

**ORIGINAL**

Decision No. 72519

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation )  
into the rates, rules, regulations, )  
charges, allowances and practices )  
of all common carriers, highway )  
carriers and city carriers relating )  
to the transportation of any and )  
all commodities between and within )  
all points and places in the State )  
of California (including, but not )  
limited to, transportation for )  
which rates are provided in Minimum )  
Rate Tariff No. 2). )

Case No. 5432  
(Petition for Modification  
No. 450)  
(Filed March 28, 1967)

OPINION AND ORDER

Minimum Rate Tariff No. 2 names minimum rates and rules for the statewide transportation of general commodities by highway carriers. By this petition, California Trucking Association seeks to have the above tariff amended to permit the free return of pallets when utilized in connection with the transportation of sodium hypochlorite solutions.<sup>1</sup> Petitioner asks that all common carriers be authorized to establish in their respective tariffs all such modifications as may be prescribed by the Commission's order in this proceeding, including relief from the long- and short-haul provisions of the Public Utilities Code.

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<sup>1</sup> Item No. 45 of Minimum Rate Tariff No. 2 provides for the free return of empty pallets from point of destination of the palletized shipment to point of origin without charge in connection with a limited number of commodities when (1) such empty pallets are immediately provided by the consignee to the carrier upon receipt of the palletized shipment; (2) the palletized shipment is transported under rates subject to a minimum weight of not less than 20,000 pounds; (3) the palletized shipment is loaded into carrier's equipment by the consignor and/or unloaded from such equipment by the consignee with power equipment furnished and used without expense to the carrier; and (4) the shipper and/or consignee complies with certain documentation requirements. Petitioner's proposed free return of empty pallets would also be governed by the aforementioned qualifications.

Petitioner alleges that a broad program of shipper and carrier discussions concerning the transportation of pallets was instituted by such parties, that it became immediately obvious from such discussions that the economics of short-haul transportation would permit the return transportation of pallets without charge when certain qualifications were met.

Petitioner asserts that the proposed tariff amendment will permit the free return transportation of pallets when utilized in connection with palletized shipments of sodium hypochlorite solutions, will provide a further incentive for shipper cooperation in palletization of truck shipments and will promote efficiencies and economies in carrier operations. Petitioner avers that the proposed tariff change is desired by, and in the interest of, both shippers and carriers and will result in no increases.

The certificate of service shows that copies of the verified petition were mailed to various chambers of commerce, shippers' organizations and carrier representatives on or about March 27, 1967. The petition was listed on the Commission's Daily Calendar of March 29, 1967. The Clorox Company and Safeway Stores, Incorporated, have informed the Commission by letter that they support petitioner's proposal. No objection to the granting of the petition has been received.

In the circumstances, it appears, and the Commission finds, that petitioner's proposal is reasonable and that the resulting minimum rates and charges will be just, reasonable and nondiscriminatory minimum rates and charges for the transportation involved. A public hearing is not necessary. The Commission concludes that the petition should be granted.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 2 (Appendix "D" to Decision No. 31606, as amended) is further amended by incorporation therein,

to become effective July 8, 1967, First Revised Page 15-B, attached hereto, and by this reference made a part hereof.

2. Tariff publications authorized to be made by common carriers as a result of the order herein may be made effective not earlier than the tenth day after the effective date of this order, and may be made effective on not less than ten days' notice to the Commission and to the public if filed not later than sixty days after the effective date of the minimum rate tariff page incorporated in this order.

3. Common carriers, in establishing and maintaining the rule authorized hereinabove, are hereby authorized to depart from the provisions of Section 460 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures not maintained under outstanding authorizations; such outstanding authorizations are hereby modified only to the extent necessary to comply with this order; and schedules containing the rule published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

4. In all other respects, Decision No. 31606, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 31<sup>st</sup> day of May, 1967.

John E. Mitchell  
President  
William L. Brown  
Augusta  
William S. Lyons, Jr.  
Arcl P. Morrissey  
Commissioners

Item No.	SECTION NO. 1--RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
<p>(E) ø45</p>	<p style="text-align: center;">EMPTY PALLET RETURN</p> <p>(Applies only in connection with Items Nos. 320, 320-1, 338, 345, 350, 360 and 390*and commodities named in paragraph c)</p> <p>(a) When palletized shipments are transported under truckload rates and are subject to minimum weights of not less than 20,000 pounds, empty pallets may be transported without charge for distances not exceeding 35 constructive miles when returning to the point of origin of an outbound palletized shipment or when transported for a return palletized shipment, subject to the terms and conditions in Notes 1, 2, 3 and 4.</p> <p>NOTE 1.--Palletized shipments must be loaded into carrier's equipment by the consignor and/or unloaded by the consignee with power equipment, as described in Item No. 11, furnished and used without expense to the carrier and when no services are performed by the carrier or at carrier's expense.</p> <p>NOTE 2.--Shipper must indicate on shipping instructions that palletized shipments were loaded directly onto trailers by power-loading equipment operated by personnel furnished by shipper; and/or receivers must show on carrier's delivery receipt that such shipments were removed by power-loading equipment operated by personnel furnished by receiver.</p> <p>NOTE 3.--Shipping Documents (Bills of Lading) covering the shipment of empty returning pallets shall identify the palletized shipments. Shipping Documents (Bills of Lading) covering returning palletized loads shall identify the shipments of empty pallets.</p> <p>NOTE 4.--For the purpose of this item, empty pallets shall include pallets, platforms, or skids as described in Item 150370, Sub 1; Item 150380; Item 150390, Sub 2; or Item 150430, Sub 2, of the Governing Classification; six inches or less in height or nested solid (as defined in Rule 110 of the Governing Classification), and of wood, metal or wood and metal construction.</p> <p>(b) Carrier must assess applicable tariff charges on empty pallets under the conditions stated in Notes 5, 6, 7 and 8.</p> <p>NOTE 5.--If immediately upon receipt of a palletized shipment consignee fails to provide carrier with up to a like number of empty pallets for return to point of origin of the palletized shipment.</p>

NOTE 6.--When empty pallets are furnished by consignee and forwarded to origin point of a palletized shipment, if consignor immediately on receipt of empty pallets fails to provide carrier with a palletized shipment containing up to a like number of pallets loaded for shipment to consignee at point of origin of the empty pallets.

NOTE 7.--For the transportation of all empty pallets in excess of those permitted by the provisions of Notes 5 and 6.

NOTE 8.--For the transportation of all empty pallets which do not comply with the provisions of this item.

\*(c) When palletized shipments of Sodium Hypochlorite Solution (as described in Item 46380 of the Governing Classification) are transported at truckload rates provided in Section 2, and are subject to minimum weights of not less than 20,000 pounds, the empty pallets may be transported under the provisions of paragraph (a) and (b).

(E) This item expires with December 31, 1967.

∅ Change )  
\* Addition ) Decision No. **72519**

EFFECTIVE JULY 8, 1967

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.  
Correction No. 1831