

ORIGINAL

Decision No. 87210

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 corporations, for authority, to make various revisions in National Motor Freight Classification NMF 100-C.

Application No. 57080
(Filed February 15, 1977)

In the Matter of the Investigation for the purpose of considering and determining the 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. 948
(Filed February 15, 1977)

And Related Matters.

Case No. 5436, Petition
No. 238
Case No. 5439, Petition
No. 303
Case No. 5441, Petition
No. 385
Case No. 5603, Petition
No. 204
Case No. 7783, Petition
No. 152
Case No. 7857, Petition
No. 154
Case No. 7858, Petition
No. 222
(Filed February 15, 1977)

OPINION AND ORDER

Various common carriers engaged in intrastate transportation within California participate in National Motor Freight Classification NMF 100-C, 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 57080, 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-D to become effective April 23, 1977.¹

By the above petitions, California Trucking Association proposes that National Motor Freight Classification NMF 100-C be discontinued as the Governing Classification for various Commission minimum rate tariffs and that National Motor Freight Classification NMF 100-D be adopted and prescribed as the Governing Classification for the Commission's minimum rate tariffs.¹

Applicant and petitioner state that the Governing Classification is periodically reissued to minimize the difficulties

¹The proposed reissue of National Motor Freight Classification NMF 100-D is set forth in Exhibit A of Application 57080.

²The 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.

A. 57080, C. 5432 (Pet. 948) et al. - HAH/hk

which accompany excessive supplementation of tariff material, and accordingly the present classification is being reissued as National Motor Freight Classification NMF 100-D, with an effective date of April 23, 1977.

Copies of the application and petitions were mailed to various chambers of commerce, shipper organizations, carrier representatives and other interested parties on or about February 14, 1977. The application and petitions were listed on the Commission's Daily Calendar of February 16, 1977. 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 modified, are reasonable. A public hearing is not necessary. During the effectiveness of National Motor Freight Classification NMF 100-C, certain revisions were not authorized concerning : (1) charges for furnishing additional copies of various shipping documents; (2) a restriction on C.O.D. payments by certified check; (3) minimum weight provisions governing the truckload ratings on scrap or waste paper and propellant explosives or explosive propelling units; and (4) ratings on administration sets, hospital patient kits and inpatient treatment kits. Such unauthorized revisions are set forth in National Motor Freight Classification NMF 100-D. 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 on the date hereof to permit tariff filings on one day's notice and establish an effective date of April 23, 1977, on California intrastate traffic.

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-D, is authorized to establish and publish the classification ratings and rules set forth in Application 57080 to become effective not earlier than April 23, 1977, 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 57080 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, 1977, Fifty-second Revised Page 11 and Twelfth Revised Page 15-C 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, 1977, Thirty-ninth Revised Page 3, Eighteenth Revised Page 6 and Seventh Revised Page 27-WFW, 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, 1977, 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, 1977, 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, 1977.

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 provisions 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 is the date hereof.

Dated at San Francisco, California, this 12th day of APRIL, 1977.

Robert Batmanglich

President

William S. Gussow, Jr.

Thomas L. Sturgeon

W. C. ...

Richard D. ...

Commissioners

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 means articles named in the Hazardous Materials Tariff.</p> <p>*DANGEROUS ARTICLES TARIFF means the Hazardous Materials Tariff.</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 8 issued by the Cal.P.U.C.</p> <p>ESCOPT 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 NMFC 100-D including supplements thereto or reissues thereof when the provisions of such supplements or reissues have been approved by the Commission.</p> <p>HAZARDOUS MATERIALS means articles or materials described in the Hazardous Materials Tariff.</p> <p>HAZARDOUS MATERIALS TARIFF means Hazardous Materials Tariff 111-3, Cal PUC 12, of American Trucking Associations, Inc., Agent.</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>§10</p>
<p> § Change) * Addition) Δ Change, neither increase) nor reduction) </p> <p style="text-align: right;">Decision No. 87210</p>	
EFFECTIVE	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	

Correction

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
APPLICATION OF GOVERNING PUBLICATIONS	
<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, 2, *3, *4 and *5):</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; *201; 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(c), 1(f) *(Except wherever a charge of 20¢ or \$1.00 is shown this charge shall be 10¢ or 50 cents respectively on California intrastate traffic), 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 *(except payment by certified check shall be accepted on California intrastate traffic), 10, 11(a), 11(b) and 13;</p> <p>455; 520; 535; 540; 565; 580; 585; 640; 645; 680; 685; 687; 689; 765; 780, Section 2; 845; 995 (Section 2 only); 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>*Note 3.--The provisions of Item 64300, Sub. 2 of the Governing Classification shall be subject to a minimum weight of 24,000 pounds on California intrastate traffic.</p> <p>*Note 4.--The provisions of Item 151390, Sub. 7 of the Governing Classification shall be subject to a minimum weight of 30,000 pounds on California intrastate traffic.</p> <p>*Note 5.--Dangerous Articles Tariff (DAT) means Hazardous Materials Tariff on California intrastate traffic.</p> <p>(b) The Exception Ratings Tariff. (c) The Hazardous Materials Tariff (California Regulations). (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 Hazardous Materials 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 Hazardous Materials Tariff will apply.</p>	#50
† Change) Decision No. * Addition)	
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Correction	

INDEX OF COMMODITIES			
COMMODITIES	ITEM	COMMODITIES	ITEM
Acids	1200	Machines, Business or Office	1850
Articles as described in the Governing Classification	1030-1050	Machines, Copying, Duplicating or Reproducing	1850
Blankets	1800	Pads, sanitary	755
Carriers, used packages	320,321,340	Paper Articles	1640
Cartons, egg, pulp	270	Recorder, tape	1850
Chemicals	1320	Salt, common (Sodium Chloride)	880
Confectionery	480	*Sets, expendable, aspirating, administration or transference	1830
Compounds, tree or weed killing	460	Sheeting, plastic	490
*Dental or Hospital Supplies	1830	Shipments, returned	820
Fertilizers	540,560,580	Sod, chopped or not chopped	860
Filler Flats, Egg Case or Egg Carrier	450	Strontium Nitrate	870
Film, plastic	490	Sugar	940
Flowers, fresh, cut	592	Wood, fuel	600
Kindling, fire, wood	600		
*Rits, hospital patient	1830		
*Rits, inpatient treatment	1830		
Loups, compressed sawdust	600		

* Addition, Decision No.

87210

EFFECTIVE

Correction

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

EXCEPTION RATING TARIFF 1

SECTION 1--RULES		ITEM
<p>DEFINITIONS OF TECHNICAL TERMS</p> <p>⊘DANGEROUS ARTICLES TARIFF means Hazardous Materials Tariff 111-B, Cal PUC 12, of American Trucking Associations, Inc., Agent **.</p> <p>⊘GOVERNING CLASSIFICATION means National Motor Freight Classification ⓂNMF 100-D, including supplements thereto or reissues thereof when the provisions of such supplements or reissues have been approved by the Commission.</p>		Ⓜ20
<p>EXPLANATIONS OF ABBREVIATIONS, LETTERS OR SYMBOLS</p>		
Abbreviations, Letters or Symbols	EXPLANATION	
CAL.P.U.C. Col. ERT GC Lbs. No. *NOI 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 more specifically described in the Governing Classification. 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. Dicco (same). Dollars.	Ⓜ40
<p>Ⓜ Change) * Addition) Δ Change, neither increase) nor reduction) ** Eliminated)</p>	Decision No.	87210
EFFECTIVE		
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>		
Correction		

EXCEPTION RATINGS TARIFF 1

SECTION 2-D--RATINGS 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	Rating	
BLANKETS, NOIBN (49040) Synthetic fibre or synthetic and natural fibre combined, in bales or boxes Any Quantity-----	200	1800
Natural fibre, in bales or boxes (See Note) Any Quantity-----	150	
NOTE.--Natural fibre blankets may have bindings of any material.		
DENTAL OR HOSPITAL SUPPLIES, viz.: SETS, expendable, aspirating, administration or transferece, plastic with empty plastic collecting or holding containers or without containers, in boxes (56900) Less truckload----- Truckload, minimum weight 20,000 pounds-----	100 70	*oA 1830
KITS, hospital patient, see Note 1, in inner containers in boxes (108145). Less truckload----- Truckload, minimum weight 30,000 pounds-----	85 45	
KITS, inpatient treatment, NOIBN, in boxes (108150), (See Note 2) Less truckload----- Truckload, minimum weight 30,000 pounds-----	100 70	
NOTE 1.--Applies on kits consisting of toilet preparations, toothpaste, bar soap, facial tissues, washcloth, toothbrush and comb. Other articles may be included, provided the weight of articles classed higher than the hospital patient kits does not exceed 20 percent of the gross weight of the package. When articles classified according to density are included, the density to be used for the purpose of determining whether such articles are higher classed shall be the density of the patient kit package as shipped.		
NOTE 2.--Applies on kits containing expendable medical treatment accessories such as bags, bottles, gloves, towels, pads, drapes, straps, tubing, razor-blades, safety pins, bandages or dressing, swabs or fiber balls, with or without clamps, syringes, forceps or other expendable medical instruments, other than intravenous catheters, with or without drugs or medicines, other than narcotics or chemical compounds.		
a Change) * Addition) o Increase) Decision No. 87210 o Reduction)		
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Correction		