

Daybreak Express, Inc.

MC 186214

CLASS AND DISCOUNT COMMODITY RATES
BETWEEN POINTS AS SHOWN HEREIN

FOR GOVERNING PUBLICATIONS.SEE ITEM 10

Issued: Jan
2,2001

Effective: Jan 5,2001

ISSUED BY:
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The provision provide herein will, if effective, not result in an effect on the quality of the human environment.

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REVISION 1 PAGE NO.1

DAYBREAK EXPRESS, INC.
CHECK SHEETS OF TARIFF PAGES AND SUPPLEMENTS

All of the pages contained in this tariff are listed consecutively by number and revision number. The pages of the tariff, and the supplements to the tariff, listed in this page bear issued dates which are the same as, or are prior to, the issued date of this page. "O" in the revision column indicates an original page.

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For explanation of abbreviations, reference marks and notes, see last pages of tariff.

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REVISION 1 PAGE NO.2

DAYBREAK EXPRESS, INC.
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DAYBREAK EXPRESS, INC.
RULES AND REGULATIONS

Item 5

OPERATING AUTHORITY

The rates and provisions named in this tariff, or as amended, are limited in their application on interstate or foreign commerce to the extent of the operating rights set forth below:

DAYBREAK EXPRESS, INC. MC 186214
186214

OVER IRREGULAR ROUTES:

General Commodities (except classes A & B explosives, household goods and commodities in bulk),

Between points in the United States, except Alaska and Hawaii.

ITEM 10

GOVERNING PUBLICATIONS

Except as otherwise provided, this tariff is governed by:

(a) National Motor Freight Classification 100, supplements thereto or successive issues thereof. National Motor Freight Traffic Association, Inc., Agent.

(b) National Motor Freight 103A, National Motor Freight Traffic Association, Inc., Agent.

(c) Motor Carriers' Explosive and Dangerous Articles Tariff ATA 111 supplements thereto or successive issues thereof, American Trucking Association, Inc., Agent.

ITEM 15

GENERAL EXCEPTION TO N.M.F.C.

The ratings and rules provided for in this section of Rules and Regulations take precedence over conflicting ratings and rules of the National Motor Freight Classification I.C.C. NMF 100, supplements thereto and successive issues there

ITEM 20

ALTERNATE APPLICATION OF RATES AND WEIGHTS

In no case, shall the charge for any shipment from and to the same points via the same routes, be greater than the charge for a greater quantity of the same commodities.

ITEM 25

APPLICATION OF MAXIMUM CHARGES

(a) The charge for a shipment of any weight or quantity shall not exceed the charge for a shipment of the same commodity of a greater weight or quantity in shipping forms or containers of the same specifications.

(Continued)

For explanation of abbreviations, reference marks and notes , see last pages of tariff

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DAYBREAK EXPRESS, INC.
RULES AND REGULATIONS

ITEM 25 APPLICATION OF MAXIMUM CHARGES

(b) In the application of paragraph (a), on a mixed less-than-truckload shipment or any quantity shipment consisting of two or more commodities subject to different rates, the charge for each commodity shall be at the respective less-than-truckload or any quantity rates applicable to the aggregate weight will be charged at the rate applicable to the lowest rated commodity in the shipment.

ITEM 30 DELIVERY--NOTIFICATION PRIOR TO DELIVERY

When requested by consignee or consignor, carrier will arrange an appointment prior to delivery by telephone or in writing, subject to a minimum charge of \$13.29, per call in addition to all other lawfully applicable rates and charges. Applicable only on LTL or AQ shipments.

ITEM 35 DETENTION OF VEHICLES WITH POWER UNIT

This item applies only on LTL or AQ shipments

Except as otherwise specifically provided, when due to no disability, fault or negligence on the part of the carrier, the loading or unloading of freight, or the spotting or pickup of empty trailers is delayed beyond the free time authorized Paragraph (a), computed in accordance with Paragraph charges in Paragraph (d) will be assessed against the shipment.

(a) Except as provided in Paragraph (b), free time for the loading or unloading of freight will be allowed as follows: .

WEIGHT IN POUNDS (Except as otherwise provided)	FREE TIME (In minutes per vehicle)
1,000 lbs. or less	15
1,001 lbs. to 2,000 lbs.	30
2,001 lbs. to 5,000 lbs.	45
5,001 lbs. to 10,000 lbs.	75
10,001 lbs. to 15,000 lbs.	105
15,001 lbs. to 20,000 lbs.	135
20,001 lbs. to 25,000 lbs.	165
25,001 lbs. to 30,000 lbs.	180
30,001 lbs. to 35,000 lbs.	210
35,001 lbs. to 40,000 lbs.	240
over 40,000 lbs.	270

(b) In case of multiple shipments subject to LTL or AQ rates received from one shipper or delivered to one consignee at one time in one vehicle, time will be computed on the aggregate weight of the

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DAYBREAK EXPRESS, INC.
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ITEM 35
(Continued)

DETENTION OF VEHICLES WITH POWER UNIT

This item applies only on LTL or AQ shipments multiple shipments so received or delivered, and the total detention charges as provided herein will be prorated on basis of the weight of each individual shipment. Where either a single shipment or such multiple shipments subject to LTL or AQ rates exceed the capacity of one vehicle, free time for each vehicle shall be computed separate

Free time for loading or unloading of freight will be arrived at by use of the billed weight, or actual weight, which ever is higher.

When more than one LTL shipment, or a shipment requiring the use of more than one vehicle, is received from one shipper at the same point of origin on the same day, or delivered to one consignee at the same destination on the same day, free time on each vehicle used in one day will be computed and detention charges assessed only when the aggregate free time is exceeded.

(c) Subject to Paragraph (d), the time consumed in loading or unloading freight shall be computed from the time of arrival until the departure of the vehicle including waiting time in reaching or leaving the loading or unloading location.

(d) If the loading or unloading of freight subject to this rule is delay beyond free time provided for above, a charge of \$28.92 per vehicle for each hour or less, and \$14.46 for each additional 30 minutes or fraction thereof for the time consumed by such delay.

(e) In computing time under this rule, Sundays and legal holidays (Note 3) shall be excluded.

ITEM 40

DIVERSION AND RECONSIGNMENT

Carrier does not obligate itself to divert or reassign a shipment in the course of transportation, but upon request of consignor, consignee or owner, reasonable effort to do so will be made, subject to the following rules and charges:

(a) For the purpose of this rule, a diversion or reassignment will be considered to be the change in the billed name of consignee, a change in the place of delivery at destination or a change in destination.

(b) Where diversion or reassignment can be accomplished before shipment has been dispatched from carrier's terminal for delivery, no additional charge shall be assessed.

(c) On less truckload shipments of less than 2,000 pounds, where diversion and reassignment cannot be accomplished before a shipment.

(Continued)

For explanation of abbreviations, reference marks and notes, see last pages of tariff

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DAYBREAK EXPRESS, INC.
RULES AND REGULATIONS

ITEM 40
(Continued)

DIVERSION AND RECONSIGNMENT

has been dispatched from carrier's terminal for delivery, regular tariff charges will be assessed from point of origin to original destination, plus tariff charges from carrier's terminal to new destination, subject to a minimum charge of \$16.31 per shipment.

(d) On less truckload shipments of 2,000 pounds or over, where diversion or reconsignment cannot be accomplished before shipment has been dispatched from carrier's terminal for delivery, regular tariff charges will be assessed from point of origin to original destination plus charges from original destination to the new destination, with a minimum charge of \$34.98.

ITEM 45

EXCLUSIVE USE OF VEHICLES

When upon request of shipper or consignee, a vehicle (truck or trailer) is used exclusively for the transportation of a shipment because of the need for unscheduled expedited service, it will be subject to the following rules and charges:

(a) The charges shall be computed on the truckload basis (Note) but shall in no case be less than the following:

ZIP CODE NUMBERS	MINIMUM CHARGE WILL BE THE CLASS 100 LTL (M5M) RATE
0 - 195.....	12,000 pounds
196 - 299	14,000 pounds
300 - 599	16,000 pounds
600 or higher	18,000 pounds

When a shipment is tendered under this rule, the bill of lading and shipping order (b)(1) must be endorsed "SHIPMENT ACCEPTED AND CHARGED ACCORDING TO ITEM 45 OF TARIFF".

(2) The freight bill issued in conjunction with such shipment for which exclusive use

of vehicle has been requested, and for which the bill of lading and shipping order have been properly endorsed, must carry a statement to the effect that proper endorsement has been shown on the bill of lading and shipping order.

- (c) When the exclusive use of vehicle (truck or trailer) is requested after the shipment has been received, the request must be confirmed in writing.

NOTE - The term "truckload basis" means the charge computed at the applicable

(Continued)

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DAYBREAK EXPRESS, INC.
RULES AND REGULATIONS

ITEM 45
(Continued)

EXCLUSIVE USE OF VEHICLES

truckload rate based on actual weight, but not less than the authorized minimum weight, subject to the provisions of NMFC ITEM 645 in the case of mixed shipments.

ITEM 50

EXPLOSIVES AND OTHER DANGEROUS ARTICLE

For rules and regulations governing the transportation of explosives and other dangerous articles for which rates are published herein, also specifications for shipper's containers, restrictions governing the acceptance and transportation of such explosives and other dangerous articles, see Motor Carrier's Explosives and Dangerous Articles Tariff ATA 111, supplements thereto and successive issues thereof.

ITEM 55

EXTRA LABOR

(a) The rates and charges named in this tariff include the services of the driver only in assisting in loading or unloading vehicle. When necessary for carrier to furnish additional labor to assist in loading or unloading shipper's trailer, a charge of \$22.75 per man, per hour, subject to a minimum charge of four(4) hours, will be assessed.

(b) Where carrier is required to engage outside labor, other than its own employees

to assist in loading or unloading vehicle, the cost thereof will be paid by the carrier and advanced for collection against the shipper or consignee with other lawful charges.

NOTE - Time shall be computed from time additional man or men leaves carrier terminal at Jersey City and Kearny, New Jersey.

ITEM 60 IMPRACTICABLE OPERATIONS

Pick-up or delivery service will not be performed at any site from or to which such performance is impracticable or unsafe through no fault of the carrier, because of the condition of roads, streets, driveways or alleys, inadequate loading or unloading facilities, civil conditions or military action.

ITEM 65 LIMITATION OF SERVICE

Nothing in this tariff shall be interpreted as requiring this carrier to transport property for which it does not have sufficient or suitable equipment, nor to accept shipments except as equipment is available.

For explanation of abbreviations, reference marks and notes, see last pages of tariff

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DAYBREAK EXPRESS, INC.
RULES AND REGULATIONS

ITEM 70 SINGLE SHIPMENT CHARGE

(a) Single shipments of less than 500 pounds picked up at one time and site, unaccompanied by any other shipment of any description from the same consignor, will be subject to a charge of \$8.56 per shipment in addition to all other lawfully applicable charges in this and governing tariffs. Carrier's driver will write or stamp "SINGLE SHIPMENT" on all Bill of Lading copies when such shipments are tendered.

(b) The provisions of this item do not apply on shipments tendered at carrier's terminal by consignor or consignor's agent.

APPLICATION OF CHARGES

MINIMUM CHARGES in this tariff shall be determined before the addition of the above charge.

(b) MAXIMUM CHARGE based on the sum of:

(1) Rate times actual weight.

(2) The charge shall not exceed the charge for 500 pounds of the same commodity in the same shipping form subject to the same packing provisions from and to the same points via the same route of movement.

ITEM 75 PICK-UP AND DELIVERY SERVICE

SECTION A:

- (a) Unless otherwise provided, the rates in tariff include Pick-up and Delivery Service to all points WITHIN THE LIMITS OF THE CITIES, TOWNS OR VILLAGES from, to or between which the rates apply.
- (b) Rates include only one pick-up from one shipper at one time and one delivery to one consignee at one destination.
- (c) The term "Pick-up" as used herein means the service performed by this carrier in taking possession of and transporting freight from a platform, doorway or shipping room at warehouse, factory, store, place of business or private residence. The freight there tendered for transportation must be so situated as to be directly accessible to the truck and immediately adjacent thereto.
- (d) The term "Delivery" as used herein means the service performed by this carrier in transporting freight to a platform, doorway or receiving room of a warehouse, factory, store, place of business or private residence. Freight unloaded from a truck shall be deposited to the platform, floor, ground or pavement at a point directly

(Continued)

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DAYBREAK EXPRESS, INC.
RULES AND REGULATIONS

ITEM

75(Continued)

PICK-UP AND DELIVERY SERVICE

- accessible to such trucks and closely contiguous thereto, and there left by the carrier.
- (e) Factories or warehouses of consignor's or consignee's shall include their continuous private property and the intersection of such property by public streets or thoroughfares shall not be deemed to separate it.
 - (f) Pick-up and Delivery Service defined in paragraphs (c) and (d) does not include the performance of removal from or delivery to basements or floors not directly accessible to highway vehicle of carrier or its agent, nor does it include packing, unpacking, erecting, hoisting, lowering, dismantling, inspection of property and other similar services.
 - (g) Except as provided in paragraphs (i) and (j) upon request on consignor carrier or its agent will perform inside collection from locations not covered by paragraph (c) at a charge of \$2.63 per 100 pounds, subject to a minimum charge of \$18.95 per shipment.
 - (h) Except as provided in paragraphs (i) or (k), upon request of consignee or owner, carrier or its agent will perform inside delivery service to locations not covered by paragraph (d) at a charge of \$2.63 per 100 pounds, subject to a minimum charge of \$18.95 per shipment.
 - (i) Where conditions of streets, roadways, alleys, yards or the exterior or interior of premises make it impracticable to render collection or delivery service, such service will not be given.
 - (j) Upon request of consignor, carrier or its agent will perform inside collection above or below the first floor at a charge of \$2.63 per 100 pounds, subject to a minimum charge of \$18.95.
 - (k) Upon request of consignee or consignor, carrier or its agent will perform inside delivery to locations above or below the first floor at a charge of \$2.63 per 100 pounds, subject to a minimum charge of \$18.95.

(D) Additional charges to or from Garment Area of New York, N.Y. On traffic moving from or to the Garment Area (Borough of Manhattan) only that portion of the Borough of Manhattan described as follows:

AVENUES	RANGE OF NUMBERS
Avenue of the Americas	900 thru 1060
Broadway	1302 thru 1450
Eighth Avenue	494 thru 590
Fifth Avenue	358 thru 485
Seventh Avenue	450 thru 587
Sixth Avenue	900 thru 1060

(Continued)

For explanation of abbreviations, reference marks and notes, see last pages of tariff

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RULES AND REGULATIONS

ITEM 75 (Continued)

PICK-UP AND DELIVRY SERVICE

<u>STREETS</u>	<u>RANGE OF NUMBERS</u>
35th Street	1 East thru 16 East; 1 West thru 370 West
36th Street	1 East thru 16 East; 1 West thru 370 West
37th Street	1 East thru 16 East; 1 West thru 357 West
38th Street	1 East thru 16 East; 1 West thru 348 West
39th Street	1 East thru 16 East; 1 West thru 353 West
40th Street	1 East thru 16 East; 1 West thru 358 West
41st Street	1 East thru 16 East; 1 West thru 351 West

The following charges will be assessed in addition to all other lawful rates and charges;

	Charges in cents per 100 pounds	Minimum Charge per Shipment
On shipments subject to LTL or AQ rates	\$2.11	\$11.64

SECTION B:

- (a) Except as otherwise specifically provided, rates published in tariffs subject hereto include the loading and unloading of freight by one man into and out of carrier's vehicle.
- (b) Where rigging or special equipment and/or additional labor is necessary to load or unload freight which on account of weight or dimension of pieces or packages cannot be handled by one man, such loading or unloading service may be performed by consignor or consignee or may be performed by carrier. Where such loading or unloading is performed by the carrier, or where additional labor is furnished for the benefit and at the request of consignor or consignee, the following will govern (Notes A & B):

(1) Where extra labor is provided by the carrier in addition to the driver to assist in loading or unloading carrier's vehicle, an additional charge of \$22.75 per hour, subject to a minimum charge of \$81.49 (Note C) on shipments picked up or delivered at one place for each additional man. No additional help will be supplied by the carrier unless requested to do so by the consignor or consignee who must pay or guarantee the charge therefor.

(2) Riggers and/or rigging of special equipment must be arranged for by and at the expense of the consignor or consignee.

(Continued)

For explanation of abbreviations, reference marks and notes, see last pages of tariff

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DAYBREAK EXPRESS, INC.

RULES AND REGULATIONS

ITEM 75 (Continued)

PICK-UP AND DELIVERY SERVICE

(c) Rates applicable to or from piers, terminals, warehouses or wharves in New Jersey or New York (Note 1) do not include the loading or unloading of freight by the carrier or for account of the carrier at such places, except as provided in Note B. Upon request, the carrier will advance charges for loading or unloading into or out of carrier's vehicle at such places.

NOTE A - For the purpose of this rule, the term "rigging and special equipment" shall be construed to include vehicles, winches, cranes, jacks, block and falls, chain falls or other special equipment whether attached or not attached to vehicle commonly used in hoisting, lowering, handling or placing in position, but shall not include skid boards, rollers or pinch bars when used without other special equipment.

NOTE B - Where no loading or unloading charge is made against the carrier at such places, the rates

applicable to or from piers, terminals, warehouses or wharves in New Jersey and New York (Note 1) will include loading and unloading, except as provided in paragraph (b). Section B, of this rule.

NOTE C - The minimum and maximum charges will NOT apply where carrier employs labor other than its own at consignor's or consignee's place of business

ITEM 80

PRECEDENCE OF DISCOUNTS (Note B and C)

- (a) Unless specifically stated otherwise in items making reference hereto, shipments will be subject to the provisions of no more than one discount commodity or exception rate item.
- (b) When a shipment is subject to a discount at an origin point and discount provisions at a destination point, the precedence of discount will be determined as follows (Note A):
 - (1) When a shipment is prepaid and subject to discount provisions at both origin and destination, the provisions established at the origin point will take precedence.
 - (2) When a shipment is collect and subject to discount provisions at both origin and destination, the provisions established at the destination point will take precedence.
- (c) When a shipment is subject to a discount at a destination point and not subject to a discount at origin point, the provisions of the discount at the destination point will apply only collect shipments.

(Continued)

For explanation of abbreviations, reference marks and notes, see last pages of tariff.

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DAYBREAK EXPRESS, INC.

RULES AND REGULATIONS

ITEM 80 (Continued) PRECEDENCE OF DISCOUNTS (Note B and C)

NOTE A - When a shipment carries instructions to bill freight charges to a third party who is neither the consignor nor the consignee, the shipment will be considered prepaid.

NOTE B - When the term discount is used in connection with this item it will include discounts, allowances, commodity rates, exception rates or any other form of reduction from DAYBREAK EXPRESS, INC. general class rate levels legally on file with the I.C.C.

NOTE C - This rule not applicable for unpaid freight bills in excess of 21 days.

ITEM 85

RATES ON IMPORT, EXPORT, COASTWISE OR INTERCOASTAL TRAFFIC

- (a) Unless otherwise provided herein, the rates published in this tariff shipments

described in paragraphs (1) and (2) below will be subject to the addition of the following arbitraries:

- (1) LTL or AQ shipments of export, import, intercoastal or coastwise traffic moving from or to piers or wharves in New Jersey and New York (Note 1).

OR

- (2) TL shipments of export, import, intercoastal or coastwise traffic moving from or to piers or wharves in New Jersey and New York (Note 1).

ARBITRARIES IN CENTS PER 100 POUNDS

(Governed by classification thereto governing the rates from or to points subject to the Arbitraries herein.)

ALL CLASSES

Arbitrary:

LTL.....	12
TL.....	6

ITEM 9 0

RE-DELIVERY

When through no fault of the carrier, a shipment cannot be delivered when tendered, or after the carrier has made reasonable effort to effect delivery, and re-delivery is requested, charges for each additional delivery will be assessed at the rates named in this tariff applicable from carrier's terminal at Jersey City, N.J. and Kearny, N.J., as the case may be, in addition to accrued freight and other lawful charges. For explanation of abbreviations, reference marks and notes, see last pages of tariff.

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DAYBREAK EXPRESS, INC.

RULES AND REGULATIONS

ITEM 95

REFUSED OR UNCLAIMED FREIGHT

Refused or unclaimed freight will be subject to the following rules:

- (a) Upon notice to carrier that a shipment will not be accepted by the consignee, the carrier will hold the shipment in its vehicle or, at carrier's option, unload it in its terminal at, or nearest to destination, subject to the charges as follows:
- (1) If final disposition of the shipment is made by delivery at carrier's terminal to the vehicle of the ultimate consignee, 56 cents per 100 pounds, plus any accrued storage charges under Item 115 and other lawfully charges.
 - (2) If final disposition of the shipment is made by delivery in carrier's vehicle to the ultimate consignee, 87 cents per 100 pounds or minimum charge of \$12.52, plus any accrued storage charges under Item 115 and other lawful charges.
- (b) If a shipment is refused (Note A) upon tender of delivery (except at carrier's terminal), or if prior to notice of refusal by consignee as provided for in paragraph (a), a shipment has been dispatched from carrier's terminal and routed for final delivery to consignee, any subsequent delivery from the same terminal will be subject to the redelivery rules and charges under Item 90, in addition to the charges provided for in paragraph (a).
- (c) When consignor requests that notice of refusal or unclaimed freight be sent by telegraph, this will be done at his expense.
- (d) In the case of a shipment consigned for terminal delivery (Note B), it shall be treated as refused under paragraph (a) if it is not called for within 48 hours after date of arrival, subject to storage charges in accordance with Item 115.
- (e) Where a shipment is refused or unclaimed under this rule, the carrier will send or give notice in writing to the consignor (or person entitled to receive such notice) or as otherwise agreed to in writing before 6:00 P.M. on the succeeding day.
- (f) If a shipment is refused and final disposition thereto is made by returning it to the consignor at original shipping point as shown in bill of lading, lawful tariff rates and charges for the return will be assessed in addition to any lawfully accrued charges. If shipment is reforwarded to another consignee and/or destination, the provisions of Item 40 will apply.
- (g) Nothing in this rule shall be construed as a waiver or nullification of the conditions of the Uniform Bill of Lading with respect to the disposition of perishable or non-perishable freight.

(Continued)

For explanation of abbreviations, reference marks and notes, see last pages of tariff

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DAYBREAK EXPRESS, INC.

RULES AND REGULATIONS

ITEM 95 (Continued)

REFUSED OR UNCLAIMED FREIGHT

NOTE A - When the consignee cannot be located or for any other reason beyond the control of the carrier, a shipment cannot be delivered at the address given in the bill of lading, for the purpose of this rule, a shipment shall be deemed "refused".

NOTE B - Shipments will be accepted for delivery at carrier's terminal only where terminal facilities for such delivery are available and adequate.

ITEM 100

RELEASED VALUE — USED MACHINERY OR PARTS

- (a) Commodities as described in N.M.F.C. Items 114000 through 133454 (Machinery Group or Parts), other than new, will be accepted for transportation subject to released value not exceeding 10 cents per pound.
- (b) If consignor fails to declare a Released Value at time of shipment, shipment will be subject to a Released Value of 10 cents per pound.
- (c) Failure of the consignor to declare that commodity as "used" shall not alter the application of this item.

ITEM 105

SHIPMENTS REQUIRING HYDRAULIC LIFT GATE

When requested by shipper or consignee, it is necessary in performing pickup or delivery on articles or pieces to provide a hydraulic lift gate, a charge of \$1.75 per hundred weight, with a minimum charge of \$36.80 for each shipment (Note A) will be assessed in addition to all lawfully applicable rates and charges. NOTE A - This charge will apply on each shipment covered by each bill of lading.

ITEM 110

STOP-OFF IN TRANSIT

Truckload shipments of freight may be stopped at point of origin or destination or at points directly intermediate between origin and destination for the completion of loading or for partial unloading, under the following conditions: (see Note)

- (a) All freight charges must be paid in full at one time, by either the shipper or the consignee named in the bill of lading.
- (b) Only one bill of lading and one shipping order shall be issued for the entire shipment.
- (c) The bill of lading and shipping order shall show in the space provided therefore, the name of only one consignee and one delivery address, and only one shipper and one shippers address.

(Continued)

For explanation of abbreviations, reference marks and notes, see last pages of tariff

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DAYBREAK EXPRESS, INC.

RULES AND REGULATIONS

ITEM 110 (Continued)

STOP-OFF IN TRANSIT

- (d) Names of places or addresses at which vehicles are to be stopped for completion of loading or partial unloading shall be shown either in the body of the bill of lading and shipping order or in a separate paper which shall be attached to and considered part of the shipping document.
- (e) Except as otherwise provided, only three stops, whether for completion of loading or partial unloading, shall be permitted. Dual service at the same point will not be permitted. No stop to complete loading will be permitted after the shipment has been partially unloaded.
- (f) The substitution of other property for that originally loaded or exchange of contents of the load in any manner is prohibited.
- (g) Except as otherwise provided, the charges for each stop exclusive of the original pick-up and the stop at final destination shall be \$112.32 per stop and \$179.48 on traffic stopped off at piers or wharves described in Note 1, in addition to the rates provided for in paragraph (h).
- (h) Except as provided in Paragraph (i), the rate from the original place of shipment to the place of final destination will apply on the total weight of the shipment (the weight after completion of loading if a stop for that purpose is made, or the weight before the first stop is made for partial unloading).

(i) If the rate from any place where a stop is made for the completion of loading is higher than the rate from the original place of shipment such higher rate will apply, or if the rate to any place where a stop is made for partial unloading is higher than the rate to the place of final destination, such rate will apply.

NOTE - Three stops are permitted exclusive of the original part of the shipment and the final delivery at the destination. The word STOP or STOPS used herein means stopping for the purpose of completing the load or for partial unloading not including the receipt of the original part of the shipment, nor the final delivery at destination.

ITEM 115

STORAGE RULES AND CHARGES

All non-perishable freight returned to or remaining on hand at carrier's terminal after 48 hours (excluding Sundays and legal holidays (Note 2), from the first 7 A.M. after tender for delivery (Notes B and C), will be assessed charges as follows: (Note A)

(Continued)

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RULES AND REGULATIONS

ITEM 115 (Continued)

STORAGE RULES AND CHARGES

57 cents per 100 pounds, subject to a minimum charge of \$17.82 on shipments subject to LTL rates and \$57.20 per day per vehicle for shipments subject to AQ or TL rates.

NOTE A - In computing storage charges, any fractional part of a day (twenty-four hours) shall be deemed a day.

NOTE B - The term "tender of delivery*" means the carrier of freight to the billed address of the consignee and an attempt to there deliver it during regular business hours.

NOTE C - At the option of the carrier, shipment will be stored in public warehouse at the risk and expense of the owner.

VEHICLES ORDERED BUT NOT USED

When an order is placed by a shipper for a vehicle Monday through Friday (7:00 A.M. to 4:00 P.M.) and due to no disability, fault or negligence on the part of the carrier, the vehicle is not used, cancellation of the order must be made before the vehicle is dispatched for pick-up in compliance with each order. If cancellation is not so made, a charge of \$11.67 per vehicle for each 15 minutes or fraction thereof will be assessed from the time the vehicle leaves carrier's terminal or depot, until it has returned thereto. Minimum

charge per vehicle \$116.97.

ITEM 125 PICK-UP OR DELIVERY SERVICE - SATURDAYS, SUNDAYS OR HOLIDAYS

When consignor or consignee requests carrier to pick up or deliver freight on Saturdays, Sundays or Holidays, such service will be performed subject to the following provisions:

	Charge per man per hour or fraction hereof	Minimum Charge Per man Per day
1. The following charges will be assessed in addition to all other lawfully applicable rates and charges:		
(a) On Saturdays, other than Holidays	\$28.90	\$222.40
(b) On Sundays or Holidays	35.07	280.31

2. Time shall be computed upon notification of the driver to the responsible representative of the consignor or consignee that the vehicle or vehicles are available for loading or unloading at premises of consignor or consignee and shall end upon completion of loading or unloading and receipt by driver or signed Bill of Lading or receipt for delivery, as the case may be.

(Continued)

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DAYBREAK EXPRESS, INC .

RULES AND REGULATIONS

ITEM 125 Continued PICK-UP OR DELIVERY SERVICE - SATURDAYS, SUNDAYS OR HOLIDAYS

- 3 Consignor or consignee may request carrier to place or pick up an empty trailer (vehicles without power units) on Saturdays, Sundays, or Holidays even though the actual pickup and/or delivery of freight may occur on a day other than Saturdays, other than Holidays. The charge for this service will be \$222.40 on Saturdays, Sundays or Holidays, \$280.31 on Sundays or Holidays, per man per day or fraction thereof.
- 4 The carrier is not obligated to furnish pick up or delivery service on Saturdays, Sundays or Holidays. If a delivery date is specified on the Bill of Lading and Shipping Order and it is a Saturday, Sunday or Holiday, such document must also indicate that the date is in fact a Saturday, Sunday or Holiday.
- 5 Charges must be either paid by the party requesting the service or guaranteed to the satisfaction of the carrier before pick up or delivery will be made.

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For explanation of abbreviations, reference marks and notes, see las t pages of tariff.

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DAYBREAK EXPRESS, INC.

RULES AND REGULATIONS

ITEM 126

DETENTION OF INTERMODAL EQUIPMENT; LIABILITY FOR DETENTION OR PER DIEM CHARGES

INTERMODAL EQUIPMENT – For the purpose of this section INTERMODAL EQUIPMENT shall mean containers or chassis owned by a steamship line, railroad or other entity which are in the possession of carrier under an interchange or other agreement.

DETENTION- For the purpose of this section DETENTION shall mean compensation assessed against a shipper or consignee or other entity who lawfully takes possession of intermodal equipment from carrier for the delayed return of that equipment beyond allowable free time. Detention charges and per diem charges have the same meaning.

FREE TIME - For purposes of this section FREE TIME shall mean that amount of time prescribed in days allowed by the owner of the equipment until it must be returned. There shall be a minimum of two (2) days FREE TIME.

Detention applies when carrier delivers equipment including but not limited to a container and/or chassis to a shipper or consignee and said equipment is not returned to carrier within the time provided by the steamship company or other owner of the equipment. If the owner of the equipment has a tariff in effect at the time of the shipment, said tariff is hereby incorporated by reference with regard to any free time allowed and as to the amount charged per day for keeping the equipment past the free time.

Any recipient of equipment from carrier who fails to make the equipment available for return by carrier within the free time allowed by the owner or its agent shall pay to carrier the amount of all detention or per diem charges imposed by the owner or agent, plus an additional amount not to exceed \$10.00 per day for administration and advancement by carrier. Any shipper, consignee or other third party involved in such delivery of equipment to recipient shall be jointly and severally liable with recipient for such amounts or charges.

Invoices from carrier for such charges shall be invoices for transportation services and shall be subject to Item 135 of this Rules and Exceptions Tariff, which deals with payment of invoices, joint and several liability for payment, and service charges and fees in the event of late payment or non payment.

For explanation of abbreviations, reference marks and notes, see last pages of tariff

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REVISION 1 PAGE NO. 19

DAYBREAK EXPRESS, INC .

RULES AND REGULATIONS

ITEM 130

MAXIMUM VALUE OF AND LIABILITY FOR CARGO

- A Unless otherwise provided, this item shall be used to determine the maximum value of and liability for all shipments tendered for transportation.
- B The absolute maximum liability for any shipment shall be considered to be \$100,000.00.
- C Shipments that are "Flat" rated, without regard to Class, shall be considered to have a maximum value of \$1.00 per pound.
- D Articles with an invoice value exceeding the limitations shown in column B, below, opposite the corresponding Class in Column A, shall be considered to be of extraordinary value.
- E Articles of extraordinary value accepted for transportation shall be considered released at the value per pound per article shown in column B, opposite the corresponding Class in Column A.
- F For Class rated shipments only, the maximum value per pound per article allowed shall be arrived at as follows:
 - 1 Determine the actual class of the article tendered, as published in the National Motor Freight Classification 100 Series.
 - 2 Locate that actual Class in Column A, below.
 - 3 The maximum value per pound per article is shown in Column B, opposite the corresponding Class in Column A.

COLUMN A	COLUMN B	COLUMN A	COLUMN B	COLUMN A	COLUMN B
ACTUAL NMFC CLASS	MAXIMUM VALUE PER POUND PER ARTICLE	ACTUAL NMFC CLASS	MAXIMUM VALUE PER POUND PER ARTICLE	ACTUAL NMFC CLASS	MAXIMUM VALUE PER POUND PER ARTICLE
50	\$2.00	85	\$2.50	175	\$3.00
55	2.00	92.5	2.50	200	3.00
60	2.00	100	2.50	250	3.00
65	2.00	110	2.50	300	3.00
70	2.00	125	2.50	400	3.00

Note A: The provisions of this item will not apply on articles subject to a specific Released Value

contained in the
National Motor Freight Classification 100 Series. Note B: Unless otherwise provided, these
provisions shall apply to all shipments tendered for International or Domestic transportation.

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DAYBREAK EXPRESS, INC .

RULES AND REGULATIONS

ITEM 135

PAYMENT OF INVOICES
SERVICE CHARGE AND FEES IN THE EVENT OF LATE PAYMENT OR NONPAYMENT

- 1 Time for Payment.** All invoices for transportation charges are due in full within 15 days following the date of such invoice. Payments not made to Carrier within 30 days of the issuance of the invoice shall be considered delinquent.
- 2 Responsibility for Payment.** Except in the event of non-recourse provisions in the bill of

loading, the consignor, consignee and any third party shall be jointly and severally liable for the transportation charges, regardless of any agreement between them as to the party which may be responsible for the transportation charges in question.

- 3 **Service Charge Where Late Payment.** Where an invoice becomes delinquent, a service charge of 1.5% per month, or pro rata portion, shall be imposed on the unpaid balance. Such service charge will begin at the time the invoice becomes delinquent and continue until payment has been received.
- 4 **Collection Fee for Delinquent Invoices.** In the event Carrier deems it necessary to employ the services of a collection agency or legal counsel to collect any delinquent invoice, the party liable shall pay to Carrier a collection fee equal to 35% of the unpaid invoice. In the event of litigation, such collection fee shall include counsel fees but not court costs or other allowable charges. Should such collection fee exceed the maximum allowed by state or federal statute or court rule, the fee will be reduced to the maximum rate allowed.

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For explanation of abbreviations, reference marks and notes, see last pages of tariff .

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