

ORIGINAL

Decision No. 81264

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application Under the Shortened)	Shortened Procedure
Procedure Tariff Docket to Amend)	Tariff Docket
Demurrage Rules in Tariff 4-I of)	Application No. 53845
Agent B. B. Maurer.)	(Filed February 15, 1973)

OPINION AND ORDER

By this application, B. B. Maurer, Agent, seeks authority, on behalf of the railroads operating in California,¹ to amend a demurrage rule in his Freight Tariff 4-I on California intrastate traffic. The proposed amendment would exempt docks and platforms provided by the railroad in public delivery yards from the provisions pertaining to the computation of time for unloading cars placed at special facilities furnished by the railroad.²

Applicant states that amendment of the demurrage rule in question has been authorized by the Interstate Commerce Commission for application on interstate traffic to, from and within the State of California and has been in effect on such traffic since November 1, 1972. Applicant points out that the proposal embodies no element of profit and will not result in any change in the level of demurrage charges nor in payments of such charges by shippers. Applicant asserts that the purpose of the proposed change is to eliminate "special facility" demurrage claim allowances on cars receiving use of railroad supplied docks or platforms in public delivery yards for the convenience of shippers. Applicant alleges that such facilities are frequently furnished in lieu of general delivery tracks to expedite delivery. Applicant declares that the proposed rule change is not intended to increase

¹The railroads are listed in Exhibit A attached to the application.

²The present and proposed provisions are set forth in detail in Exhibit "B" attached to the application.

railroad revenue but solely to encourage prompt handling of railroad cars. Applicant avers that the proposed amendment of the aforementioned demurrage provisions would bring about a permanent improvement in the availability and utilization of freight cars.

Applicant asserts that increases resulting from the proposal herein would not increase the California intrastate gross revenues of any of the involved carriers by as much as one percent.

The application was listed on the Commission's Daily Calendar of February 16, 1973. No objection to the granting of the application has been received.

In the circumstances, the Commission finds that amendment of the demurrage provisions, as proposed, is justified. A public hearing is not necessary. The Commission concludes that the application should be granted.

Pursuant to paragraph (E) (2) (e) of Rule 23.1 of the Commission's Rules of Practice and Procedure, no findings regarding compliance with the Federal Economic Stabilization Act are required for Shortened Procedure Tariff Docket filings seeking carrier rate adjustments under Rule 25 thereof.

IT IS ORDERED that:

1. B. B. Maurer, Agent, on behalf of the carriers listed in Exhibit A of the application, is hereby authorized to publish in his Freight Tariff 4-Series an amended demurrage rule as specifically proposed in said 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 ten days after the effective date of this order on not less than ten 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.

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

Dated at San Francisco, California, this 10th day of April, 1973.

Vernon L. Springer
President
William J. Quirk

[Signature]
[Signature]
Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.