-13. **</p> <p>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 a Sunday, the following Monday will be considered as a holiday.</p> <p>PERMIT SHIPMENT means a shipment which because of its width, length, height, weight or size requires special authority from a governmental agency regulating the use of highways, roads or streets for the transportation of such shipment in whole or in part.</p> <p>RATE includes charge and also rules governing and the accessorial charges applying in connection therewith.</p> <p>TEMPERATURE CONTROL SERVICE means the protection from heat by use of ice (either water or solidified carbon dioxide), by mechanical refrigeration or by release of liquefied gases.</p>	<p>6 10</p>
<p>o Change) ** Eliminated) Decision No. 81834</p>	
EFFECTIVE	
<p>Correction</p> <p style="text-align: right;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>	