

ORIGINAL

Decision No. 87498 June 21, 1977

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-D.

Application Nos. 57117, 57186, 57276 and 57338 (Filed March 2, 30 May 3 and 25, 1977, respectively)

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 Petitions for Modification Nos. 950, 955, 969 and 973 (Filed March 2, 30 May 3 and 25, 1977 respectively)

And Related Matters.

Case No. 5436, Petition Nos. 241, 242, 250 and 254 Case No. 5439, Petition Nos. 306, 309, 313 and 314 Case No. 5441, Petition Nos. 387, 391, 396 and 397 Case No. 5603, Petition Nos. 206, 207, 209 and 211 Case No. 7783, Petition Nos. 154, 155, 157 and 158 Case No. 7857, Petition Nos. 156, 157, 160 and 161 Case No. 7858, Petition Nos. 224, 225, 226 and 227

(Filed March 2, 30, May 3 and 25, 1977, respectively)

OPINION AND ORDER

Various common carriers engaged in intrastate transportation within California participate in National Motor Freight Classification NMF 100-D, 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 Applications 57117, 57186, 57276 and 57338, 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.

Applicant and petitioner, hereinafter referred to as applicants, state that the Governing Classification is periodically revised to meet the changing needs of commerce. Applicants allege that these revisions include: (1) changes for clarification purposes; (2) cancellation of obsolete provisions; (3) establishment of specific ratings for newly designed or manufactured articles; and (4) amendments reflecting the transportation characteristics of certain commodities. Applicants aver that the sought revisions have

¹The proposed changes, which are provided in Supplements 1, 3, 7 and 8 to the Governing Classification, are set forth in Exhibits A and related justifications are set forth in Exhibits B which are attached to the applications.

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

been authorized by the National Classification Board, after due process, 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.

Copies of the applications and petitions were mailed to various chambers of commerce, shipper organizations, carrier representatives and other interested parties on or about March 1, 30, April 27 and May 24, 1977. The application and petitions were listed on the Commission's Daily Calendar of March 3, April 1, May 5 and 26, 1977. No objection to the granting of the applications and petitions have been received.

In the circumstances, the Commission finds that:

Applicant's and petitioner's proposals are reasonable and justified subject to the conditions hereinafter ordered. A public hearing is not necessary. The Commission concludes that the applications and petitions should be granted to the extent indicated in the ensuing order. The necessary amendments to Minimum Rate Tariff 2 and Exception Ratings Tariff 1 will be made in the order which follows. Amendments to the other minimum rate tariffs will be made by separate orders to avoid duplication of tariff distribution. The Commission further concludes that the effective date of this order should be the date hereof to permit tariff filings on one day's notice and establish an effective date of June 25, 1977.

Other minor changes not related to the subject matter involved herein will be made in the ensuing order.¹

¹The provisions of Note 3 in Items 100, 50, 80 and 70 of Minimum Rate Tariffs 1-B, 2, 9-B and 19 do not reflect the intent of Decision 87210. This matter will be clarified by cancelling Note 3 in said items and, in lieu thereof, establishing specific provisions in Exception Ratings Tariff 1.

In the interest of reducing or eliminating processing and paperwork, the moving parties in seeking action as being granted in this order, under conditions which are generally routine, are requested to make further application in the procedures and format of General Order 109. As an exception to such procedure, the applicant will continue to make service to interested parties and the filing will be noted on the Daily Calendar. Interested parties will have full opportunity to express their position before the matter is processed for decision. Applicant's changes which are denied in this procedure will be without prejudice to consideration upon filing of a formal application.

By prior orders in the Commission's minimum rate proceedings, the National Motor Freight Classification has been established as the Governing Classification and the ratings and provisions therein which have been approved by this Commission were found, approved and adopted as the just, reasonable and nondiscriminatory ratings and provisions to govern the minimum rates and rules promulgated by the Commission in the various minimum rate tariffs involved herein. In the future, changes approved under the above shortened procedure will continue to keep the classification current in the minimum rate tariffs.

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 provisions set forth in Applications 57117, 57186, 57276 and 57338 to become effective not earlier than June 25, 1977, on not less than one day's notice to the Commission and to the public.

2. Except as otherwise provided in Ordering Paragraph 8 hereof, the classification ratings and provisions authorized herein are approved and adopted as the just, reasonable and nondiscriminatory ratings and provisions to govern the minimum 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 to Decision 31606, as amended) is hereby further amended by incorporating therein, to become effective June 25, 1977, Thirteenth Revised Page 15-C attached hereto and by this reference made a part hereof.

4. Exception Ratings Tariff 1 (Appendix A to Decision 66195, as amended) is hereby further amended by incorporating therein, to become effective June 25, 1977, Fortieth Revised Page 3 and Eighth Revised Page 27-WWW attached hereto and by this reference made a part hereof.

5. 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 June 25, 1977, 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 June 25, 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 August 25, 1977.

6. The classification ratings and provisions authorized to be established by the order herein 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.

7. 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 provisions authorized and directed to be established herein.

8. Except as provided in Ordering Paragraph 7 hereof, common carriers are not authorized to publish ratings and provisions 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.

9. Common carriers, in establishing and maintaining the ratings and provisions 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 provisions published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

10. 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 21st day of
JUNE, 1977.

President
William Synnott
James L. Sturgeon
Richard D. Swack

Commissioners

Commissioner Robert Batnovich, being necessarily absent, did not participate in the disposition of this proceeding.

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
APPLICATION OF GOVERNING PUBLICATIONS	
1. This tariff is governed to the extent shown herein by:	
(a) The Governing Classification, except that this tariff is subject to the following rules (items) only thereof (See Notes 1, 2, **, 4 and 5):	
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;	
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;	
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;	
365; 381; 420, Sections 1, 2, 4 and 5; 421; 422; 423; 424; 426; 428;	
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;	
455; 520; 535; 540; 565; 580; 595; 640; 645; 680; 685; 687; 689; 765; 780, Section 2; 845; 995 (Section 2 only); 997 (Section 2 only).	
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.	
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.	
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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.	
Note 5.--Dangerous Articles Tariff (DAT) means Hazardous Materials Tariff on California intrastate traffic.	
(b) The Exception Ratings Tariff.	
(c) The Hazardous Materials Tariff (California Regulations).	
(d) The Distance Table.	
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.	
(Change) (** Eliminated) Decision No. 87498	
EFFECTIVE	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	
Correction	

EXCEPTION RATINGS TARIFF 1

INDEX OF COMMODITIES			
COMMODITIES	ITEM	COMMODITIES	ITEM
Acids	1200	Logs, compressed sawdust	600
Articles as described in the Governing Classification	1030-1050	Machine, Business or Office	1840
Blankets	1800	Machines, Copying, Duplicating or Reproducing	1850
Carriers, used packages	320,321,340	Pads, sanitary	755
Cartons, egg, pulp	270	Paper Articles	1840
Chemicals	1320	Recorder, tape	1850
Confectionery	480	Salt common (Sodium Chloride)	880
Compounds, tree or weed killing	460	Sets, expendable, aspirat- ing, administration or transference	1830
Dental or Hospital Supplies	1830	Sheeting, plastic	490
*Explosives, propellant	1835	Shipments, returned	820
*Explosives, Propelling Units	1835	Sod, chopped or not chopped	860
Fertilizers	540,560,580	Strontium Nitrate	870
Filler Plats, Egg		Sugar	940
Case or Egg Carrier	450	Wood, Fuel	600
Film, plastic	490		
Flowers, fresh, cut	592		
Kindling, fire, wood	600		
Kits, hospital patient	1830		
Kits, inpatient treatment	1830		

* Addition, Decision No.

87498

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 SAN FRANCISCO, CALIFORNIA.

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----- Natural fibre, in bales or boxes (See Note) Any Quantity----- NOTE.--Natural fibre blankets may have bindings of any material.	200 150	1800
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----- KITS, hospital patient, see Note 1, in inner containers in boxes (108145). Less truckload----- Truckload, minimum weight 30,000 pounds----- KITS, inpatient treatment, NOIBN, in boxes (108150), (See Note 2) Less truckload----- Truckload, minimum weight 30,000 pounds----- 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.	100 70 85 45 100 70	1830
Explosives, propellant, or Explosive Propelling Units, (64300, Sub 2) viz.: (See Note) Rocket or Missile Propelling Units (Rocket Motors); Jet Thrust Units (JATO), other than jet aircraft engines; Commerical Aircraft Rocket Engines, as named in Hazardous Materials Tariff; Propellant Explosives, solid or liquid, for cannon, small arms, rockets, missiles or other devices, or Smokeless Powder; Truckload: Minimum Weight 24,000 pounds----- NOTE.--Applies only on articles named when classed as Class B explosives or as flammable solids in Hazardous Materials Tariff.	55	1835
* Addition } o Increase } Decision No.	87498	
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Correction		