ORIGINAL

Decision No. 82498

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 and highway carriers relating to the transportation of trailer coaches and related items as provided in Minimum Rate Tariff No. 18.

Case No. 8808
Petition for Modification
No. 22
(Filed July 25, 1973;
amended December 21, 1973)

Milton W. Flack, Attorney at Law, Donald B. Shields, and John K. Grissom, for Highway Carriers
Association, petitioner.
Russell & Schureman, by Carl H. Fritze, Attorney at Law, for National Trailer Convoy, Inc., respondent.
R. W. Smith and A. D. Poe, Attorneys at Law, and Herbert W. Hughes, for California Trucking Association, interested party.
Raymond Toohey and Leonard Diamond, for the Commission staff.

<u>opinion</u>

Minimum Rate Tariff 18 (MRT 18) contains minimum rates for the statewide transportation of trailer coaches (mobile homes), travel trailers, and portable camper bodies in initial and secondary movement. The rates in MRT 18 originally became effective October 28, 1967 pursuant to Decision No. 72418 dated May 16, 1967 (67 CPUC 160). The original tariff contained rates for trailers 10 feet wide or less and for campers. Minimum rates for 12 foot wide trailers (mobile homes) were initially established by Decision No. 79427 dated November 30, 1971 in Case No. 8808, Petitions 9 and 14 (unreported). That decision also revised the rate for other trailers and campers. No adjustment has been made in the rates in MRT 18 since the effective date of the rates promulgated in Decision No. 79427. The wage levels reflected in the cost data underlying the present rates in

MRT 18 are those which became effective on July 1, 1971 pursuant to collective bargaining agreements between highway carriers and the Teamster Union.

Petitioner, Highway Carriers Association (HCA), seeks an immediate increase in rates averaging approximately 19 percent to offset the increases in driver's wages which were affective on January 1, 1972, July 1, 1972, and July 1, 1973. In the period since the rates were last adjusted the basic driver's wage rate has increased from \$5.02 per hour to \$6.23 per hour. The petition herein alleges that other carrier costs (especially fuel costs) have increased in the same period; however, petitioner seeks only to recover the increased wage costs in its petition herein.

Public hearing was held before Examiner Mallory in Los Angeles on January 10, 1974 and the matter was submitted. Evidence was presented on behalf of petitioner and the Commission staff. No one appeared in opposition to the relief sought.

A transportation consultant employed by petitioner presented three exhibits. Exhibit 22-1 contains proposed increased rates which were developed by increasing existing rates by the percentage increase in costs developed by the witness in his cost Exhibits 22-2 and 22-3. Exhibit 22-2 was developed to show the impact of increased driver's wages on costs for transporting trailer coaches and campers. As the datum plane for this exhibit, the witnessused the cost data set forth in Exhibit 14-1 introduced in Petition 14 in Case No. 8808 (Decision No. 74927, supra). The witness substituted current wage costs and the current Transportation Rate Fund tax for the comparable figures set forth in the prior exhibit. He also eliminated the 1-1/2 percent gross receipts tax (so-called B of E tax) which was repealed by the Legislature effective July 1, 1973. The witness used the wage (cost) offset method described in Decision No. 76353 (1969) 70 CFUC 277 in developing the indirect expenses in his Exhibit 22-2.

In Exhibit 22-3, the transportation consultant developed increased costs for 12-wide trailers. As the datum plane for this cost development the witness used the cost data set forth in Exhibit 9-1 (witness Lubich) received in Petition 9 in Case No. 8808 (Decision No. 79427). The witness made adjustments in the cost data in the same manner as described above in connection with Exhibit 22-2. The witness also used the wage (cost) offset method in the development of indirect expenses in his Exhibit 22-3.

An assistant transportation engineer from the Commission's Transportation Division introduced Exhibit 22-4, which is a development of current costs for the movement of 12-wide trailers (mobile homes). The staff engineer pointed out that the rates for 12-wide trailers established in Decision No. 79427 were not based on the estimated costs set forth in Exhibit 9-1, but reflected different cost data adopted in the decision. The staff witness used as the datum plane for the development of increased costs for 12-wide trailers the cost data specifically set forth in Table 1 of that decision. The witness prepared two separate cost developments, one reflecting the wage offset method and the other the direct wage offset method (as described in Decision No. 76353, supra). The engineer did not bring up to date the costs for smaller size trailers and campers.

An associate transportation rate expert presented Exhibit 22-5, which is a development of adjusted minimum rates contained in MRT 18 on the direct wage offset method. The witness recommended that this method be used because of the long time period since the cost data underlying the original rates in MRT 18 were introduced in Decision No. 72418, supra, in 1967. The witness did not, however, use a revision of that earlier cost data as a basis for the rate revisions proposed by him. The rate revision for the entire tariff is based on the cost data limited to 12-wide trailers appearing in the staff engineer's Exhibit 22-4. As pointed out above the rates for 12-wide trailers were initially established in Decision No. 79427 in 1971.

C. 8808 Pet.22 1mm Findings 1. Highway carriers subject to MRT 18 have incurred increases in operating costs since the rates in that tariff were last adjusted in Decision No. 79427. Said cost increases result from higher wages paid to drivers and other employees under collective bargaining agreements with Teamster Union employees. 2. The base hourly rate for drivers reflected in cost data used as a basis for the development of rates adopted in Decision No. 79427 was \$5.02 per hour. A base hourly rate of \$6.23 per hour became effective July 1, 1973 under the terms of the Teamster 'Western States Area Over-the-Road Motor Freight Supplemental Agreement", to the master contract between trucking employees and teamster unions. Since the rates in MRT 18 were last adjusted the Transportation License tax of 1-1/2 percent of gross revenues was repealed effective July 1, 1973, and the Transportation Rate Fund tax was increased from 1/4 of 1 percent to 1/3 of 1 percent. 4. The cost increases and reduction referred to in Findings 2 and 3 should be reflected in the rates in MRT 18. 5. The Commission staff engineer's Exhibit 22-4 correctly measures such cost changes with respect to the movement of 12-wide trailers, inasmuch as the datum plane used therein is Table 1 of Decision No. 79427, supra. 6. It is reasonable to use the percentage increases in costs for 12-wide trailers set forth in Exhibit 22-4 as a basis for adjusting all rates in MRT 18. This adjustment will increase the rates approximately 12 percent and carrier revenue by \$1,170,000 annually.

7. The cost revision set forth in Exhibit 22-4 is the first offset adjustment made in the original full-scale cost data introduced in the proceeding leading to Decision No. 79427, and the time is relatively short in keeping with the use of the wage offset method (Decision No. 76353) in development of increased rates. That method will be reasonable for the purposes of this proceeding.

- 8. The minimum rates in MRT 18, adjusted by the wage offset method in the manner described above, are the just, reasonable, and nondiscriminatory minimum rates for the transportation of trailer coaches and related items and for accessorial services in connection therewith.
- 9. Increases resulting from the establishment of said adjustments in the minimum rates have been shown to be justified. Conclusions
- 1. Minimum Rate Tariff 18 should be amended to incorporate the adjustments in the minimum rates found reasonable.
- 2. Common carriers subject to the minimum rates and rules set forth in Minimum Rate Tariff 18 should be required to adjust their tariff rates to conform to the revised minimum rates prescribed herein.
- 3. In all other respects, Petition No. 22 in Case No. 8808 should be denied.

ORDER

IT IS ORDERED that:

- -L. Minimum Rate Tariff 18 (Appendix B of Decision No. 72418, as amended) is further amended by incorporating therein, to become effective March 23, 1974, the revised pages attached hereto and listed in Appendix A, which revised pages and appendix by this reference are made a part hereof.
- 2. Common carriers subject to the Public Utilities Act, to the extent that they are subject also to Decision No. 72418, as amended, are directed to establish in their tariffs the increases necessary to conform with the further adjustments ordered by this decision.
- 3. Tariff publications required 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 the tenth day after the effective date of this order on not

less than ten days' notice to the Commission and to the public and shall be made effective not later than March 23, 1974.

- 4. Common carriers, in establishing and maintaining the rates authorized by this order, are 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.
- 5. In all other respects, Decision No. 72418, as amended, shall remain in full force and effect.
- 6. To the extent not granted herein, Petition No. 22 in Case No. 8808 is denied.

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

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APPENDIX A

LIST OF REVISED PAGES TO MINIMUM RATE TARIFF 18

THIRD REVISED PAGE 15

THIRD REVISED PAGE 16

THIRD REVISED PAGE 17

THIRD REVISED PAGE 18

THIRD REVISED PAGE 19

THIRD REVISED PAGE 24

THIRD REVISED PAGE 30

FIRST REVISED PAGE 30-B

THIRD REVISED PAGE 31

THIRD REVISED PAGE 32

(END OF APPENDIX A LIST)

MUM RATE T	ARIFF 13	C. 8808 (Pet. 22)*	THIS EVISED PAGE. CANCELS SECOND REVISED PAGE
		SUCTION 1RULES (Continued)	
		DELAYS IN DELIVERY	
of shipping or during the considerier's shipment that that shall not	ng instruction of the period spec- gnor, or person expense, of the will be made; su n the agreed de; apply where the	is unable to make delivery of a sl document has been issued (See Ites cified in the receipt or shipping designated, by the consignor, by e reason for the delay and of the uch notification to be given as se livery date, provided, that the re e carrier is unable to obtain from h notification.	ms 130, 131 and 132) on the date order, the carrior shall notify telegram or telephone, at the date on which delivery of the con as possible but in no event equirement of this paragraph
-		CHARCES FOR DELAYS	
by the ca	ddition to all orrier for delays (Subject to N	Other applicable charges, the fol s resulting from the consigned's Oto)	lowing charges shall be assessed inability to accept immediate
,			ORAtes in Cents per Hour
۵.	Trailors or ca under Items 3		870
b.	Trailers towed	under Items 350 and 350.5	835
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NOTE applicabl	For the purp e:	ose of applying this item, the fo	llowing provisions will be
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applicabl	when the carri of shipping in commence at th When the shipp which may be c arrival and su time for compu	er tenders delivery at the time s structions, the time for compilin	specified on the confirmation ag such delay charges shall rier with a telephone number signee of the estimated time of one hour prior to arrival, the commence upon the tender of

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ITEM:

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INABILITY TO MAKE DELIVERY

- (a) In all instances where carrier is unable to locate the consignee one hour after arrival on the date specified on the confirmation of shipping instructions in order to effect delivery, notification of inability to make delivery will be mailed or telegraphed to the consignee, consignor or debtor, or written notice delivered to the premises where actual delivery was to be effected or to other notifying address, and the shipment will be placed in the nearest storage facility of the carrier, or at the option of the carrier at the nearest public storage facility, and upon such placement the carrier's liability shall cease and liability shall thereafter be that of the warehouseman in possession.
- (b) In all instances where the consignee is unable to take delivery or declines to accept delivery of the shipment, or where the shipment remains in carrier's possession, pursuant to instructions of the consignor or consignee, and is not stored in transit under the provisions of Item 250 the shipment will be placed in the nearest storage facility of the carrier, or at the option of the carrier at the nearest public storage facility; and upon such placement the carrier's liability shall cease and liability shall thereafter be that of the warehouseman in possession.
- (C) When storage is performed at carrier's storage facility the rates for storage provided in Item 250 will apply.
- (d) In cases where a "subsequent delivery" is made, charges will be assessed for such "subsequent delivery," on the basis of charges lawfully applicable from carrier's storage facility or from public storage facility (as the case may be) to the point of destination, but in no event more than the charge applicable for 25 constructive miles.

DIVERTED SHIPMENTS

Charges upon a shipment transported under rates provided in Items 350, 350.5, 351 and 352 which has been diverted shall be computed at the applicable rate or charge in effect on date of shipment for the distance from point of origin via each point where diversion occurs to final destination, plus an additional charge of \$57.95 for each diversion in transit.

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ø Change) Decision No.

◊ Increase)

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EFFECTIVE

SECOND REVISED PAGE....17

SECTION	1RULES	(Continued)
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ITEM

RETURNED SHIPMENTS (See Note)

Trailer coaches or campers refused by consignee may be returned to original consignor and to original point of shipment at one-half the rate (applicable to the number of trailer coaches or campers returned) current at time of returned movement, as provided in Items 350, 350.5, 351 and 352 of this tariff.

200

Rates or charges which may be assessed in connection with a returned movement, other than transportation charges published in Items 350, 350.5, 351 and 352, shall be those rates or charges which are published in individual items of this tariff.

NOTE .-- Shipments may not leave possession of carrier at original billed destination.

SPECIAL SERVICES

In addition to all other applicable rates and charges named in this tariff, the following charges shall be assessed by the carrier for special services involved in preparing each trailer for transportation and/or preparing each trailer coach for occupancy: (Subject to Notes 1 and 2)

- (a) The time consumed by one man in performing such services shall be charged for at the rate of \$8.35 per hour.
- (b) The time consumed for each additional man in porforming such services shall be charged for at the rate of \$6.70 per hour.

NOTE 1 .-- Charges do not include furnishing of materials. When such materials are furnished by carrier, a charge equalling the actual cost to carrier of such materials shall be made.

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NOTE 2. -- Charges for special services may be quoted and assessed based upon a unit of measurement different from that set forth in this item provided:

- (a) That the charge collected shall not be less than the charge applicable under the hourly rates in this item.
- (b) That the carrier shall set forth and maintain on the accessorial service document required to be issued pursuant to Items 340 and 341, the times, dates and locations at which the carrier commenced and completed the special services, the number of hours and fractions thereof involved and a description of all of the services rendered.

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SECTION	1RULES	(Continued)

ITEM

REPAIRS OR REPLACEMENTS IN TRANSIT

when it becomes necessary to repair or replace, while in transit, any part such as undercarriage, wheels, wheel bearings, hitches, springs, frame, or any other part, except as otherwise provided in Item 230, such repairs or replacements will be made and the debtor will be charged for all parts and other expenses, including tow truck service, incurred. In addition to expenses incurred, the following service charge shall be assessed by the carrier: (See Note)

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a. Trailers or campors hauled under Items 351 and 352

870

b. Trailers towed under Items 350 and 350.5

835

NOTE. -- All charges covering expenses to become due and payable upon prosentation of paid receipts or other evidence.

TIRE AND TUNE REPAIR AND/OR REPLACEMENT

When carrier repairs or replaces any of the tires or tubes of the trailer coach due to failure, the following charges shall be applied in addition to all other applicable charges provided in the tariff:

- 1. A charge of 054-20 for removing and replacing wheel plus
 - (a) A charge of 2 cents a mile when carrier uses his own tire as a replacement. The actual miles shall be computed from point of tire failure to the point where the faulty tire is repaired or replaced.
 - (b) When the carrier is required to unhook carrier's equipment from trailer coach to find and obtain a tire and/or tube replacement or repair, an additional charge of either 0521.15 or 046 cents per mile, whichever is lower, subject to a minimum charge of 054.20 shall be assessed. The charge of 046 cents per mile shall be based on the round trip distance traveled without a load.

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SECTION 1--RULES (Continued)

ITEM

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CHARGES FOR ESCORT SERVICE

In addition to all other applicable rates and charges named in this tariff, the following charges shall be assessed on shipments requiring escort service:

- (a) When carrier arranges for escort service from an independent contractor not associated with the carrier and escort service is provided by said independent contractor, the charges paid by carrier to independent contractor for escort service shall be added to the transportation charges.
- (b) When Carrier, or its subsidiary or affiliate, provides escort service, the following additional charges shall be assessed:
 - 1. A charge of \$59.10 per hour, plus 8k cents per mile computed in accordance with the provisions of Item 70 shall be made for each escort vehicle and driver furnished for the time and distance said vehicle and driver are engaged in such service. (See Note)
 - A charge shall be made equal to the actual cost of any bridge or ferry tolls incurred for each escort car.

 A charge of \$7.25 per twenty-four (24) hour period shall be assessed for subsistence for each escort driver if service requires overnight delay.

NOTE .-- Charges for fractions of an hour shall be determined in accordance with the following table:

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SECTION 1RULES (Co	inued)
ACCESSORIAL SERVICINCLUDED IN COMMON CA	NOT ER RATES
In the event under the provisions of Item sed in constructing a rate for highway transpacessorial services performed by the highway added:	ation, and such rate does not include
(a) For attaching and detaching, or load charge not less than that provided below shaper camper.	; and unloading carrier's equipment, be assessed for each trailer coach
•	Dollars per Unit
Trailer coaches or campers not exceeding 4 inches in width (Minimum, two units)	S 8.30
Trailer coaches over 8 feet 4 inches in w but not exceeding 10 feet 4 inches in w	
Trailer coaches over 10 feet 4 inches in but not exceeding 12 feet 4 inches in w	dth, th 28.25
COLLECT ON DELIVERY (C. (Items 320 and	D.) SHIPMENTS 21)
1. A collect on delivery shipment, here means a shipment upon which the consignor has the collection of a specific sum or sums of meand the return of said moneys to the consignor	tached, as a condition of delivery,
2. Every carrier handling C.O.D. shipme	s shall:
(a) Establish and maintain a separa all moneys (other than checks of payee designated by consignor) hold in trust until remitted to remitted within five days after	drafts payable to consignor or llected on C.O.D. shipments will be ayed, except C.O.D. moneys which are
	321)

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SECTION 2--RATES

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DISTANCE TOWAWAY RATES IN DOLLARS PER TRAILER COACH AND IN CENTS PER MILE OVER 600 MILES. (Items 350 and 350.1)

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(Continued in Item 350.1),

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SECTION 2--RATES

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DISTANCE TOWAWAY RATES IN DOLLARS PER TRAILER COACH AND IN CENTS PER MILE OVER 600 MILES (See Notes 1 and 2)

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NOTE 1.--Col. A rates apply to (a) shipments when either the point of origin or point of destination is: (1) a place of manufacture or a manfacturer's storage facility; (2) an established place of business of a trailer coach dealer, as defined in Section 320 of the Vehicle Code of the State of California, or a trailer coach dealer's storage facility, and the bill of lading or other shipping document contains certification by the consignor or consignee that the trailer coach is for sale, exchange, lease or rent; and (3) a trailer coach show, or (b) transportation of all special purpose trailers.

Col. B rates shall apply to all shipments not subject to Col. A rates.

NOTE 2.—The computation of distances for permit shipments shall be computed in accordance with Exception 2 of Item 70.

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EFFECTIVE

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

Correction

SECTION 2--RATES (Continued)

ITEM

DISTANCE HAULAWAY RATES IN DOLLARS PER TRAILER COACH AND IN CENTS PER MILE OVER 200 MILES

				MILES
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.	123 cents per	104 cents per	}.	200
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- } ·	tion thereof.	tion thereof.	i i	

NOTE.—Col. A rates apply to (a) shipments when either the point of origin or point of destination is: (1) a place of manufacture or a manfacturer's storage facility; (2) and established place of business of a trailer coach dealer, as defined in Section 320 of the Vehicle Code of the State of California, or a trailer coach dealer's storage facility, and the bill of lading or other shipping document contains certification by the consignor or consignee that the trailer coach is for sale, exchange, lease or rent; and (3) a trailer coach show, or (b) transportation of all special purpose trailers.

Col. B rates apply to all shipments not subject to Col. A rates.

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ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA.

SECTION 2--RATES (Concluded)

ITEM

DISTANCE HAULAWAY OR HAUL AND TOW RATES IN DOLLARS PER SHIPMENT OF TRAILER COACHES AND/OR CAMPERS, AND IN CENTS PER SHIPMENT PER MILE OVER 200 MILES

MILI	ES But Not	,	NUMBER PER SHIPMENT (See Note)		ŀ
Over	Over	2 or less	3	4 or more	1
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75 100 125 150 175	100 125 150 175 200	86 101 118 133 148	93 107 122 138 155	96 111 129 144 159	♦3
200	-	75 cents per mile or frac- tion thereof.	77 cents per mile or frac- tion thereof.	81 cents per mile or frac- tion thereof.	

NOTE. -- Rates in this item do not apply to trailer coaches over 8 feet 4 inches in width.

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EFFECTIVE