

A. 42814 - bjc

Decision No. 61389

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of WESTERN MOTOR)
TARIFF BUREAU, INC., to amend)
tariff provisions under Section) Application No. 42814
Nos. 454 and 460 of the)
California Public Utilities Code.)

OPINION AND ORDER

Western Motor Tariff Bureau, Inc., by this application filed November 1, 1960, seeks authority under Sections Nos. 454 and 460 of the Public Utilities Code to amend certain provisions in its petroleum tank-truck tariff relating to multiple shipments of petroleum in highway truck-trailer combination units.¹ The tariff provisions provide, in effect, that a shipper may tender two separate shipments at one time in a single truck-trailer combination subject to the applicable rate on each shipment but not subject to the minimum per-shipment charges which would otherwise apply. The sought amendment would restrict the foregoing provision not to apply in connection with rail-competitive rates or rates constructed by combinations of rail-competitive rates and highway carrier rates. Increases in charges would result.

Applicant alleges that the proposed amendment of Item No. 80 is necessary in order that charges under rail-competitive rates or rail-truck rates will not be less than those contemplated under the alternative rate application provisions of Minimum Rate Tariff No. 6. Applicant contends that the provisions of Item No. 80 are proper when applied in connection with truck rates, but not

¹ The tariff provisions in question are published in Item No. 80 of Western Motor Tariff Bureau, Inc., Local Freight and Express Tariff No. 3-D, Cal.P.U.C. No. 25, series of Elmer Ahl, Agent.

when applied in connection with rail-competitive rates or rail-truck combination rates; that the current provisions of Item No. 80 result in highway carriers performing services under rail-competitive rates which the rail carriers cannot perform under rail rates; and that the provisions in Minimum Rate Tariff No. 6 for the alternative application of rail rates by highway carriers were designed to allow motor carriers transporting bulk petroleum products under rail-competitive rates to be competitive with the rail carriers under equal conditions, but not to operate at rates lower than the rail level.

Applicant states that a copy of this application was furnished to all shippers of bulk petroleum products known to use the services of the highway carriers which are parties to the tariff involved. The application shows that a copy thereof was served on California Trucking Associations, Inc., on or about October 21, 1960. No objection to its being granted has been received.

In the circumstances, it appears, and the Commission finds, that the proposed tariff amendment and increases resulting therefrom are justified. A public hearing is not necessary. The application will be granted.

: Therefore, good cause appearing,

IT IS ORDERED:

(1) That Western Motor Tariff Bureau, Inc., is hereby authorized, on not less than statutory notice, to amend the provisions of Item No. 80 of its Local Freight and Express Tariff No. 3-D not to apply in connection with railhead-to-railhead rates or rates constructed by combinations of railhead rates with motor carrier rates contained in the same tariff.

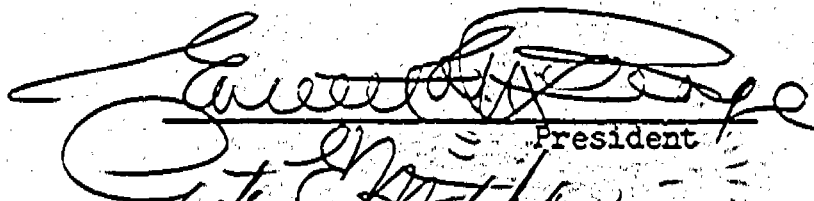
(2) That the motor carriers participating in the aforesaid tariff are hereby authorized to depart from the long-and-short-

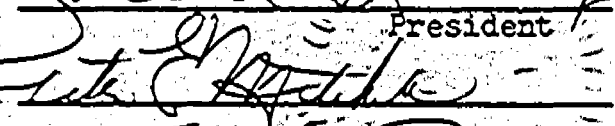
haul provisions of Article XII, Section 21, of the Constitution of the State of California, and Section 460 of the Public Utilities Code in connection with rates currently maintained under outstanding long-and-short-haul authorities.

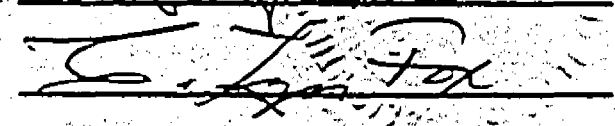
(3) That the authority herein granted shall expire unless exercised within ninety days after the effective date hereof.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 24th day of January, 1961.



President




Commissioners