

Decision No. 77863

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 its participating carriers in Bureau Tariff No. 111 to become a party in a rule providing special provisions for delay time which will result in increase provisions over those presently applicable.

Shortened Procedure Tariff Docket Application No. 52151 (Filed August 24, 1970)

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., on behalf of various carriers, seeks authority to publish a rule providing for the assessment of charges for delays to motor truck equipment, which occur prior to the commencement of loading and/or unloading of shipments.¹

According to applicant, the carriers' current tariff rule provides that charges for delay time shall be assessed based on the elapsed time computed from physical commencement to physical completion of the loading or unloading service. Applicant states that the carriers have found that they are often called upon to have equipment available prior to the actual commencement of loading or unloading operations with the result that their equipment must sit idly by until the shippers or consignees are able to commence loading or unloading.

¹ The proposed rule, which is to be contained in Item No. 252 of Western Motor Tariff Bureau, Inc., Agent, Local, Joint and Proportional Freight and Express Tariff No. 111, Cal.P.U.C. No. 15, would apply to all carriers participating in the tariff except M&M Transfer Company and Carl Albin, doing business as Rainbow Truck Co.

Applicant proposes generally to apply the same charges for delays occurring prior to actual commencement of loading or unloading operations as now apply for delays that occur after the commencement of such services. Applicant also proposes that these charges generally apply when the period of time between tender and actual placement of carrier's equipment exceeds 30 minutes and such delays are due to the shipper's and/or consignee's inability to accept the carrier's equipment for actual placement. Applicant alleges that the proposed tariff rule is necessary in order that traffic involving the aforementioned delays will not become an undue burden on other traffic.

Applicant asserts that increases resulting from establishment of the proposed rule would not increase the California intrastate gross revenue of the carriers involved by as much as one percent.

The application was listed on the Commission's Daily Calendar of August 25, 1970. No objection to the granting of the application has been received.

Commission staff analysis discloses that additional costs are incurred by the carriers in instances where the aforementioned delays to their motor truck equipment occur. No specific charge is provided in the carriers' tariff to compensate them for the additional costs involved. The staff recommends that the application be granted by ex parte order.

In the circumstances, it appears, and the Commission finds, that increases resulting from publication of the rule 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:



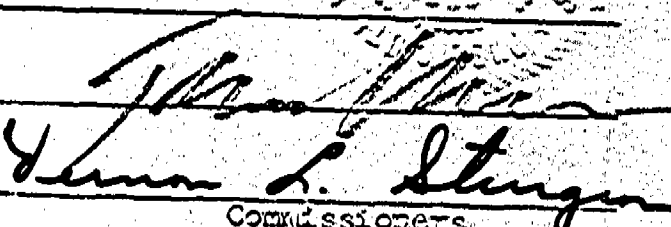
1. Western Motor Tariff Bureau, Inc., is hereby authorized to publish, on behalf of all carriers participating in its Local, Joint and Proportional Freight and Express Tariff No. 111, Cal.P.U.C. No. 15, except M&M Transfer Company and Carl Albin, doing business as Rainbow Truck Co., a rule governing delay time in the loading and/or unloading of shipments 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 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 27th day of October, 1970.


Chairman


Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate
-3- in the disposition of this proceeding.