

DAVIS CARTAGE COMPANY  
MC-145485

ICC DVCG 1000B

1<sup>st</sup> Revised Page Title Page

DAVIS CARTAGE CO.  
MC-145485  
COMMON CARRIER  
LOCAL MOTOR FREIGHT TARIFF  
NAMING  
RULES AND REGULATIONS

This publication applies only in connection with Rate Publications making specific reference hereto by ICC Designation.

ISSUED: June 15, 1990

EFFECTIVE: July 15, 1990

ISSUED BY:

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Provisions published herein will not effect the human environment.

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2<sup>nd</sup> Revised Page Title Page

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 For explanation of abbreviations and reference marks, see Item 10,000  
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<b>ICC DVCG 1000B</b>	<b>MC-145485</b>	<b>2nd Revised Page 3</b>
RULES AND REGULATIONS WHICH GOVERN THIS PUBLICATION		

**GOVERNING PUBLICATIONS**

**ITEM 100 \***

This publication is governed, except as otherwise provided herein, by the following described publication(s) and by supplements thereto and subsequent issues or series thereof:  
Current Version of ALK, INC. PC MILER for Windows-Practical Route. (Fractions of a mile will be computed as the next full mile).

**DEFINITION OF SHIPMENT**

**ITEM 110**

Unless otherwise provided, a shipment is a lot of freight tendered to the carrier by one consignor at one place at one time for delivery to one consignee at one destination on one bill of lading.

**APPLICATION OF TARIFF – Scope of Operations**

**ITEM 150**

To Operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting general commodities (except classes A and B explosives and household goods), between points in the United States (except Alaska and Hawaii). (MC 145485 SUB 8).

**APPLICATION OF MILES**

**ITEM 160**

When the exact mileage, as determined from the Governing Mileage Publication is not shown in the applicable rate table, apply the rate for the next higher shown mileage.

**METHOD OF CANCELLING ORIGINAL AND REVISED PAGES EXCEPT TITLE PAGE**

**ITEM 381**

When this publication is amended by revised pages, the cancellation of prior pages, except the title page, will be effected by means of this rule. A revised page will not show a cancellation notice except when a cancellation notice is necessary because of suspension, rejection, or other reason. Revisions of each page will be published and filed in numerical sequence.

Except where a specific cancellation is shown on a new revised page, a revised page cancels any and all uncanceled revised or original pages, or uncanceled portions thereof, which bear the same page number. SEE EXCEPTION.

For example: 1<sup>st</sup> Revised Page 10 will have the effect of canceling Original Page 10; 45<sup>th</sup> Revised Page 12 will have the effect of canceling 44<sup>th</sup> Revised Page 12; 13<sup>th</sup> Revised Page 4-A will have the effect of canceling 12<sup>th</sup> Revised Page 4-A and also 11<sup>th</sup> Revised Page 4-A, if the cancellation of 12<sup>th</sup> takes place on or before its effective date.

EXCEPTION: When a specific cancellation on a prior revised page excepts a previously filed page wholly or in part, this rule does not have the effect of canceling such excepted previously filed page or portion thereof.

**CAPACITY LOADS**

**ITEM 390**

Truckload minimum weights and rates in publications governed by this publication apply only when shipment is loaded into or on one or two trailers, drawn by one power unit, and are not subject to any “overflow” provisions. Freight which has been tendered to carrier and which cannot be loaded in above described equipment will be considered as a separate shipment, if shipped, and charges assessed accordingly at the applicable rates for such separate shipment.

For explanation of abbreviations and reference marks, see Item 10,000.

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**RULES AND REGULATIONS WHICH GOVERN THIS PUBLICATION**

APPLICATION OF LOSS AND DAMAGE CLAIM REGULATIONS

ITEM 407

The regulations set forth in this item will govern the processing of claims for loss, damage, injury or delay to property transported or accepted for transportation, in interstate or foreign commerce.

FILING OF CLAIMS

(a) CLAIMS IN WRITING REQUIRES. A claim for loss or damage to baggage or for loss, damage, injury, or delay to cargo, will not be voluntarily paid by carrier unless filed in writing, as provided in a paragraph (b) of this item with the receiving or delivering carrier, or carrier issuing the bill of lading, receipt, ticket or baggage check, or carrier on whose line the alleged loss, damage, injury, or delay occurred, within the specified time limits applicable thereto and as otherwise may be required by law, the terms of the bill of lading or other contract of carriage, and all tariff or schedule provisions applicable thereto.

(b) MINIMUM FILING REQUIREMENTS. A communication in writing from a claimant, filed with the proper carrier within the time limits specified in the bill of lading or contract of carriage or transportation and (1) containing facts sufficient to identify the baggage or shipment (or shipments) or property involved, (2) asserting liability for alleged loss, damage, injury, or delay and (3) making claim for the payment of a specified or determinable amount of money, will be considered as sufficient compliance with the provisions for filing claims embraced in the bill of lading or other contract of carriage.

(c) DOCUMENTS NOT CONSTITUTING CLAIMS. Bad order reports, appraisal reports of damage, notations of shortage or damage, or both, on freight issued by carrier or its inspection agency, whether the extent of loss or damage is indicated in dollars and cents or otherwise, will, standing alone, not be considered by carrier as sufficient to comply with the minimum claim filing requirements specified in paragraph (b) of this item.

(d) CLAIMS FILED FOR UNCERTAIN AMOUNTS. Whenever a claim is presented against carrier for an uncertain amount, such as "\$100.00 more or less", the carrier will determine the condition of the baggage or shipment involved at the time of delivery by it, if it was delivered, and will ascertain as nearly as possible the extent, if any, of the loss or damage for which it may be responsible. Carrier will not, however, voluntarily pay a claim under such circumstances unless and until a formal claim in writing for a specified or determinable amount of money has been filed in accordance with the provisions of paragraph (b) of this item.

(e) OTHER CLAIMS. If investigation of a claim develops that one or more other carriers has been presented with a similar claim on the same shipment, the carrier investigating such claim will communicate with each such other carrier and, prior to any agreement entered into between or among them as to the proper disposition of such claim or claims, will notify all claimants of the receipt of conflicting or overlapping claims and will require further substantiation, on the part of each claimant of his title to the properly involved or his right with respect to such claim.

For explanation of abbreviations and reference marks, see Item 10,000.

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**ACKNOWLEDGEMENT OF CLAIMS**

- (a) Carrier will, upon receipt in writing of a proper claim in the manner and form described in these regulations, acknowledge the receipt of such claim in writing to the claimant within 30 days after the date of its receipt by the carrier unless the carrier has paid or declined such claim in writing within 30 days of the receipt thereof. The carrier will indicate in its acknowledgement to the claimant what, if any, additional documentary evidence or other pertinent information is required by it further to process the claim as its preliminary examination of the claim, as filed, may have revealed.
- (b) The carrier will, at the time each claim is received, create a separate file and assign thereto a successive claim file number and note that number on all documents filed in support of the claim and all records and correspondence with respect to the claim, including the written acknowledgment of receipt. At the time such claim is received the carrier will cause the date of the receipt to be recorded on the face of the claim document, and date of receipt will also appear in the carrier's written acknowledgment to be noted on the shipping order, if in its possession, and the delivery receipt, if any, covering this shipment.

**INVESTIGATION OF CLAIMS**

- (a) **PROMPT INVESTIGATION REQUIRED.** Each claim filed against carrier in the manner prescribed herein will be promptly and thoroughly investigated if investigation has not already been made prior to receipt of the claim.
- (b) **SUPPORTING DOCUMENTS.** When a necessary part of an investigation, each claim shall be supported by the original bill of lading, evidence of the freight charged, if any, and either the original invoice, a photographic copy of the original invoice or an exact copy thereof, or an extract made therefrom, certified by the claimant to be true and correct with respect to the property and value involved in the claim; or certification of prices or values, with trade or other discounts, allowance, or deductions of any nature whatsoever and the terms thereof or depreciation reflected thereon; **PROVIDED, HOWEVER,** that where the property involved in a claim has not been invoiced to the consignee shown on the bill of lading or where an invoice does not show price or value, or where the property involved has not been sold, or where the property has been transferred at bookkeeping values only, the carrier will, before voluntarily paying a claim thereon, require the claimant to establish the destination value in the quantity, shipped, transported, or involved and to certify the correctness thereof in writing.
- (c) **VERIFICATION OF LOSS.** When an asserted claim for loss of an entire package or an entire shipment cannot be otherwise authenticated upon investigation, the carrier shall obtain from the consignee of the shipment involved a certified statement in writing and the property for which the claim is filed has not been received from any other source.

Continued on next page.

For explanation of abbreviations and reference marks, see Item 10,000.

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**DISPOSITION OF CLAIMS**

Upon receipt of a written claim for loss or damage to baggage or for loss, damage, injury, or delay to property transported, carrier will pay, decline, or make a firm compromise settlement offer in writing to claimant within 120 days after receipt of the claim by carrier; PROVIDED, HOWEVER, that if the claim cannot be processed and disposed of within 120 days, after the receipt thereof, the carrier will at the time and at the expiration of each, succeeding 60 day period, while the claim remains pending, advise the claimant in writing of the status of the claim and the reason for the delay in making final, disposition thereof and it shall retain a copy of such advice to the claimant in its claim file thereof.

**PROCESSION OF SALVAGE**

(a) Whenever baggage or material, goods, or other property transported by carrier is damaged or alleged to be damaged and is, as a consequence thereof, not delivered or is rejected or refused upon tender thereof to the owner, consignee, or person entitled to receive such property, the carrier, after giving due notice, whenever practical to do so, to the owner and other parties that may have an interest therein, and unless advised to the contrary after filing such notice, will undertake to sell or dispose of such property directly or by the employment of a competent salvage agent. The carrier will dispose of the property in a manner that will fairly and equally protect the best interests of all persons having an interest therein. Carrier will make an itemized record sufficient to identify the property involved so as to be able to correlate it to the shipment or transportation involved, and claim, if any, filed thereon. Carrier will assign to each lot of such property a successive lot number and note that lot number on its record of shipment and claim, if any claim is filed thereon.

(b) Whenever disposition of salvage material or goods is made directly to an agent or employee of carrier or through a salvage agent or company in which carrier or one or more of its directors, officers, or managers has any interest, financial or otherwise, carrier's salvage records will fully reflect the particulars of each such transaction or relationship, or both, as the case may be.

(c) Upon receipt of a claim on a shipment on which salvage has been processed in the manner herein before prescribed, carrier will record in its claim file thereon the lot number assigned, the amount of money recovered, if any from the disposition of such property, and the date of transmittal of such money to the person or persons lawfully entitled to receive the same.

For explanation of abbreviations and reference marks, see Item 10,000.

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**PROCEDURES GOVERNING THE PROCESSING, INVESTIGATION AND DISPOSITION OF OVERCHARGE, DUPLICATE PAYMENT, OR OVERCOLLECTION CLAIMS.**

**APPLICATION**

The regulations set forth herein govern the processing of claims for overcharge, duplicate payment or over-collection for the transportation of property in interstate or foreign commerce by motor common carriers and freight forwarders subject to Parts II or IV of the Interstate Commerce Act.

**DEFINITIONS**

- (a) "Carrier" means a motor common carrier or freight forwarder subject to Parts II or IV of the Interstate Commerce Act.
- (b) "Overcharge" means an overcharge as defined in Sections 204a (6) and 406a (6) of the Interstate Commerce Act. It also includes duplicate payments as defined in paragraph (c) and over-collections as defined in paragraph (d) of this Item when a dispute exists between the parties concerning such charges.
- (c) "Duplicate Payment" means two or more payments for transporting the same shipment. When one or more payment is not in the exact amount of the applicable tariff rates and charges, refunds shall be made on the basis of the excess amount over the applicable tariff rates and charges.
- (d) "Over-collection" means the receipt by a household goods carrier of a payment in excess of the transportation and/or accessorial charges applicable to a particular shipment of household goods, as defined in Part 1056, Chapter X, Title 49 of the Code of Federal Regulations, under tariffs lawfully on file with the Interstate Commerce Commission.
- (e) "Unidentified Payment" means a payment which a carrier has received for the performance of transportation services but which the carrier is unable to match with its open accounts receivable or otherwise identify as being due.
- (f) "Claimant" means any shipper or receiver, or its authorized agent, filing a request with a carrier for the refund of an overcharge, duplicate payment or over-collection.

**FILING AND PROCESSING CLAIMS**

- (a) A claim for overcharge, duplicate payment or over-collection shall not be paid unless filed in writing with the carrier that collected the transportation charges. The collecting carrier shall be the carrier to process all such claims. When a claim is filed with another carrier that participated in the transportation, that carrier shall transmit the claim to the collecting carrier within fifteen (15) days after receipt of the claim. If the collecting carrier is unable to dispose of the claim for any reasons, the claim may be filed with or transferred to any participating carrier for final disposition.
- (b) A single claim may include more than one shipment provided the claim on each shipment involves (1) the same tariff issue or authority or circumstances, (2) single line service by the same carrier, or (3) service by the same interline carrier.

For explanation of abbreviations and reference marks, see Item 10,000.

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**RULES AND REGULATIONS WHICH GOVERN THIS PUBLICATION**



**PROCEDURES GOVERNING THE PROCESSING, INVESTIGATION AND DISPOSITION OF  
OVERCHARGE, DUPLICATE PAYMENT, OR OVERCOLLECTION CLAIMS.**

(c) A claim for overcharge, duplicate payment, or over-collection must be filed within 180 days of receipt of the original bills or additional charges subsequently billed. A claim not filed within 180 days of billing will not be considered valid, and subsequently will not be paid by the carrier, and the claimant will have no further recourse.

For explanation of abbreviations and reference marks, see Item 10,000.

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**Original Page 8**

**PROCEDURES GOVERNING THE PROCESSING, INVESTIGATION AND DISPOSITION OF  
OVERCHARGE, DUPLICATE PAYMENT, OR OVERCOLLECTION CLAIMS.**

**DOCUMENTATION OF CLAIMS**

- (a) Claims for overcharge, duplicate payment, or over-collection shall be accompanied by sufficient information to allow the carriers to conduct an investigation and pay or decline the claim within the time limitations set forth in Item 412. Claims shall include the name of the claimant, its file number, if any, and the amount of the refund sought to be recovered, if known.
- (b) Claims for overcharge shall be accompanied by the original freight bill, Additional information may include, but is not limited to, the following:
  - (1) The rate, classification, or commodity description or weight claimant to have been applicable.
  - (2) Complete tariff authority for the rate, classification, or commodity description claimant.
  - (3) Freight bill payment information.
  - (4) Other documents or data which is believed by claimant to substantiate the basis for its claim.
- (c) Claims for duplicate payment and over-collection shall be accompanied by the original freight bill(s) for which charges were paid and by the freight bill payment information.
- (d) Regardless of the provisions of paragraph (a), (b), and (c) of this item, the failure to provide sufficient information and documentation to allow a carrier to conduct an investigation and pay or decline the claim within the allowable time limitation shall not constitute grounds for disallowance of the claim. Rather, the carrier shall comply with this item (c) to obtain the additional information required.
- (e) A carrier shall accept copies instead of the original documents required to be submitted in this item where the carrier is furnished with an agreement entered into by claimant which identifies the carrier for subsequent duplicate claims which might be filed and supported by the original documents.

**INVESTIGATION OF CLAIMS**

- (a) Upon receipt of a claim, whether written or otherwise, the processing carrier shall promptly initiate an investigation and establish a file, as required by Item 412.
- (b) If a carrier discovers an overcharge, duplicate payment or over-collection which has not been the subject of a claim, it shall promptly initiate an investigation and comply with the provisions in Item 412.
- (c) In the event the carrier processing the claim requires information or documents in addition to that submitted with the claim, the carrier shall promptly notify the claimant and request the information required. This includes notifying the claimant that a written claim must be filed before the carrier becomes subject to the time limits for settling such a claim under Item 412.

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**RULES AND REGULATIONS WHICH GOVERN THIS PUBLICATION**

ITEM 412  
**PROCEDURES GOVERNING THE PROCESSING, INVESTIGATION AND DISPOSITION OF  
OVERCHARGE, DUPLICATE PAYMENT, OR OVERCOLLECTION CLAIMS.**

**CLAIM RECORDS**

At the time a claim is received, the carrier shall create a separate file and assign it a successive claim file number and note that number on all documents filed in support of the claim, including the written acknowledgement of receipt required under this item. If pertinent to the disposition of the claim, the carrier shall also note that number on the shipper order and delivery receipt, if any, covering the shipment involved.

**ACKNOWLEDGEMENT OF CLAIMS**

Upon receipt of a written claim, the carrier shall acknowledge its receipt in writing to the claimant within 30 days after the date of receipt except where the carrier shall have paid or declined the claim in writing within that period. The carrier shall include the date of receipt in its written acknowledgement and shall also enter this date on the face of the written claim, which shall be placed in the file for that claim.

**DISPOSITION OF CLAIMS**

The processing carrier shall pay, decline to pay, or settle each written claim within 60 days after its receipt by that carrier, except where the claimant and the carrier agree in writing to a specific extension based upon extenuating circumstances. If the carrier declines to pay a claim or makes settlement in an amount different from that sought, the carrier shall notify the claimant, in writing, of the reason(s) for its action, citing tariff authority or other pertinent information developed as a result of its investigation.

**DISPOSITION OF OVERCHARGES, DUPLICATE PAYMENTS, AND OVERCOLLECTINOT SUPPORTED BY CLAIMS**

When a carrier which participated in a transportation movement, but did not collect the transportation charges, finds that an overpayment has been made, that carrier shall immediately notify the collecting carrier. When the collecting carrier (whether single or joint-line), discovers or is notified by such a participating carrier that an overcharge, duplicate payment, or over-collection exists for any transportation charge which has not been the subject of a claim, the carrier shall create a file as if a claim has been submitted and shall record in the file the date it discovered or was notified of the overpayment. The carrier that collected the charges shall then refund the amount of the overpayment to the person who paid the transportation charges or to the person that made duplicate payment within 30 days from the date of such discovery or notification.

**CHARGES, LATE PAYMENT OF**

**ITEM 420**

Notwithstanding the 15 day credit provisions as contained in Part 1322 of Title 49 Code of Federal Regulations, failure to make payment of freight charges by the payer (Debtor) thereof shall be subject to the following:

Failure to make payment of freight charges within thirty (30) days of presentation of the freight bill as provided in Part 1322 of Title 49 Code of Federal Regulations shall result in the assessment of a late payment charge of one and one half percent per month on the unpaid balance.

Failure to make payment of the freight charges and late payment charges as provided above within the 60 days of the presentation of the freight bill, may result in the carrier taking legal action against the debtor. When such legal action is taken, carrier will charge freight charges plus accrued interest, and any additional fees, including legal fees and court awarded charges incurred by the carrier to the effect collection of freight charges. Receipts showing payment or payments due will be furnished by the carrier.

For explanation of abbreviations and reference marks, see Item 10,000.

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**1<sup>st</sup> Revised Page 10**

**RULES AND REGULATIONS WHICH GOVERN THIS PUBLICATION**

Section 1:

Shipments may be consigned C.O.D. and the carrier will accept such shipments subject to the additional charge for collecting and remitting such C.O.D. money as specified in the rule.

- (a) The letters, "C.O.D." and the net amount of the invoices to be collected must be prominently displayed on the face of the Bill of Lading or Shipping Order.
- (b) Collection of C.O.D. Shipment must be made at time of delivery and must be in cash, certified check, money order or cashier's check unless otherwise specified by the shipper on the Bill of Lading carrier will, make remittance of such C.O.D. money to the shipper.
- (c) A charge of \$3.32 will be made for each C.O.D. shipment refused, unclaimed, delivered as an open shipment or returned to shipper, which charge will be in addition to freight and all other charges.
- (d) Charges for collecting and remitting to shipper C.O.D. money are:

SHIPPER'S COD AMOUNT		COLLECTION AND	SHIPPER'S COD AMOUNT		COLLECTION AND
OVER	NOT OVER	REMITTANCE FEE	OVER	NOT OVER	REMITTANCE FEE
\$0.00	\$50.00	\$7.91	\$500.00	\$600.00	\$11.36
50.00	100.00	7.91	600.00	700.00	12.91
100.00	200.00	7.91	700.00	800.00	14.46
200.00	300.00	7.91	800.00	900.00	16.04
300.00	400.00	8.28	900.00	1000.00	17.58
400.00	500.00	9.81	Over \$1,000.00 at the rate of \$17.58 per \$1,000.00 or fraction thereof.		

Section 2:

(a) Carrier will, upon written request from the consignor, change the status of a C.O.D. shipment by increasing, reducing, or canceling 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 \$9.64 per shipment will be made for increasing, reducing, or canceling 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.

(b) Carrier will, upon written authorization from consignor, change the form of payment of C.O.D. amounts to accept consignee's personal check when such form of payment was not originally authorized, subject to an additional charge of \$9.64 per shipment. If request is received after the shipment has been tendered for delivery and refused by consignee, the shipment will also be assessed the applicable redelivery charge as provided in carrier's tariffs, in addition to the charge for changing the form of acceptable payment. Consignor must guarantee payment of the charge for changing the form of payment and the redelivery charge, if any.

For explanation of abbreviations and reference marks, see Item 10,000.

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**DETENTION – VEHICLES WITH POWER UNITS**

**APPLICATION:**

**DETENTION OF VEHICLES** – The following items apply to all shipments except shipments of household goods; commodities transported in bulk in tank truck, dump trucks, vehicles pneumatically unloaded and other self-unloading mechanized vehicles; heavy and specialized commodities or articles requiring special equipment or handling outside the scope of the certificates of general commodities motor common carrier; livestock other than ordinary; articles picked up or delivered to railroad care in railroad owned or leased equipment having prior or subsequent transportation by rail; and shipments to consignors and consignees of water-bourne commerce at marine terminal facilities to the extent that marine terminal operator would be liable to the motor common carrier for truck detention under any applicable detention rule promulgated pursuant to the authority of the Federal Maritime Commission.

**DETENTION – VEHICLES WITH POWER UNITS** – These items apply when carrier’s vehicles with power units are delayed or detained on the premises of consignor, consignee, or on other premises designated by them, or as close thereto as conditions will permit, subject to the following provisions.

**SECTION 1 – General Provisions:**

(a) These items apply only to vehicles which have been ordered to be used to transport shipments subject to truckload rates. For the purposes of this item, the term truckload rates shall be considered to include shipments moving on a rate subject to a stated minimum weight of 10,000 pounds or more when not designated as a truckload rate, and where applicable, shipments which are assessed charges based on the provisions of a Capacity Load Rule or are listed as Exclusive Use of Vehicle Service or Expedited Service.

(b) These items apply only when vehicles are delayed or detained at the premises of pickup or delivery and only when such delay or detention is not attributable to the carrier.

(c) Free time for each vehicle will be as provided in Item 503. After the expiration of free time, charges will be assessed as provided in Item 503.

(d) The detention charges due the carrier will be assessed against the consignor in the case of loading and against the consignee in the case of unloading, irrespective of whether line-haul charges are prepaid or collect. When detention charges are attributable to others who are not parties to the Bill of Lading contract, the party responsible for the payment of the freight charges will be held responsible for any accrued detention charges (See Note A).

**NOTE A:** At those marine terminal facilities where Federal Maritime Commission detention charges apply, carrier charges pursuant to this rule will be assessed against the shipment to the extent such charges exceed those of the Federal Maritime Commission.

(e) When carrier’s employee assists in loading, unloading, or checking the freight, this item will apply whether or not the power unit is actually detained.

(f) Nothing in these items shall require carrier to pick up or deliver freight at hours other than carrier’s normal business hours. This shall not be construed to restrict a carrier’s ability to accept pickup and delivery schedules at hours other than its normal business hours.

For explanation of abbreviations and reference marks, see Item 10,000.

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ISSUED BY:  
 GLEN MERKEL, PRESIDENT  
 230 Earl Sleseman Drive  
 Corunna, MI 48817

**DAVIS CARTAGE CO.**

**ICC DVCG 1000B**

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**Original Page 12**

**SECTION 2 – Definitions:**

The following general definitions will apply when the below terms are used in Items 500 through 507.

- (a) “Vehicle” means straight trucks or tractor-trailer combinations used for the transportation of property.
- (b) “Loading” includes furnishing carrier with the Bill of Lading, forwarding directions, or other documents necessary for forwarding the shipment.
- (c) “Unloading” includes:
  - (1) Surrender of Bill of Lading to the carrier on shipments billed “To Order.”
  - (2) Payment of lawful charges to the carrier when required prior to the delivery of the shipment.
  - (3) Notification to the carrier that vehicle is unloaded.
  - (4) Signing of the delivery receipt.
- (d) “Premises” means the entire property at or near the physical facilities of consignor, consignee, or other designated party.
- (e) “Site” means a specific location at or on the premises of consignor, consignee or other designated party.
- (f) “Normal non-working periods” means meal, coffee and rest breaks.
- (g) “Pallet” means pallets, platforms, shipping racks, or skids with or without standing sides or ends, but without tops.

**SECTION 3 – Computation of times:**

(a) **COMMENCEMENT AND TERMINATION:**

(1) The time per vehicle shall begin to run upon actual notification by carrier’s employee to a responsible representative of consignor, consignee, or other designated party at the premises of pickup or delivery of the arrival of the vehicle for loading or unloading. Upon such notification, the responsible representative of consignor, consignee, or other designated party may enter the time of arrival onto the carrier’s detention record. If the representative refuses to enter the time, then carrier’s employee will enter the time and it will be binding upon each party.

(2) Time shall end upon completion of loading or unloading except as provided for in paragraph © of this item. Upon such completion, a responsible representative of consignor, consignee, or other designated party may enter the time of completion onto the carrier’s detention record. If the representative refuses to enter the time, then carrier’s employee will enter the time and it will be binding.

(b) **Prearranged Scheduling:**

(1) Subject to the provisions of Item 507 and upon reasonable request of consignor, consignee, or other designated by them, carrier will, without additional charge, enter into a prearranged schedule for arrival of the vehicle for loading or unloading.

(2) When the carrier enters into a prearranged schedule with consignor, consignee, or others designated by them for the arrival of the vehicle for loading or unloading and carrier is unable for any reason to maintain such schedule, then carrier and consignor, consignee, or other party designated by them have the option to agree to mutually convenient and prompt alternative arrival time or in the event such agreement cannot be reached, to compute detention time against consignor, consignee, or other party designated by them from carrier’s actual arrival time subject to an extension of 15 minutes for each 15 minutes, or fraction thereof, the vehicle is delayed beyond the originally scheduled arrival time; in no case shall such extended free time exceed 60 minutes.

For explanation of abbreviations and reference marks, see Item 10,000.

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**RULES AND REGULATIONS WHICH GOVERN THIS PUBLICATION**

ITEM 502

**SECTION 3: Computation of time: (continued)**

(3) If carrier's vehicle arrives prior to scheduled time, time shall begin to run from the scheduled time or actual time loading or unloading commences, whichever is earlier.

(c) Conditions governing the computation of time:

(1) Computation of time are subject to and are to be made within the normal business hours at the designated place of pickup or delivery. If carrier is permitted to work beyond this period, such working time shall also be included.

(2) When loading or unloading is not completed at the end of normal business hours at the designated place of consignor, consignee, or party designated by them shall have the option:

(i) To request that the vehicle without power remain at it's premises subject to the provisions of this item (d); or

(ii) To request that the vehicle with power be returned to carrier without being subject to charges for storage or redelivery so long as free time has not yet expired. When the vehicle is returned for completion of loading or unloading the computation of any remaining free time will resume. If free time has expired and detention has begun to accrue, storage or redelivery charges as may otherwise be provided will be assessed.

(3) When carrier's employee interrupts loading or unloading by the taking of any normal nonworking periods, any such time will be excluded from the computation of free time, or will be excluded from the computation of time in excess of free time.

**SECTION 4 – Free Time:**

(a) Free time shall be computed as follows:

ACTUAL WEIGHT IN POUNDS PER VEHICLE	FREE TIME PER VEHICLE STOP
Less than 5,000	60
5,000 or more	120
<b>See Note B</b>	

**NOTE B:** Also applies to the last vehicle used in transporting overflow truckload shipment, or to vehicles containing truckload shipments stopped for completion of loading or partial unloading.

(b) When at least 90 percent of the shipment weight (exclusive of pallet weight), is loaded on pallets, or when shipment, is loaded on flat-bed or other open-top equipment is used in lieu of closed equipment to transport shipments of unpalletized general commodities, free time will be as provided in paragraph (a) of this item.

(c) When more than one truckload shipment or a truckload shipment and one or more less-than-truckload (LTL) or any quantity (AQ) shipments are loaded on one vehicle at the premises of consignor or when more than one truckload shipment or a truckload shipment and one or more LTL or AQ shipments are unloaded from one vehicle at the premises of consignee or other designated party, the combined weight will be used to determine free time, in all other instances the individual shipment weight will be used.

(d) When a vehicle with power is changed to a vehicle without power at the request of consignor, consignee, or other party designated by them, the free time and detention charges will be applied as follows:

For explanation of abbreviations and reference marks, see Item 10,000.

EFFECTIVE: July 1, 1999

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**RULES AND REGULATIONS WHICH GOVERN THIS PUBLICATION**

**SECTION 4 – Free time (d) Continued**

(1) If the change is requested and made before the expiration of free time for a vehicle with power, free time will cease immediately at the time of the request is made, and detention charges for vehicles without power will immediately commence with on further free time allowed.

(2) If the change is requested and made after the expiration of free time for a vehicle with power, free time and detention charges will be computed on the basis of a vehicle with power up to the time the change was requested. In addition thereto, the vehicle will immediately be charged detention for vehicles without power with no further free time allowed.

(e) When a vehicle is both unloaded and reloaded, each transaction will be treated independently of the other, except that the loaded is begun before the unloading is completed, free time for loading shall not begin until free time for unloading has elapsed.

(f) Loading or unloading at more than one site at or on the premises of consignor, consignee, or other designated party shall constitute one vehicle stop.

(g) When a vehicle is delayed in route by a governmental agency or employee (i.e. customs official, police officer, D.O.T. officer, etc.) and the delay was caused by the shipper, through no fault of the carrier, free time will start once vehicle is detained, detention charges will occur once free time has elapsed.

**SECTION 5 – Charged:**

When the delay per vehicle beyond free time is 1 hour or less, the charge will be \$12.00 for each additional 15 minutes or fraction thereof.

**SECTION 6 – Records:**

A written record of the following information must be maintained by the carrier an all truckload shipments, and such record must be kept available at all times:

- (a) Name and address of consignor, consignee, or other party at whose premises freight is loaded or unloaded
- (b) Identification of vehicle tendered for loading or unloading;
- (c) Date and time of notification of arrival of the vehicle for loading or unloading;
- (d) Date and time loading or unloading is begun;
- (e) Date and time loading or unloading is completed;
- (f) Date and time vehicle is released by consignor, consignee, or other party at place of pickup or delivery after loading of non-working periods;
- (g) Actual time of non-working periods;
- (h) Total actual weight of shipment or shipments loaded or unloaded;
- (i) Whether articles are tendered under a prearranged schedule for loading or unloading;
- (j) Date and time specified for vehicles tendered under a prearranged schedule;
- (k) Alternative arrangement made when a vehicle is tendered under a prearranged schedule that was not adhered to.

For explanation of abbreviations and reference marks, see Item 10,000.

**EFFECTIVE: July 1, 1999**

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**DAVIS CARTAGE CO.**



**RULES AND REGULATIONS WHICH GOVERN THIS PUBLICATION**

**ITEM 504**

**DETENTION – VEHICLES WITHOUT POWER UNITS**

**APPLICATION:**

**DETENTION OF VEHICLES** – The following items apply to all shipments except shipments of household goods; commodities transported in bulk in tank truck, dump trucks, vehicles pneumatically unloaded and other self-unloading mechanized vehicles; heavy and specialized commodities or articles requiring special equipment or handling outside the scope of the certificates of general commodities motor common carrier; livestock other than ordinary; articles picked up or delivered to railroad care in railroad owned or leased equipment having prior or subsequent transportation by rail; and shipments to consignors and consignees of water-bourne commerce at marine terminal facilities to the extent that marine terminal operator would be liable to the motor common carrier for truck detention under any applicable detention rule promulgated pursuant to the authority of the Federal Maritime Commission.

**DETENTION – VEHICLES WITHOUT POWER UNITS, SPOTTING OR DROPPING OF TRAILERS**  
(SEE NOTE A)

These items apply when carrier’s vehicles without power units are delayed or detained on the premises of consignor, consignee, or on other premises designated by them, or as close there to as conditions will permit subject to the following provisions:

NOTE A: For the purposes of this item the terms “spotting” and “dropping: are considered to be synonymous and are used interchangeably.

**SECTION 1 – General provisions**

(a) Subject to the availability of equipment, carrier will spot empty or loaded trailers for loading or unloading on the premises of consignor, consignee, or on other premises designated by them, or as close thereto as conditions will permit.

(b) Loading or unloading will performed by consignor, consignee, or other party designated by them. When carrier’s employee assists in loading, unloading, or checking the freight, the detention provisions governing vehicles with power units will apply. In the case of spotting for loading the bill of lading must show “Shipper Load and Count”.

(c) Carrier responsibility for safeguarding shipments loaded into trailers spotted under the provisions of this item shall begin when loading has been completed and possession thereof is taken by the carrier.

(d) Carrier responsibility for safeguarding shipments unloaded from trailers spotted under the provisions of this item shall cease when the trailer is spotted at or on the site designated by consignee.

(e) Free time for each vehicle will be as provided in Item 506. After the expiration of free time charges will be assessed as provided in Item 506.

(f) The detention charges due the carrier will be assessed against the consignor in the case of spotting for loading and against the consignee in the case of spotting for unloading irrespective of whether charges are prepaid or collect.

(g) Nothing in these items shall require a carrier to pickup or deliver spotted trailers at hours other than carrier’s normal business hours. This shall not be construed as a restriction on carrier’s ability to pickup or deliver spotted trailers at hours other than its normal business hours.

Continued on next page.

For explanation of abbreviations and reference marks, see Item 10,000.

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RULES AND REGULATIONS WHICH GOVERN THIS PUBLICATION

ITEM 505

DETENTION – VEHICLES WITHOUT POWER UNITS

SECTION 2 – Definitions:

The following general definitions will apply when the below terms are used in Items 504 through 507.

(a) “Vehicle” means tractor-trailer combination used for the transportation of property where:

- (1) “Trailer” means mobile units with or without wheels, used to transport property and,
- (2) “Tractor”

(b) “Loading” includes:

- (1) Furnishing of the Bill of Lading, forwarding directions, or other documents necessary for forwarding the shipment to the carrier, and
- (2) Notification to the carrier that the vehicle is loaded and ready for forwarding.

(c) “Unloading” includes:

- (1) Surrender of the Bill of Lading to the carrier on shipments billed “To Order”.
- (2) Payment of lawful charges to the carrier when required prior to delivery of the shipment.
- (3) Notification to the carrier that vehicle is unloaded and ready for forwarding, and
- (4) Signing of the delivery receipt.

(d) “Premises” means the entire property at or near the physical facilities of consignor, consignee, or other designated party.

(e) “Site” means a specific location at or on the premises of consignor, consignee or other designated party.

(f) “Spotting” means the placing of a trailer at a specific site designated by consignor, consignee, or other party designated by them, detaching the trailer, and leaving the trailer in full possession of consignor, consignee, or other designated party unattended by carrier’s employee and unaccompanied by the power unit. Carrier will not move the trailer until such time as it has received notification pursuant to Item 506 that the trailer is ready for pickup at any site on premises. Consignor, consignee or other designated party may shift the spotted trailer with its own power units at its own expense and risk for the purpose of loading or unloading. Empty trailers placed at the premises of consignor without specific request are not spotted until the carrier received a consignor’s request and places a trailer for spotting. Movement of the trailer from the consignor’s premises to the specific site for spotting shall be in the obligation of the carrier, and free time shall accrue as provided in Item 506.

SECTION 3 – Computation of free time:

(a) Commencement of spotting and free time:

(1) Spotted trailers will be allowed 24 consecutive hours of free time for loading or unloading. For trailers spotted for unloading, such time shall commence at the time of placement of the trailer at the site designated by consignee, or other party designated by the consignee. For trailers spotted at the site specifically designated by the consignor or a party designated by consignor.

(2) When any portion of the 24 hour free time extends into a Saturday, Sunday or holiday (national, State, or municipal), the computation of time for such portion shall resume at 12:01 a.m. on the next day which is neither a Saturday, Sunday or a holiday.

Continued on next page.

For explanation of abbreviations and reference marks, see Item 10,000.

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RULES AND REGULATIONS WHICH GOVERN THIS PUBLICATION

ITEM 506

SECTION 3 – Computation of free time: (continued)

(3) Free time shall not begin on a Saturday, Sunday or holiday (national, State or municipal), but at 8:00a.m. on the next day which is neither a Saturday, Sunday, nor a holiday.

(4) When a trailer is both unloaded and reloaded, each transaction will be treated independently of the other, except that when loading is begun before unloading is completed, free time for loading shall not begin until free time for unloading has elapsed.

(b) Termination of Spotting and Notification:

(1) Consignor, consignee, or other party designated by them shall notify carrier when loading or unloading has been completed and the trailer is available for pickup. The trailer will be deemed to be spotted and detention charges will accrue until such times as the carrier receives notification. Notification by telephone if convenient and practical, otherwise by telegraph or mail, shall be given by consignor, consignee, or other party designated by carrier for the purpose of advising such carrier or other party that the spotted trailer has been loaded or unloaded and is ready for pickup. If notification is by telephone, carrier may require written confirmation.

(2) When a spotted trailer is changed to a vehicle with power at the request of consignee, or other party designated by them, the free time and detention charges will be applied as follows:

(i) If the change is requested and made before the expiration of free time for a spotted trailer, free time will cease immediately at the time the request is made, and detention charges for vehicles with power will immediately commence with no further free time allowed.

(ii) If the change is requested and made after the expiration of free time for a spotted trailer, free time and detention charges will be computed on the basis of a spotted trailer up to the time and change was requested. In addition thereto, the vehicle will immediately be charged detention for a vehicle with power no further free time allowed.

(c) Prearranged Scheduling:

(1) Subject to the provisions of Item 507 of carrier's tariffs, and upon reasonable request of consignor, consignee, or others designated by them, carrier will, without additional charge, enter into a prearranged schedule for the arrival of trailers for spotting.

(2) If Carrier's vehicle arrives later than the scheduled time, time shall begin to run from actual time spotting commences.

(3) If carrier's vehicle arrives prior to scheduled time, time shall begin to run from the scheduled time or actual time spotting commences, whichever is earlier.

SECTION 4 – Charges:

(a) General detention charges: After the expiration of free time as provided in this item (a) charges for detaining a trailer will be assessed as follows:

DESCRIPTION

1-For each of the first and second 24 hour periods or fraction \$25.00 thereof (Saturdays, Sundays, and holidays excepted).

2-For each of the third and fourth 24 hour periods or fraction \$35.00 thereof (Saturdays, Sundays, and holidays excepted).

3-For the fifth and each succeeding 24 hour period or fraction \$50.00 thereof (Saturdays, Sundays, and holidays included).

Continued on Next Page

For explanation of abbreviations and reference marks, see Item 10,000.

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DAVIS CARTAGE CO.

RULES AND REGULATIONS WHICH GOVERN THIS PUBLICATION

ITEM 507

SECTION 4 – Charges:

(b) Delay in trailer pickup charge: No additional charge will be made for picking up trailers spotted under these items when such pickup can be performed within 30 minutes after arrival of driver and power unit at premises of consignor, consignee, or other party designated by them. When a delay of more than 30 minutes is encountered, detention charges for vehicles with power will commence from the time of arrival as specified provided in Item 503.

(c) Strike interference charge: When because of a strike of its employees, it is impossible for consignor, consignee, or other party designated by them to make available for movement by carrier any partially loaded, or empty trailers detained on their premises, a detention charge of %25.00 per day or fraction thereof, per trailer will be made shall be included after the 4<sup>th</sup> day of charges.

SECTION 5 – Records:

A written record of the following information must be maintained by the carrier on all spotted trailers, and such record must be kept available at all times:

- (a) Name and address of consignor, consignee, or other party at whose premises the trailer is spotted;
- (b) Identification of spotted trailer;
- (c) Date and time of arrival of the trailer for spotting;
- (d) Date and time notification that the spotted trailer is ready for pickup was received by carrier;
- (e) Date and time of arrival and departure of power unit for pickup;
- (f) The duration of any strike induced delay on the premises of consignor, consignee, or other designated party which resulted in carrier's inability to obtain the release of any trailer, and any actions taken to hasten the release;
- (g) Whether trailers are spotted under a prearranged schedule;
- (h) When trailers are spotted under a prearranged schedule, the date and time specified therefore.

PREARRANGED SCHEDULING OF VEHICLE ARRIVAL FOR LOADING OR UNLOADING

Upon reasonable request of consignor, consignee or others designated by them and subject to the provisions contained herein, carriers will without additional charge, prearrange governed by Items 500 through 507.

SECTION 1 – Request for prearranged scheduling may be oral or in writing.

SECTION 2 – Prearranged schedules for arrival of vehicle for loading or unloading may be on a one-time or continuous basis mutually agreeable to all parties. Continuous, prearranged scheduling agreements may be terminated by any party to the agreement on not less than 24 hours notice prior to the effective date of such cancellation.

SECTION 3 – The scheduled time for arrival of vehicle for unloading should be prior to the time storage charges would begin to accrue. If arrival for unloading is not so scheduled, storage charges will be assessed as provided in applicable tariff.

For explanation of abbreviations and reference marks, see Item 10,000.

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RULES AND REGULATIONS WHICH GOVERN THIS PUBLICATION

ITEM 520

EXCLUSIVE USE OF VEHICLE

When shipper specifically requests the "Exclusive Use" of an entire vehicle, the shipment will be subject to the truckload minimum weights and rates provided in this publication.

"Exclusive Use of A Vehicle Requested \_\_\_\_\_."  
Signature

When "Exclusive Use" of a vehicle, as set forth herein is provided by carrier, carrier will not load other shipments on the same vehicle while vehicle is assigned to the exclusive use and control of the requesting shipper.

ITEM 565

FRACTIONS

In computing freight charges or mileage, all fraction must be retained at their full value until final result is obtained, and then all remaining fractions will be disposed of in the following manner:

Fractions of less than 1/2 (.5) omit; Fractions of 1/2 (.5) or greater, increase to the next whole unit.

ITEM 567

HANDLING FREIGHT AT POSITIONS NOT IMMEDIATELY ADJACENT TO VEHICLE

When requested by consignor or consignee, and carrier's operating conditions permit, the carrier may move shipments or portions of shipments from or to positions beyond the immediately adjacent loading or unloading positions defined in Item 750 (Pickup and Delivery Service).

Service under this Item will be provided to floors above or below the level accessible to carrier's vehicle only when elevator or escalator service is available and labor, when necessary to operate same, is provided without cost to the carrier.

Service provided under this Item will be assessed a charge of \$455 per 100 pounds, subject to a minimum charge of \$56.53 and a maximum charge of \$564.83 per vehicle if more than one vehicle is used to transport the shipment.

When shipments are accorded split pickup, split delivery or stopped in transit for partial loading or unloading, the minimum and maximum charges will apply to each stop separately wherever the service is performed.

The charges provided in this Item will be in addition to all other lawful charges and unless the bill of lading is specifically endorsed to show pre-payment of these charges, they will be collected from the party requesting such service.

ITEM 570

IMPRACTICABLE OPERATIONS

Nothing shall require the carrier to perform pickup or delivery service at any location from or to which it is impracticable to operate vehicles because of:

- (1) The condition of roads, streets, driveways, alleys or approaches thereto;
- (2) Inadequate loading or unloading facilities;
- (3) Any riot.

ITEM 573

RATE APPLICATION

If no specific point to point rate is listed for a shipment on a Customer's assigned page, the General Commodity Rates are to be used. Specific point to point rates are valid only for the customer named at the top of the page and they do not apply to any other customer.

For explanation of abbreviations and reference marks, see Item 10,000.

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ISSUED BY:  
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**ICC DVCG 1000B**

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**3rd Revised Page 20**

**RULES AND REGULATIONS WHICH GOVERN THIS PUBLICATION**

**ITEM 578**

**LOADING AND UNLOADING/EXTRA LABOR**

At the request of order of the consignor or consignee, the driver will perform such services as stacking, uncrating, helpers for unloading or loading, or any other like service which is not authorized to be performed under rates or charges as currently published in applicable tariffs, additional charges for extra labor per man hour will be assessed at \$16.66 per each 15 minutes or fraction thereof.

**ITEM 600**

**LOADING AND UNLOADING OF EQUIPMENT ON WEEKENDS**

At the request of the consignee and/or consignor, carrier will load or unload trailers between 1:00 AM Saturday, and 12:00 Noon Saturday, there will be an additional charge of \$125.00 per trailer loaded or unloaded.

At the request of the consignee and/or consignor, carrier will load or unload trailer between 12:00 Noon Saturday and 1:00 AM Monday, there will be an additional charge of \$200.00 per trailer loaded or unloaded. This charge of \$200.00 also applies to "holiday" shipments. These charges are in addition to all other applicable charges.

NOTE: The term "holiday" shall include loading or unloading on the following days: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, December 24<sup>th</sup>, and Christmas Day.

**ITEM 650**

**NOTIFICATION FEE**

Davis will provide notification prior to delivery when such service is clearly requested on the shipper's bill of lading at the time of shipment. This notice will be given by telephone, if convenient and practicable; otherwise by mail or fax machine. The notice, however transmitted, will specify the point of origin, the consignor, the commodity and the weight of the shipment. Unless the request for this service is clearly annotated on the bill of lading, the fee for this service CANNOT be assessed. The notification fee shall be \$20.00 per shipment.

**ITEM 670**

**HYDRAULIC LIFTGATE SERVICE**

A charge of \$2.50 cwt, subject to a minimum charge of \$125.00 per shipment, will be assessed on shipments that require hydraulic liftgates, or other mechanical lifting or lowering devices for loading or unloading. The charges will be assessed against the party for whom the service is performed (consignee) or guaranteed in writing by the shipper or interline partner.

**ITEM 680**

**PICKUP OR DELIVERU SERVICE/WAVER OF DELIVERY RECEIPT**

When consignor or owner has made and signed a bill of lading with the carrier, freight consigned to trailer pool sites or other locations where no representatives of the consignee is present or available to receipt for the shipment, such freight will be delivered by the carrier and left unattended at the designated location, the carrier's representative will sign as the consignee's representative that the freight has been delivered to the consignee's designated location, in accordance with Section 4. (f) of the Bill of Lading.

Property destined to a designated location at which there is not freight agent or representative of the consignee or owner shall be entirely at risk of the consignee or owner after unloading or delivery, of after trailers or semi-trailers are detached from power units.

For explanation of abbreviations and reference marks, see Item 10,000.

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ISSUED BY:  
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**RULES AND REGULATIONS WHICH GOVERN THIS PUBLICATION**

**ITEM 710**

**PALLETIZED SHIPMENTS**

Rates include the return movement of pallets used in transporting shipments to the point of delivery and will include the privilege of returning the pallets to the point of origin, subject to the following provisions:

(a) The pickup of no more than the same number of pallets as used in the inbound loaded shipment must be made immediately after the unloading of inbound shipment, and at the same dock where the inbound delivery is made without further movement of carrier's vehicle from the inbound dock.

(b) In the event consignee does not tender to the carrier the return shipment of pallets at the time the inbound loaded movement is unloaded as provided in paragraph (a), carrier will NOT be responsible for the pallets in any manner, such shipment will be considered a separate shipment and will be rated accordingly and not be subject to the return provisions set forth in this item.

(c) Time consumed in this waiting for and the loading of the returned pallets will be considered part of the unloading detention time specified in the Detention of Equipment rule applicable to the inbound shipment.

(d) The weight of the returned pallets is not to exceed 1,250 pounds.

(e) A separate bill of lading or shipping order must be issued for the return movement of pallets, making reference to the bill of lading, shipping order, or carrier's freight bill covering the outbound movement, or in lieu thereof reference must be made on the carrier's outbound freight bill. The number and weight of pallets being returned to the point of origin must be as shown on such documents.

(f) The term "pallets" as used herein is defined as follows: "Pallets, platforms, or skids, shipping, wood, without separators, sides, ends, stakes, or standards, separate or combined, old used, for lift trucks, which are furnished by the property of the consignor or consignee.

**ITEM 730**

**RESIDENTIAL PICKUP AND DELIVERY**

Shipments picked up or delivered to private residences shall be assessed the following charges in addition to all other applicable freight charges. The rate per pickup or delivery is \$37.17.

**ITEM 740**

**SPLIT BILLING**

If the charges on a shipment, whether it is a single shipment or a truckload shipment with multiple stops, are to be split and paid by more than one party, there will be a \$10.00 charge per split added to each portion of the freight bill (s).

For explanation of abbreviations and reference marks, see Item 10,000.

**EFFECTIVE: JULY 29, 1998**

**ISSUED BY:  
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**3<sup>rd</sup> Revised Page 22**

**RULES AND REGULATIONS WHICH GOVERN THIS PUBLICATION**

**ITEM 750**

**PICKUP AND DELIVERY**

Unless otherwise provided, rates named herein include as to each shipment one pickup and one delivery at all points within the limits of the cities, towns, villages and other points from and to which rates apply.

“Pickup” means calling for and receiving freight at any platform doorway, or other site designated by the shipper, when directly accessible to carrier’s vehicle.

“Delivery” means delivering freight at any platform, doorway, or other site designated by the consignee, when directly accessible to carrier’s vehicle.

**ITEM 820**

**RECONSIGNMENT OR DIVERSION**

Shipments moving under rates published in this publication may be diverted in transit or after arrival at billed destination subject to the following rules, regulations and charges:

(a) The term “diversion” or “reconsignment” means a change in the name of the consignee and/or consignor of the entire shipment, except as otherwise provided herein, or any other instructions given to the carrier requiring an additional movement of the truck or both.

(b) Diversion or reconsignment instructions must be confirmed in writing to the carrier.

(c) A charge of \$55.00 will be made for each diversion or reconsignment in addition to all other charges applicable for truckload shipments.

(d) A charge of \$37.50 will be made for each diversion or reconsignment in addition to all other charges applicable for Less than truckload shipments.

(e) On shipments diverted or reconsigned to a place of unloading within the corporate limits of the municipality to which the shipment was originally consigned, the applicable rate from point of origin to destination will apply.

(f) On a shipment diverted or reconsigned to a place of unloading not within the corporate limits of the municipality to which the shipment was originally consigned, the applicable rate shall be determined from the applicable mileage rate table, based on the mileage from point of origin to final destination via point or points of diversion as computed from the governing mileage guide.

**ITEM 830**

**RE-DELIVERY OF SHIPMENT**

When, through no fault of the carrier, a shipment cannot be delivered after tender of delivery or a reasonable effort to effect delivery is first made during business hours of consignee and re-delivery is made, a charge of 4.27 cents per 100 pounds, minimum of \$35.68 will be charged for each additional service and a maximum of \$498.49 for any shipment that is handled on any one vehicle shall be made for each subsequent tender of/or final delivery, provided that the charge for re-delivery shall not in each instance exceed the transportation charges assessed from point of origin to point of destination. All such shipments are subject to accrued freight, storage and all other charges.

**ITEM 860**

**REJECTED SHIPMENTS**

If, for any reason not ascribable to the carrier, a shipment is rejected by the consignee at destination, it may be returned to the point of origin upon order of the shipper. The applicable rate will be that in the reverse direction in effect on the date the shipment is tendered for return.

For explanation of abbreviations and reference marks, see Item 10,000.

**EFFECTIVE: March 21, 2006**

**ISSUED BY:  
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230 Earl Sleseman Drive  
Corunna, MI 48817**



DAVIS CARTAGE CO.

ICC DVCG 1000B

MC-145485

1<sup>st</sup> Revised Page 23

RULES AND REGULATIONS WHICH GOVERN THIS PUBLICATION

ITEM 900

STOPPING IN TRANSIT FOR PARTIAL LOADING AND UNLOADING

A shipment moving on a rate subject to a truckload minimum quantity tendered on one bill of lading or shipping order from one consignor at one point of origin at one time consigned to one consignee at one destination may be stopped in transit at any point or place for the purpose of partial loading and/or unloading, subject to the following provisions:

(a) (1) Stop-off for partial loading and unloading will be permitted at points when the mileage via the highway route from origin to destination via the stop-off point. (2) The applicable mileage rate will apply for the shortest highway route mileage from the origin to destination via the stop-off point of points. (3) Routes and mileage are to be determined from the Governing Mileage Guide. (4) Stop-off will only be permitted at points within the scope of carrier's operating authority. (5) Partial unloading will be permitted only at points beyond that at which the last stop for partial loading is made. Stops for partial or completion of loading will not be permitted after shipment has been partially unloaded.

(b) The bill of lading or shipping order must show the point or points at which the shipment is to be stopped for partial loading and/or unloading together with a complete description of the kind and quantity of freight to be loaded or unloaded at each point and the name and address of party at the stop-off point. If pickup and/or delivery is made from or to different addresses or locations in the same point (city, town or village), each pickup and delivery will be considered a separate stop in the application of this rule.

(c) The substitution of other property for that originally loaded or unloaded or the exchange of contents of the load in any manner is prohibited.

(d) On shipments stopped off the partial loading and/or unloading, charges shall be determined on the basis of the minimum quantity, or actual quantity when greater, of the entire shipment and at the rate applicable from the point of origin to the final destination, except that when the rate from original point to destination, is higher, the rate when the rate from any stop-off point to destination, is higher, the rate resulting in the higher charge will be applied.

(e) The charge for each stop-off, exclusive of the stop at final destination shall be \$55.00, which charge shall be in addition to all other applicable charges.

(f) In no case shall more than 4 stop-offs be permitted.

(g) Charges must be prepaid, except that shipments may be shipped collect when all of the following requirements are compiled with: Party or parties designated by shipper to accept freight at stop-off point or points must be the same as the billed consignee, or all charges are to be collected from consignee at final destinations.

(h) Stopping in transit for partial loading and unloading will not be permitted on shipments when: Consigned "C.O.D.", "To Order" "Order Notify" or any other document as condition precedent to delivery at stop-off point, or, moving under a uniform Bill of Lading having Section 7 thereof signed.

(i) Agent at the stop-off point, or if there is no agent at such point, the driver of the vehicle, shall obtain in writing, a statement such as a notation on the freight bill, of the quantity and description of the portion of the shipment loaded and unloaded at the stop-off point or points.

(j) Stopping in transit provisions will not apply on shipments in bulk vehicles

For explanation of abbreviations and reference marks, see Item 10,000.

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1990

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**MC-145485**

**4<sup>th</sup> Revised Page 24**

**RULES AND REGULATIONS WHICH GOVERN THIS PUBLICATION**

**ITEM 930**

**INTRA-PLANT PICKUP AND DELIVERY OF TRUCKLOAD SHIPMENTS**

In the event that additional pickups or deliveries are required upon any shipment at one address, a charge of \$50.00 per additional pickup or delivery will be assessed for such additional service.

**ITEM 950**

**TARPING OF EQUIPMENT**

At the request of the consignee and/or consignor, carrier will tarp trailers to protect shipment. The price for this service will be \$100.00 per each time the trailer is tarped. If the tarping is of oversize equipment (over 8-½ foot high), the price for this service will be \$150.00 for each time the trailer is tarped.

**ITEM 985**

**VEHICLE FURNISHED BY NOT USED**

(a) When a vehicle is ordered by shipper and such order is subsequently cancelled, transferred or suspended by the shipper after the vehicle has been dispatched from carrier's terminal (Corunna, Michigan), a charge of \$150 cents per mile (subject to a minimum charge of \$125.00) shall be made for the round trip distance between carrier's actual route traveled (See Governing Mileage Guide).

(b) If notice of cancellation, transfer, or suspension is received by carrier after arrival of carrier's vehicle at the point of loading, all time, beginning with time vehicle arrives at shipper's loading point, will be computed to the nearest fifteen minutes and charged for at the rate of \$12.50 per each 15 minute period or fraction thereof in addition to the applicable charge of paragraph (a).

**ITEM 990**

**DROPPING OF TRAILER**

When a shipper/consignee requests a trailer to be dropped for loading or unloading, the charge for this service will be \$1.55 per round trip mileage, from the closest Davis Cartage Co. terminal to the location of the requested drop. **MINIMUM CHARGE: \$125.00**

**ITEM 995**

**TRUCKLOAD FUEL SURCHARGE**

If the cost of #2 sulfur diesel fuel delivered in bulk to the carrier, exceeds \$0.95 per gallon (all taxes and transportation charges included), the carrier may increase its charge per mile by \$0.01 for each \$0.06 increase in the price per gallon above \$0.95 per gallon, base price. If the cost of #2 low sulfur diesel fuel delivered in bulk to the carrier, is less than \$0.80 per gallon (all taxes and transportation charges included), the carrier will decrease its charge per mile by \$0.01 for each \$0.06 decrease in the price per gallon below \$0.80 per gallon price. The carrier's charges will be adjusted weekly when the carrier's cost of fuel exceeds \$1.01 per gallon or less than \$0.74 per gallon with carrier's prices fixed from Sunday through Saturday, with carrier's cost set the Friday before. The carrier will furnish evidence of the fuel cost to the shipper by furnishing the shipper with copies of the fuel invoices, upon written request.

For explanation of abbreviations and reference marks, see Item 10,000.

**EFFECTIVE: March 21, 2006**

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RULES AND REGULATIONS WHICH GOVERN THIS PUBLICATION

ITEM 998

STORAGE CHARGES

Storage charges shall be charged on all shipments that are undeliverable due to no fault of the carrier. The charges shall be computed as follows:

- A. Undeliverable freight due to shipper or consignee request, other than damaged freight, shall be charged storage after 48 hours after arrival at the delivering terminal. (Excluding weekends and holidays).
- B. Undeliverable freight due to refusal by the consignee due to damage shall be charged storage charges 48 hours after the date of the "On Hand" notice has been sent to the shipper and the consignee.
- C. The storage charges are computed per day as follows:
 

DAYS	RATE PER 100 LBS	MINIMUM PER DAY CHARGE
1-60	\$1.15	\$7.00
61-270	1.00	5.00
- D. After 270 days, the carrier reserves the right to dispose of any freight as salvage, deduct any applicable charges due carrier and refund any remainder to the appropriate shipper or consignee dependent upon the terms of the Bill of Lading.

For explanation of abbreviations and reference marks, see Item 10,000.

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**1st Revised Page 26**

**RULES AND REGULATIONS WHICH GOVERN THIS PUBLICATION**

**ITEM 1005**

**LESS THAN TRUCKLOAD FUEL SURCHARGE**

If the cost of Midwest diesel fuel as published weekly by the Energy Information Administration of the U.S. Government exceeds \$0.91 per gallon, the carrier will increase its charge by 1% of freight charges for each \$0.10 increase in the price per gallon above \$0.91 per gallon base price. The carrier's charges will be adjusted weekly when the cost of fuel exceeds \$0.10 per gallon with carrier's prices fixed from Monday through Sunday with carrier's costs set every Monday.

For explanation of abbreviations and reference marks, see Item 10,000.

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**RULES AND REGULATIONS WHICH GOVERN THIS PUBLICATION**

**ITEM 10000**

**EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS:**

**◆ - INCREASE**

**↓ - DECREASE**

**\* - NEW**

**No. - NUMBER**

**▲ - NO CHANGE IN RATES OR CHARGES**

**\$ - DOLLARS**

**& - AND**

**® - DENOTES "Change in wording resulting in neither increases or reductions in charges."**

**@ - EXCEPT AS OTHERWISE NOTED**

For explanation of abbreviations and reference marks, see Item 10,000.

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