

Decision No. 76020

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Western Motor Tariff )	
Bureau, Inc. under the Shortened )	
Procedure Tariff Docket to publish )	
for and on behalf of The Atchison, )	Shortened Procedure
Topeka and Santa Fe Railway Company )	Tariff Docket
tariff provisions resulting in )	Application No. 51133
increases due to amendment of cer- )	(Filed June 3, 1969)
tain specific tariff provisions )	
involving full utilization of )	
carrier's equipment. )	

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., on behalf of The Atchison, Topeka and Santa Fe Railway Company (Santa Fe), seeks authority to publish a rule pertaining to full utilization of carrier's equipment in one of its tariffs and concurrently to cancel the carrier's participation in another rule in the same tariff governing the use of such equipment.<sup>1</sup>

Applicant proposes to assess the applicable class rates in Tariff No. 111 for the total weight of the shipment and to subject the resulting charges to a minimum charge per unit of equipment based on the applicable truckload rate and minimum weight when the shipment requires the full utilization of one or more units of the carrier's equipment.<sup>2</sup> When more than one unit of the carrier's equipment is required and the last unit of equipment is partially loaded, applicant seeks to assess charges for the overflow

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<sup>1</sup> The tariff is Western Motor Tariff Bureau, Inc., Agent, Local, Joint and Proportional Freight and Express Tariff No. 111, Cal. P.U.C. No. 15 (Tariff No. 111). The present rule is set forth in Item No. 395 of the tariff.

<sup>2</sup> A single unit of carrier's equipment is one railway car 40 feet or more in length.

freight based on the rate for the entire shipment and the actual weight of the overflow freight subject to a minimum charge of one-half the charge for full use of a single unit of equipment.

Applicant states that Santa Fe, a common carrier by railroad, participates only in the less-truckload rates and rules in Tariff No. 111 and that the rule therein pertaining to full utilization of carrier's equipment is specifically designed for highway common carriers. Applicant alleges that the rule provides the carriers with a minimum amount of revenue for any type of transportation based on the application of truckload class rates. Applicant declares that Santa Fe does not participate in the truckload rates in Tariff No. 111 and cannot benefit from the revenue provisions of the rule. According to applicant, the carrier's equipment described in the rule includes highway carrier equipment only. Applicant avers that the proposed rule would correct the deficiency in the equipment description and permit Santa Fe to assess truckload rates and minimum weights on shipments, which require full utilization of the carrier's equipment.

Applicant asserts that increases resulting from the proposal herein would not increase the California intrastate gross revenue of Santa Fe by as much as one percent.

The application was listed on the Commission's Daily Calendar of June 4, 1969. 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 full-utilization-of-equipment rule, as specifically 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:

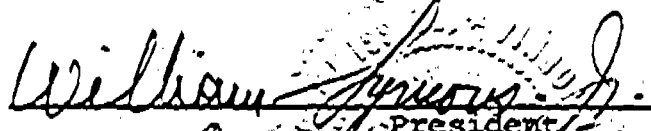
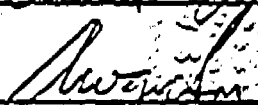
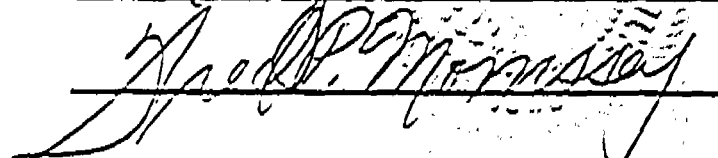

1. Western Motor Tariff Bureau, Inc., Agent, on behalf of The Atchison, Topeka and Santa Fe Railway Company, is hereby authorized to publish in its Local, Joint and Proportional Freight and Express Tariff No. 111, Cal.P.U.C. No. 15, a rule governing full utilization of the carrier's equipment and concurrently to cancel the participation of said carrier from Item No. 395 of such 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 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 12<sup>th</sup> day of August, 1969.

  
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President  
  
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Commissioners