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ORIGINAL

Decision No. 82531

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 com-)
mon carriers and express corpora-)
tions, for authority to make)
various revisions in National Motor)
Freight Classification NMF 100.)

Application No. 54566
(Filed January 10, 1974)

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
Petition for Modification
No. 787
(Filed January 10, 1974)

And Related Matters

Case No. 5436, Petition No. 158
Case No. 5439, Petition No. 202
Case No. 5441, Petition No. 289
Case No. 5603, Petition No. 141
Case No. 7783, Petition No. 89
Case No. 7857, Petition No. 95
Case No. 7858, Petition No. 168

(Filed January 10, 1974)

OPINION AND ORDER

Various common carriers engaged in intrastate transportation within California participate in National Motor Freight Classification NMF 100¹, 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. 54566, 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 NMF 100 A to become effective March 29, 1974.²

By the above petitions California Trucking Association proposes that National Motor Freight Classification NMF 100 be discontinued as the Governing Classification for various Commission minimum rate tariffs and that National Motor Freight Classification NMF 100 A be adopted and prescribed as the Governing Classification for the Commission's minimum rate tariffs.³ Petitioner requests

¹ Formerly known as National Motor Freight Classification A-13, Cal.P.U.C. No. 11.

² The proposed reissue of National Motor Freight Classification NMF 100 is set forth in Exhibit A of Application No. 54566.

³ The tariffs are Minimum Rate Tariffs 1-B (East Bay Drayage), 2 (General Commodities Statewide), 6-B (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), 19 (San Francisco Drayage) and Exception Ratings Tariff 1.

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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 and is also periodically reissued to minimize the difficulties which accompany excessive supplementation of tariff material, and accordingly the present classification is being reissued as National Motor Freight Classification NMF 100 A, with an effective date of March 29, 1974. 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 NMF 100 will become obsolete, and its utilization impractical, upon the issuance of National Motor Freight Classification NMF 100 A and that the currently effective classification should be discontinued as the Governing Classification for various Commission minimum rate tariffs.

Copies of the application and petitions were mailed to various chambers of commerce, shipper organizations, carrier representatives and other interested parties on or about January 9, 1974. The application and petitions were listed on the Commission's Daily Calendar of January 11, 1974. No objection to the granting of the application and petitions has been received.

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

1. The ratings and rules named in National Motor Freight Classification NMF 100 A should replace those set forth in National Motor Freight Classification NMF 100.

2. Common carriers named in Application No. 54566 should be authorized to adopt National Motor Freight Classification NMF 100 A in lieu of National Motor Freight Classification NMF 100 subject to the conditions specified in Finding 3.

3. Common carriers named in Application No. 54566 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. 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.

5. 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. 54566 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 2 and Exception Ratings Tariff 1 will be made in the order

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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 March 20, 1974, and the earliest effective date of the tariff publications involved should be March 29, 1974.

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 NMF 100 A, is authorized to establish and publish the classification ratings and rules set forth in Application No. 54566 to become effective not earlier than March 29, 1974, on not less than five days' notice to the Commission and to the public, subject to the conditions specified in Ordering Paragraph 2 hereof.

2. Common carriers named in Application No. 54566 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. Except as otherwise provided in Ordering Paragraph 9 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 1-B, 2, 6-B, 9-B, 11-A, 14-A, 15 and 19.

4. Minimum Rate Tariff 2 (Appendix D to Decision No. 31606, as amended) is hereby further amended by incorporating therein, to become effective March 29, 1974, Forty-Eighth Revised Page 11 and Fourth Revised Page 15-C, attached hereto and by this reference made a part hereof.

5. Exception Ratings Tariff 1 (Appendix A to Decision No. 66195, as amended) is hereby further amended by incorporating

therein, to become effective March 29, 1974, Fifteenth Revised Page 6, attached hereto and by this reference made a part hereof.

6. Tariff publications required to be made by common carriers as a result of Ordering Paragraph 2 hereof shall be made effective March 29, 1974, 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 March 29, 1974, and may be made effective on not less than five days' notice to the Commission and to the public if filed not later than May 28, 1974.

7. 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 1-B, 2, 6-B, 9-B, 11-A, 14-A, 15 and 19.

8. 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 1-B, 2, 6-B, 9-B, 11-A, 14-A, 15 and 19 are authorized to be maintained in connection with the ratings and rules authorized and directed to be established herein.

9. Except as provided in Ordering Paragraph 8 hereof, common carriers are not authorized to publish ratings and rules which are different from, and are superseded by, present exceptions contained

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in Exception Ratings Tariff 1 and Minimum Rate Tariffs 1-B, 2, 6-B, 9-B, 11-A, 14-A, 15 and 19.

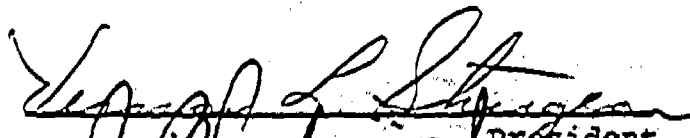
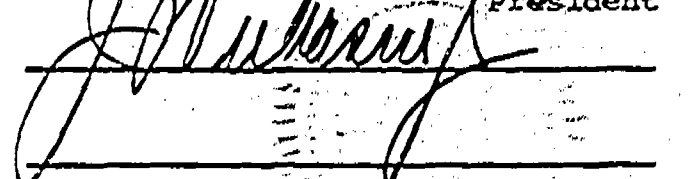

10. Common carriers subject to the Public Utilities Act, to the extent that they are subject also to Decisions Nos. 31606 and 66195, as amended, are hereby directed to establish in their tariffs the provisions necessary to conform with the further adjustments ordered herein.

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

The effective date of this order shall be March 20, 1974.

Dated at San Francisco, California, this 27th day of March, 1974.


President



Commissioners
Commissioner William Symons, Jr., being
necessarily absent, did not participate
in the disposition of this proceeding.

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Commissioner Thomas Moran, being
necessarily absent, did not participate
in the disposition of this proceeding.

SECTION 1--RULES OF GENERAL APPLICATION	ITEM
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Items 10, 11 and 12)</p> <p>AIR-MILE means a statute mile measured in a straight line without regard to terrain features or differences in elevation.</p> <p>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 armed crew.</p> <p>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.</p> <p>CARRIER'S EQUIPMENT means any motor truck or other self-propelled highway vehicle, trailer, semitrailer, or any combination of such highway vehicles, operated by the carrier.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>ADANGEROUS ARTICLES TARIFF means Motor Carriers' Explosives and Dangerous Articles Tariff 15, Cal.P.U.C. 10, of American Trucking Associations, Inc., Agent.</p> <p>DEBTOR means the person obligated to pay freight charges to the carrier, whether consignor, consignee or other party.</p> <p>DISTANCE TABLE means Distance Table 7 issued by the Cal.P.U.C.</p> <p>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.</p> <p>ESTABLISHED DEPOT means a freight terminal owned or leased and maintained by a carrier for the receipt and delivery of shipments.</p> <p>EXCEPTION RATINGS TARIFF means Exception Ratings Tariff 1 issued by the Cal.P.U.C.</p> <p>GOVERNING CLASSIFICATION means National Motor Freight Classification NMF 100 A.</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 Sunday, the following Monday shall be considered as a holiday.</p> <p>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.</p> <p style="text-align: center;">(Continued in Item 11)</p>	
♂ Change Δ Change, neither increase nor reduction	Decision No. 82531
EFFECTIVE	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	

Correction

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<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 (See Notes 1 and 2):</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, 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;</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(e), 1(f), 1(g), 1(h), 2, 2(a), 2(c), 2(d), 3 and 5;</p> <p>*365; 381; 420, Sections 1, 2, 4 and 5; 421; 422; 423; 424; 426; 428;</p> <p>430, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11(a), 11(b), 13 and 14;</p> <p>455; 520; 535; 540; 565; 580; 595; 640; 645; 680; 685; 687; 689; 765; 770, Section 2; 780, Section 2; 845; 995; 997 (Section 2 only).</p> <p>NOTE 1.--The provisions of Item 55740 of the Governing Classification are not applicable on California intrastate traffic.</p> <p>NOTE 2.--Where dual provisions are set forth in "Items 360, 580, 56960, 190210, and the Uniform Order Bill of Lading and the Uniform Through Export Bill of Lading Order Bill of Lading of the Governing Classification, only those provisions of said items preceded with the reference (P1), (P2), (P3), (P4), (P5), and (S4), will apply on California intrastate traffic. The explanation of such references are not, however, applicable to California intrastate traffic.</p> <p>(b) The Exception Ratings Tariff.</p> <p>(c) The Dangerous Articles Tariff (California Regulations).</p> <p>(d) The Distance Table.</p> <p>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.</p>	550
<p>Change) Addition) Decision No. 82531</p>	
EFFECTIVE	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	

Correction

EXCEPTION RATINGS TARIFF 1

SECTION 1--RULES		ITEM
DEFINITIONS OF TECHNICAL TERMS		
ADANGEROUS ARTICLES TARIFF means Motor Carriers' Explosives and Dangerous Articles Tariff 15, Cal.P.U.C. 10, of American Trucking Associations, Inc., Agent and supplements thereto or reissues thereof.		20
AGOVERNING CLASSIFICATION means National Motor Freight Classification NMF 100 A.		
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
ø Change) Δ Change, neither increase) Decision No. 82531 nor reduction		
EFFECTIVE		
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.		
Correction		