

ORIGINAL

Decision No. 83963

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)
NMF-100 A.)

Application No. 55309
(Filed November 13, 1974)

In the Matter of the Investiga-)
tion into the rates, rules, reg-)
ulations, charges, allowances)
and practices of all common car-)
riers, highway carriers and city)
carriers relating to the trans-)
portation of any and all commod-)
ities 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. 828)
(Filed November 13, 1974)

And Related Matters

Case No. 5436, Petition No. 182
Case No. 5439, Petition No. 234
Case No. 5441, Petition No. 324
Case No. 5603, Petition No. 164
Case No. 7783, Petition No. 110
Case No. 7857, Petition No. 116
Case No. 7858, Petition No. 188
(Filed November 13, 1974)

OPINION AND ORDER

Various common carriers engaged in intrastate transportation within California participate in National Motor Freight Classification NMF 100 A, 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. 55309, National Motor Freight Traffic Association, Inc., Agent, seeks authority, on behalf of such common carriers, to publish specific revisions in the Governing Classification.¹ By the above petitions, California Trucking Association seeks to make the proposed ratings and 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, 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 interest are generally known to the carriers and shippers.

¹The proposed changes, which are provided in Supplement 17 to the Governing Classification, are set forth in Exhibit A and related justifications are set forth in Exhibit B, both of which are attached to the application.

²The tariffs are Minimum Rate Tariff 1-B (East Bay Drayage), 2 (General Commodities Statewide), 9-B (San Diego Drayage), 11-A (Un-crated New Furniture Statewide) and 19 (San Francisco Drayage).

Applicants allege that the sought revisions have been authorized by the National Classification Board, after due process, and generally became effective December 20, 1974, for tariffs covering areas other than California and that such revisions, if authorized, would permit maintenance of uniformity of classification provisions in California with those in the rest of the nation.

A review of applicants' proposed revisions indicates that they pertain principally to (1) clarification of existing descriptions of articles; (2) cancellation of obsolete provisions; and (3) revisions of ratings for certain commodities which are more reflective of their transportation characteristics. 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.³ Other changes included: (1) a proposal increasing by 20 percent the charges for collecting and remitting the amount of each C.O.D. bill and (2) a request that the suspension of certain revised ratings on yogurt be vacated inasmuch as the protestant, Foremost Foods Company, had withdrawn its objection to said revisions and informed the Commission by letter to that effect.

Copies of the application and petitions were mailed to various chambers of commerce, shipper organizations, carrier representatives and other interested parties on or about November 12, 1974. The application and petitions were listed on the Commission's Daily Calendar of November 15, 1974.

³See Decision No. 68324 in Case No. 5432, et al., 63 Cal.P.U.C. 728.

In the circumstances, the Commission finds that:

1. The proposed adjustment in the charges for collecting and remitting the amount of each C.O.D. bill should not be authorized in this proceeding as such change is not within the framework of the criteria heretofore announced by the Commission for establishing revisions in the Governing Classification on California intrastate traffic; namely, revisions pertaining to: (1) format of classification; (2) correction of publishing errors and omissions; (3) packaging rules; and (4) changes in ratings.

2. Except as provided in Finding No. 1, the proposed classification revisions set forth in Application No. 55309 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 No. 1, the rates and charges resulting from the application of the aforesaid revisions are, and for the future will be, the just, reasonable and nondiscriminatory minimum rates and charges 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 changes set forth in Application No. 55309 should be authorized, and that such revisions should be adopted and approved, to the extent indicated in the ensuing order, to govern the minimum rates established by the Commission.

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 NMFC 100 A is authorized to establish and publish the classification changes set forth in Application No. 55309, except the provisions of Item 430-A therein, to become effective not earlier than January 29, 1975, on not less than one day's notice to the Commission and to the public.

2. Except as otherwise provided in Ordering Paragraph 11 hereof, the classification ratings and rules authorized herein are approved and adopted as just, reasonable and nondiscriminatory ratings and rules to govern the rates and rules promulgated by the Commission in Minimum Rate Tariffs 1-B, 2, 9-B, 11-A and 19.

3. Minimum Rate Tariff 2 (Appendix D of Decision No. 31606, as amended) is further amended by incorporating therein, to become effective January 29, 1975, Fifth Revised Page 15-C, attached hereto and by this reference made a part hereof.

4. Minimum Rate Tariff 1-B (Appendix B of Decision No. 65834, as amended) is hereby further amended by incorporating therein, to become effective January 29, 1975, Seventeenth Revised Page 18-A, attached hereto and by this reference made a part hereof.

5. Minimum Rate Tariff 9-B (Appendix A of Decision No. 67766, as amended) is further amended by incorporating therein, to become effective January 29, 1975, Twentieth Revised Page 18, attached hereto and by this reference made a part hereof.

6. Minimum Rate Tariff 19 (Appendix A of Decision No. 41363, as amended) is hereby further amended by incorporating therein, to become effective January 29, 1975, Forty-fifth Revised Page 16, attached hereto and by this reference made a part hereof.

7. Common carriers subject to the Public Utilities Act, to the extent that they are subject to Decisions Nos. 31606, 65834, 67766 and 41363, as amended, are hereby directed to establish in their tariffs the increases necessary to conform with the further adjustments ordered herein.

8. Tariff publications required to be made by common carriers as a result of the order herein shall be filed not earlier than the effective date of this order and shall be made effective January 29, 1975, on 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 the order herein may be made effective not earlier than January 29, 1975, 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 March 31, 1975.

9. 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, 9-B, 11-A and 19.

10. 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, 9-B, 11-A and 19 are authorized to be maintained in connection with the ratings and rules authorized and directed to be established herein.

11. Except as provided in Ordering Paragraph 10 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 1 and Minimum Rate Tariffs 1-B, 2, 9-B, 11-A and 19.

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 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.

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 twenty days after the date hereof.

Dated at San Francisco, California, this *27th* day of January, 1975.

Vernon L. Sturgeon
President
William J. Quinn Jr.
Ed Delaney

Commissioners

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(c), 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.**</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>	<p>50</p>
<p>Change) ** Eliminated) Decision No.</p> <p style="text-align: center; font-size: 1.5em;">83963</p>	
EFFECTIVE	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	

Correction

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF RATES</p> <p>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)</p>	90
<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.**</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, Sections 2-B, 2-C and 2-D only.</p> <p>(c) The Dangerous Articles Tariff (California Regulations).</p> <p>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 publications referred to in paragraphs 1(a) and (b) hereof, the provisions of the Dangerous Articles Tariff will apply.</p>	100
<p>Ø Change) ** Eliminated) Decision No. 83963</p>	
EFFECTIVE	
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Correction

MINIMUM RATE TARIFF 9-B

SECTION 1--RULES (Continued)	ITEM
<p>APPLICATION OF CLASS RATES THAT ARE PERCENTAGES, MULTIPLES OR PROPORTIONS OF SPECIFIC CLASS RATINGS</p> <p>Class ratings which are based on percentages, multiples or proportions of Class 100 or other specified class ratings are not restricted in their application solely to the minimum class rates in the any quantity weight brackets but will apply in connection with the minimum weight brackets set forth in this tariff applicable to the shipment transported.</p>	70
<p>APPLICATION OF GOVERNING PUBLICATIONS</p> <p>(a) This tariff is governed to the extent shown herein by:</p> <p>(1) 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,</p> <p>Section 2; 780, Section 2; 845; 995; 997 (Section 2 only).</p> <p>NOTE 1.**</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>(2) Sections 2-C and 2-D only of the Exception Ratings Tariff.</p> <p>(3) The Dangerous Articles Tariff (California Regulations).</p> <p>(4) The Distance Table (territorial descriptions only - see Item 30 herein).</p> <p>(b) Where the ratings and rules or other provisions or conditions provided in the governing publications described in paragraphs (a)(1), (2) and (4) are in conflict with those provided in this tariff, the provisions of this tariff will apply.</p> <p>(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 paragraphs (a)(1), (2) and (4), the provisions of the Dangerous Articles Tariff will apply.</p> <p>(d) 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.</p>	80
<p>Change) ** Eliminated) Decision No. 83963</p>	
EFFECTIVE	
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF RATES</p> <p>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.</p>	60
<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(c), 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.**</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, Sections 2-B, 2-C and 2-D only.</p> <p>(c) The Dangerous Articles Tariff (California Regulations).</p> <p>2. Where the ratings and rules or other provisions or conditions provided in the Governing Classification or Exception 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 the provisions set forth in this tariff or the otherwise governing publications referred to in paragraphs 1(a) or (b) hereof, the provisions of the Dangerous Articles Tariff will apply.</p>	ø70
<p>ø Change) ** Eliminated) Decision No.</p> <p style="text-align: center; font-size: 1.5em;">83963</p>	
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