

ORIGINAL

Decision No. 76869

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 )	Shortened Procedure
for and on behalf of Shippers )	Tariff Docket
Express provisions resulting in )	Application No. 51638
increase because of the publication )	(Filed January 22, 1970)
of a new rule in connection with )	
vehicle utilization. )	

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., seeks authority, on behalf of Shippers Express (Shippers), to publish a new tariff rule pertaining to vehicle utilization and concurrently to cancel Shippers' participation from the present tariff rule governing full utilization of carrier's equipment.<sup>1</sup>

Applicant states the new rule provides that, if a single shipment requires the full utilization of a trailer or one or more units of carrier's equipment, or when a shipper requires equipment to meet the needs of special conditions, charges shall be assessed by applying the applicable class or commodity rate subject to minimum weights of 20,000, 28,000, 35,000, 40,000 and 45,000 pounds when the lineal length of equipment required is respectively not over 24 feet, over 24 feet but not over 28 feet, over 28 feet but not over 35 feet, over 35 feet but not over 40 feet and over 40 feet but not over 54 feet. Applicant further states that the rule also provides

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<sup>1</sup> Shippers' participation would be canceled from Item No. 310 of 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) and the new rule published in the same tariff.

that when actual weight of the shipment is greater than minimum weight, such actual weight will apply.<sup>2</sup>

According to applicant, the new rule also provides that overflow freight which exceeds the safely loaded cubic capacity of the last trailer or unit of equipment and which does not utilize a trailer twenty-four feet in length or longer, will be charged for at the actual weight of the overflow freight and at the applicable rate of the entire shipment. The new rule further provides that overflow freight which utilizes equipment which is 24 feet in length or longer will be subject to that minimum weight specified for the length of the equipment used.

Applicant asserts that the present rule dealing with vehicle utilization contains provisions which leave doubt as to their interpretation and that, in addition, the method by which minimum charges are computed is now outdated. Applicant contends that the proposed rule would be fair and equitable to both shipper and carrier, and is capable of being properly interpreted.

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

The application was listed on the Commission's Daily Calendar of January 23, 1970. No objection to the granting of the application has been received.

The Transportation Division staff has reviewed the application and recommends that it be granted by ex parte order.

In the circumstances, it appears, and the Commission finds, that increases resulting from the cancellation of Shippers from Item No. 310 and the publication of the proposed new vehicle utilization rule in Tariff No. 111 as proposed in the application are

<sup>2</sup>

The proposed rule is set forth in detail in Exhibit "A" attached to the application.

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 cancel participation of Shippers Express from Item No. 310 of its Local, Joint and Proportional Freight and Express Tariff No. 111, Cal. P.U.C. No. 15, and concurrently to publish on behalf of Shippers Express a vehicle utilization rule as 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 San Francisco, California, this 3<sup>rd</sup> day of March, 1970.

William L. Sturgeon, Jr.  
President

Augustine  
J. William

Thomas  
Verna L. Sturgeon  
Commissioners