

Decision No. 70544

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application)
of H. R. HINSCH, AGENT, for)
authority to increase Demurrage)
and Storage Charges on California)
Intrastate traffic commensurate)
with Interstate Demurrage and)
Storage Charges.)

Application No. 48198
(Filed January 24, 1966)
(Amended February 4, 1966)

OPINION AND ORDER

By this application, as amended, H. R. Hinsch, Agent, Trunk-Line Central Territory Railroads Tariff Bureau, on behalf of California rail carriers, seeks authority on one day's notice to amend certain demurrage and storage rules applicable to California intrastate traffic to correspond with revisions in such rules, which became effective January 1 and February 1, 1966, on interstate traffic and intrastate traffic in various states other than California.

Applicant proposes to revise these rules as specifically set forth in Exhibit "A" attached to the application, as amended. These revisions would:(1) permit railroads to tender cars by notice when held for delivery on public delivery tracks where more cars are on hand for unloading than such tracks will accommodate; (2) provide for the computation of time when cars are so tendered; (3) cancel demurrage and storage provisions allowing additional free time when notice of arrival is mailed after 7:00 p.m.; and (4) increase the demurrage charge from \$3.13 to \$4.00 per car per day or fraction thereof for cars that are detained in loading or unloading because of strike interference.

Applicant avers that the purpose behind the proposed changes is to bring about a permanent improvement in the availability and utilization of freight cars. The tender of cars by notice will

alleviate some of the abuses made by shippers that bill cars into public delivery facilities in excess of the capacity of the tracks available, or the ability of the consignee to unload. The cancellation of reference to the postmark is necessitated by the fact that the only information now shown by the U.S. Postal Service on the postmark is the date of cancellation of stamps and not the hour as heretofore. Applicant alleges that the increase in demurrage charges due to strike conditions was agreed upon by the National Industrial Traffic League and the various railroads. Applicant asserts that a public hearing was held in Chicago, Illinois, on March 8, 1965, concerning the matters herein involved and that opposition to the proposal was practically nonexistent.

The application and amendment show that copies thereof were mailed on or about January 19 and February 3, 1966, to a substantial list of interested shippers and competing carriers in California. The application and amendment were listed on the Commission's Daily Calendar of January 25 and February 7, 1966. No objection to the granting of the application, as amended, has been received.

In the circumstances, it appears, and the Commission finds, that the proposed rule amendments are reasonable and that increases in charges resulting from the application of such rule amendments are justified. A public hearing is not necessary. The Commission concludes that the application, as amended, should be granted to the extent indicated in the following order.

IT IS ORDERED that:

1. H. R. Hinsch, Agent, is hereby authorized to amend Section C, Paragraph 2 (Rule 3) of Item 910-A; Section B, Paragraph 3 (Rule 5) of Item 920-A; Section D, Paragraph 3 and Section G,

Paragraph 1 (Rule 8) of Item 935-D; and Section C, Paragraph 3 (Rule 7) of Item 1230-A; of his Freight Tariff 4-G as set forth in Exhibit "A" of the above-entitled application, as amended.

2. Tariff publications authorized to be made as a result of the order herein may be made effective not earlier than ten days after the effective date hereof on not less than ten days' notice to the Commission and to the public.

3. The authority herein granted shall expire unless exercised within ninety days after the effective date of this order.

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

Dated at San Francisco, California, this 5th day of April, 1966.

Fredrick B. Hallock
President

George T. Trover

Augustor

William W. Bunker

William W. Bunker
Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.