

Decision No. 74791

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Western Motor)	
Tariff Bureau, Inc. under the)	
Shortened Procedure Tariff Docket)	Shortened Procedure
to publish for and on behalf of)	Tariff Docket
certain of its participating)	Application No. 50452
carriers tariff provisions result-)	(Filed July 31, 1968)
ing in increases because of the)	
publication of a rule providing)	
for exclusive use of equipment.)	

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., seeks authority, for and on behalf of certain carriers participating in one of its tariffs,¹ to publish a standardized exclusive use of equipment rule therein for the account of said carriers.²

Applicant states that the rule governing exclusive use of equipment, which it seeks authority to publish on behalf of said carriers, is the same as that previously authorized to be published on behalf of most carriers who participate in Tariff No. 111.³

Applicant alleges that all of the carriers involved in this proposal, except Milne Truck Lines, Inc. and Miles Motor Transport System, are currently operating without the revenue protection afforded by the proposed exclusive use of equipment rule. The latter two carriers desire that their existing exclusive use rules be

¹ The six highway common carriers involved are named in Appendix A to the application.

² Applicant proposes to include these six carriers as participants in the exclusive use of equipment rule now published in Item No. 289 of Western Motor Tariff Bureau, Inc., Agent, Local, Joint and Proportional Freight and Express Tariff No. 111, Cal. P.U.C. No. 111, Cal. P.U.C. No. 15, hereinafter referred to as Tariff No. 111. Concurrently, applicant proposes to cancel the participation of two carriers, Milne Truck Lines, Inc. and Miles Motor Transport System from the provisions of Items Nos. 315 and 316, respectively, of Tariff No. 111, which items contain a rule different than the one proposed herein.

³ See Decision No. 72632 dated June 20, 1967, in applicant's Shortened Procedure Tariff Docket Application No. 49282.

canceled in favor of the rule proposed herein for the sake of uniformity.

Applicant states that, while many highway carriers have devised and published different rules for the exclusive use of their equipment by a shipper, the carriers involved herein prefer to publish the proposed rule which was developed by joint action of various of its member carriers under the docket procedure established by applicant's bureau. Applicant further states that its bureau is currently engaged in a tariff simplification program wherein a concerted effort is being made to publish standardized tariff rules on behalf of all of its participating carriers. According to applicant, it believes that all of the carriers which it represents should have adequate protection, insofar as the exclusive use of their equipment by the shipper is concerned, and that the proposed rule is equitable to both the shipper and consignee.

Applicant asserts that the charges proposed herein by these carriers, when the shipper requests exclusive use of their equipment, were determined after giving due consideration to the higher handling costs incurred by the carriers when providing such a service. Applicant avers that this particular method of handling certain shipments by the carriers involved is necessary not only during their normal operating procedures but also when the carriers are required to give special attention and/or protection to such shipments while awaiting physical handling at the terminal facilities of the carriers.

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Under the proposal, when exclusive use of carrier's unit of equipment is offered to meet the needs of shippers who request segregation of their freight from the freight of other shippers for the protection thereof against damage, scrutiny, pilferage, or for any other reason, charges will be computed at the rates and minimum weights published in Tariff No. 111 applicable to such a shipment, subject to the following minimum charges:

<u>Lineal loading space of each unit of carrier's equipment requested</u>	<u>Minimum Charge</u>
Not over 28 feet -----	20,000 pounds at Class 55 rate
Over 28 feet -----	40,000 pounds at Class 35 rate

Applicant asserts that increases resulting from the proposal herein would not increase the California intrastate gross revenue derived, either individually or jointly, by any of the carriers involved by as much as one percent.

The application was listed on the Commission's Daily Calendar of August 1, 1968. No objection to the granting of the application has been received.

In the circumstances, it appears and the Commission finds, that increases resulting from publication of the exclusive use of equipment rule on behalf of all of the carriers involved herein and the concurrent cancellation of the present rules published on behalf of Milne Truck Lines, Inc. and Miles Motor Transport System as proposed in the application are justified. A public hearing is not necessary. The Commission concludes that the application should be granted.

IT IS ORDERED that:

1. Western Motor Tariff Bureau, Inc., Agent, is hereby authorized to include the six carriers named in Appendix A of the application as participants in Item No. 289 of its Local, Joint and Proportional Freight and Express Tariff No. 111, Cal. P.U.C. No. 15, and, concurrently, to cancel the participation of Milne Truck Lines, Inc. and Miles Motor Transport System from Items Nos. 315 and 316, respectively, of that tariff as specifically proposed in the application.

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

3. The authority granted herein 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 Los Angeles, California, this 8th day of October, 1968.

William Lyons, Jr.
President

John E. ...

William ...

August ...

Fred P. ...
Commissioners