

ORIGINAL

Decision No. 85676

## 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-B. )

Application No. 56312  
 (Filed March 4, 1976)

In the Matter of the Investiga- )  
 tion for the purpose of consid- )  
 ering and determining minimum )  
 rates for transportation of any )  
 and all commodities statewide )  
 including, but not limited to )  
 those rates which are provided )  
 in Minimum Rate Tariff 2 and the )  
 revisions or reissues thereof. )

Case No. 5432  
 Petition for Modification  
 No. 882  
 (Filed March 4, 1976)

And Related Matters )

Case No. 5436, Petition No. 206

Case No. 5439, Petition No. 267

Case No. 5441, Petition No. 354

Case No. 5603, Petition No. 185

Case No. 7783, Petition No. 134

Case No. 7857, Petition No. 135

Case No. 7858, Petition No. 205

(Filed March 4, 1976)

OPINION AND ORDER

Various common carriers engaged in intrastate transporta-  
 tion within California participate in National Motor Freight  
 Classification NMF 100 B, 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. 56312, 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-C to become effective April 23, 1976.<sup>1</sup>

By the above petitions California Trucking Association proposes that National Motor Freight Classification NMF 100 B be discontinued as the Governing Classification for various Commission minimum rate tariffs and that National Motor Freight Classification NMF 100-C be adopted and prescribed as the Governing Classification for the Commission's minimum rate tariffs.<sup>2</sup>

Applicant and petitioner state that the Governing Classification is 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-C, with an effective date of April 23, 1976.

Copies of the application and petitions were mailed to various chambers of commerce, shipper organizations, carrier representatives and other interested parties on or about March 4, 1976. The application and petitions were listed on the Commission's Daily

---

<sup>1</sup> The proposed reissue of National Motor Freight Classification NMF 100 B is set forth in Exhibit A of Application 56312.

<sup>2</sup> 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.

Calendar of March 8, 1976. No objection to the granting of the application and petitions has been received.

In the circumstances, the Commission finds that applicant's and petitioner's proposals, as hereinafter modified, are reasonable. A public hearing is not necessary. Decision 85547 did not authorize: (1) an increase in the charge for changing the status of a C.O.D. shipment; (2) the changes regarding prepayment or guarantee of charges; and (3) the cancellation of the released valuation provisions on chemicals, drugs, medicines or toilet preparations in connection with the application of National Motor Freight Classification NMF 100 B but such unauthorized provisions are set forth in National Motor Freight Classification 100-C. To preserve the "status quo" which should exist in the reissue of the former classification, certain tariff amendments in the involved minimum rate tariffs will be made to accomplish this purpose. The Commission concludes that Minimum Rate Tariff 2 and Exception Ratings Tariff 1 should be amended accordingly in the ensuing order. Amendments to the other minimum rate tariffs will be made by separate orders to avoid duplication of tariff distribution.

The order which follows will be made effective April 21, 1976, to permit tariff filing on one day's notice and establish an effective date of April 23, 1976, on California intrastate traffic concurrently with that in effect nationally.

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-C, is authorized to establish and publish the classification ratings and rules set forth in Application 56312 to become effective not earlier than April 23, 1976, on not less than one day's notice to the Commission and to the public, subject to the conditions specified in Ordering Paragraph 2 hereof.

2. Common carriers named in Application 56312 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 31606, as amended) is hereby further amended by incorporating therein, to become effective April 23, 1976, Fiftieth Revised Page 11 and Tenth Revised Page 15-C and Seventeenth Revised Page 22 attached hereto and by this reference made a part hereof.

5. Exception Ratings Tariff 1 (Appendix A to Decision 66195, as amended) is hereby further amended by incorporating therein to become effective April 23, 1976, Seventeenth Revised Page 6, Twelfth Revised Page 27-F and Fourth Revised Page 27-WWWW, attached hereto and by this reference made a part hereof.

6. Tariff publications required to be made by common carriers as a result of this order shall be made effective April 23, 1976, on not less than 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 this order may be made effective not earlier than April 23, 1976, 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 June 23, 1976.

7. The classification ratings and rules authorized to be established by this order 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 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 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 461.5 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 31606 and 66195, as amended, shall remain in full force and effect.

The effective date of this order shall be April 21, 1976.

Dated at San Francisco, California, this 13<sup>th</sup> day of April, 1976.

\_\_\_\_\_  
President  
*William J. Lyons*  
\_\_\_\_\_  
*Thomas L. Sturgeon*  
\_\_\_\_\_  
*Robert B. Baker*  
\_\_\_\_\_  
Commissioners

Commissioner D. W. Holmes, 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>§DANGEROUS ARTICLES TARIFF means Hazardous Materials Tariff 111-B, Cal.P.U.C. 12, 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-C.</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>	
<p>§ Change, Decision No. <b>85676</b></p>	
EFFECTIVE	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	

Correction

MINIMUM RATE TARIFF 2

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>ø(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(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), 16, *17 and 18;</p> <p>112; 200; *202; 205; 210; 215; 220; 222; *222-1; *222-2; *222-3; *222-4; *222-5; *222-6; 225; 230; 235; 240; 245; 250; 255; *256; 257; *258; 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) and 13 **;</p> <p>455; 520; 535; 540; 565; 580; 595; 640; 645; 680; 685; 687; 689; 765;</p> <p>** 780, Section 2; 845; 995; 997 (Section 2 only).</p> <p>Note 1.--The provisions of Item 55890, Sub 2 of the Governing Classification shall be subject to a Minimum Weight of 12,000 pounds on California Intrastate Traffic.</p> <p>Note 2.--Where dual provisions are set forth in Items 360, 580, 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) or (P5), will apply on California intrastate traffic. The explanations 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>	ø50
<p>ø Change ) * Addition ) Decision No. <b>85676</b> ** Eliminated )</p>	
EFFECTIVE	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	
Correction	



MINIMUM RATE TARIFF 2

SECTION 1--RULES OF GENERAL APPLICATION (Continued)

ITEM

COLLECT ON DELIVERY (C.O.D.) SHIPMENTS

§(Exceptions to Sections 12 and 14 of Item 430 of the Governing Classification)

The charges for collecting and remitting the amount of C.O.D. bills collected on C.O.D. shipments shall be as follow:

When the amount collected is	Charge for collecting and remitting will be
Not Over \$ 100-----	\$ 3.15
Over 100 not over \$ 110-----	3.25
Over 110 not over 120-----	3.50
Over 120 not over 140-----	3.75
Over 140 not over 160-----	3.90
Over 160 not over 180-----	4.10
Over 180 not over 200-----	4.35
Over 200 not over 250-----	4.70
Over 250 not over 300-----	5.30
Over 300 not over 350-----	5.45
Over 350 not over 400-----	5.80
Over 400 not over 450-----	6.35
Over 450 not over 500-----	6.90
Over 500 not over 550-----	7.45
Over 550 not over 600-----	8.00
Over 600 not over 650-----	8.55
Over 650 not over 700-----	9.10
Over 700 not over 750-----	9.65
Over 750 not over 800-----	10.20
Over 800 not over 850-----	10.75
Over 850 not over 900-----	11.30
Over 900 not over 950-----	11.80
Over 950 not over 1,000-----	12.35

Over \$1,000 at rate of \$12.35 per \$1,000

\*Carrier will, upon written request from the consignor, change the status of a C.O.D. shipment (except as prohibited by Section 1 of Item 430 of the Governing Classification) by increasing, reducing, or cancelling the amount of the C.O.D., subject to the following provisions: (1) The request must be received by the delivering carrier in time to accomplish the change requested prior to effecting delivery of the shipment. (2) A charge of \$5.00 per shipment will be made for increasing, reducing, or cancelling the C.O.D. amount. Such charge will be in addition to the C.O.D. collection fee, if any, and must be guaranteed by the consignor in writing.

§ Change )  
\* Addition ) Decision No.

85676

EFFECTIVE APRIL 23, 1976

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

Correction

SECTION 1--RULES		ITEM
<p>DEFINITIONS OF TECHNICAL TERMS</p> <p>⌘DANGEROUS ARTICLES TARIFF means Hazardous Materials Tariff 111-B, Cal.P.U.C. 12, of American Trucking Associations, Inc., Agent and supplements thereto or reissues thereof.</p> <p>⌘GOVERNING CLASSIFICATION means National Motor Freight Classification NMF 100-C.</p>		⌘20
EXPLANATIONS OF ABBREVIATIONS, LETTERS OR SYMBOLS		40
Abbreviations, Letters or Symbols	EXPLANATION	
<p>CAL.P.U.C. Col. ERT GC Lbs. No. NOIBN</p> <p>N.O.S. or n.o.s. " \$</p>	<p>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.</p> <p>Not otherwise specified in this tariff. Ditto (same). Dollars.</p>	
<p>⌘ Change, Decision No.</p> <p>85676</p>		
EFFECTIVE		
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.		
Correction		

SECTION 2-B--TRUCKLOAD CLASSES (RATINGS) AND MINIMUM WEIGHTS WHICH ARE EXCEPTIONS TO THE GC						ITEM
ARTICLES as described in the following items of the Governing Classification, viz.:						
ITEM	TL RATING	TL MINIMUM WEIGHT	ITEM	TL RATING	TL MINIMUM WEIGHT	
40420			86600	35.3	50,000	
Sub 1	35.4	50,000	90160	35.4	40,000	
Sub 2	35.2	40,000	90210	35.3	50,000	
50540			90220	35.4	40,000	
Sub 1	35.3	40,000	90300	35.4	40,000	
Sub 2	35.3	40,000	90360	35.4	50,000	
50560	35.4	40,000	90380	35.4	50,000	
50610	35.4	40,000	90400			
50620	35.3	40,000	Sub 1	35.2	40,000	
50700			Sub 2	35.2	40,000	
Sub 5	35.4	40,000	90630	35.4	50,000	
Sub 6	35.3	40,000	90650	35.4	50,000	
Sub 7	35.4	40,000	90740	35.2	40,000	
50930	35.2	40,000	91870	35.4	40,000	
51010	35.2	40,000	91890	35.2	40,000	
56320	35.1	40,000	91930	35.4	40,000	
57520	35.2	50,000	91950			
60000	*(1) 35.2	40,000	Sub 1	35.2	40,000	
67060	35.1	40,000	Sub 2	35.2	40,000	
67700	35.1	40,000	91960	35.2	40,000	
67710	35.1	40,000				

\*(1) This rating also applies on Chemicals, Drugs, Medicines or Toilet Preparations in packages provided in separate descriptions for such articles as described in the following item numbers of the Governing Classification:

42600	43220	43830	44570	45290	46050	46510	47290
42710	43310	43840	44580	45310	46070	46560	47300
42720	43330	43860	44590	45320	46090	46570	47310
42750	43350	43870	44600	45350	46100	46600	47320
42770	43370	43900	44710	45360	46140	46630	47350
42810	43380	43920	44770	45370	46180	46640	47360
42820	43400	43930	44780	45430	46210	46650	47380
42840	43420	43990	44800	45500	46220	46670	47390
42870	43430	44000	44820	45510	46260	46680	47410
42910	43440	44010	44920	45530	46280	46690	47420
42940	43450	44050	44940	45650	46300	46700	47430
42970	43460	44090	44950	45660	46310	46750	58650
43020	43520	44100	44960	45690	46320	46810	58690
43030	43630	44120	44980	45700	46330	46850	58730
43040	43640	44130	45080	45720	46360	46860	58840
43060	43650	44150	45130	45740	46370	46870	58860
43070	43690	44160	45140	45760	46390	46950	58980
43080	43700	44180	45170	45810	46420	46970	59050
43090	43710	44190	45175	45820	46430	46990	59360
43100	43730	44210	45180	45850	46440	47060	
43110	43750	44240	45200	45860	46450	47080	
43130	43760	44290	45210	45890	46460	47220	
43150	43780	44330	45240	45910	46470	47240	
43170	43790	44490	45270	45960	46500	47250	

When the value declared in writing by the shipper, or agreed upon in writing as the released value of the property, does not exceed 50 cents per pound, subject to the conditions specified in Items 60002, 60004 and 60006 of said Governing Classification.

(E) Expires upon further order of the Commission.

of Change )  
\* Addition) Decision No. 85676

EFFECTIVE APRIL 23, 1976

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

SECTION 2-D--PROVISIONS WHICH ARE EXCEPTIONS TO THE GC	ITEM
(Numbers within parentheses immediately following commodities shown below refer to such commodities as they are described in the corresponding item numbers of the Governing Classification.)	
ARTICLES	
<p>MACHINES:</p> <p>Business or office, viz:</p> <p>Accounting Card (115740)</p> <p>Adding or Computing (115760)</p> <p>Typewriters and Computing combined (116270)</p> <p>Copying, Duplicating or Reproducing, NOI (118250)</p> <p>ELECTRICAL EQUIPMENT:</p> <p>Tape Recorders (62860), minimum weight 500 pounds for each complete unit.</p> <p>Commodities referred to herein may be shipped loose subject to provisions of Notes 1, 2 and 3.</p> <p>NOTE 1.--The provisions of this item apply only in connection with transportation performed in a van-type vehicle commonly used for the transportation of household goods or electronic equipment and normally equipped with pads, covers, dividers and other protective materials, tie-downs and dollies necessary for such transportation.</p> <p>NOTE 2.--The provisions of this item apply only in connection with transportation of straight shipments of the commodities referred to herein, except that the shipments of commodities named in Item 118250 of the GC there may be included (not to exceed ten pounds in weight) kits, business or office copying, duplicating or reproducing machine (108030).</p> <p>NOTE 3.--The provisions of this item apply only in connection with shipments released to 50¢ per pound per article. The bill of lading issued for any shipment accepted for transportation at this rate shall have printed on the face thereof a statement reading as follows:</p> <p>"Unless a different value is declared, the shipper hereby releases the property to a value of 50¢ per pound per article."</p>	1850
<p>PREPAYMENT OR GUARANTEE OF CHARGES</p> <p>Freight on which prepayment is required may, on approval of the originating carrier, be forwarded on a collect basis on the guarantee of shipper that all charges will be paid. Notation must be made on shipping order and bill of lading that shipper guarantees charges.</p>	1853
<p>* Addition, Decision No. <b>85676</b></p>	
EFFECTIVE APRIL 23, 1976	
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	