

Decision No. 81368

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)
into the rates, rules, regulations,)
charges, allowances and practices)
of all common carriers, highway)
carriers and city carriers relating)
to the transportation of any and)
all commodities between and within)
all points and places in the State)
of California (including but not)
limited to, transportation for)
which rates are provided in Minimum)
Rate Tariff No. 2).)

Case No. 5432
(Petitions for Modification
Nos. 713 and 719)

In the Matter of the Application of)
Pacific Southcoast Freight Bureau)
for authority to make effective)
increases in certain railroad rates)
and charges.)

Application No. 53559

SUPPLEMENTAL OPINION AND ORDER

The Commission authorized revisions in Item 45 of Minimum Rate Tariff 2 pertaining to: (1) the return transportation of empty pallets as set forth in Decision No. 81306 and (2) an adjustment in the minimum rate governing an exception rating for such transportation as provided in Decision No. 81185 as amended by Decisions Nos. 81336 and 81337.

It has come to the Commission's attention that, through inadvertence, Item 45 of Minimum Rate Tariff 2 as revised in Decision No. 81337 does not reflect the intent of Decision No. 81306.

In the circumstances, the Commission finds that the necessary corrections should be made by the order herein. A public hearing is not necessary. The Commission concludes that Minimum Rate Tariff 2 should be amended accordingly.

IT IS ORDERED that:

1. Minimum Rate Tariff 2 (Appendix D to Decision No. 31606, as amended) is further amended by incorporating therein to become effective May 11, 1973, Fifteenth Revised Page 15-B, attached hereto and by this reference made a part hereof.

2. Minimum Rate Tariff 2 (Appendix D to Decision No. 31606, as amended) is further amended by incorporating therein to become effective July 1, 1973, Sixteenth Revised Page 15-B, attached hereto and by this reference made a part hereof.

3. Common carriers subject to the Public Utilities Act, to the extent that they are subject to Decision No. 31606, as amended, and currently maintain in their tariffs the provisions involved herein, are hereby directed to establish in said tariffs the amendments necessary to conform with the further adjustment ordered herein.

4. Pacific Southcoast Freight Bureau, on behalf of the California railroads, is authorized to publish the necessary tariff amendments to conform with the order herein.

5. Tariff publications required or authorized to be made by common carriers as a result of ordering paragraph 1 hereof may be made effective on one day's notice to the Commission and to the public; such tariff publications as are required shall be made effective not later than May 11, 1973; as to tariff publications which are authorized but not required, the authority herein granted shall expire unless exercised within sixty days after the effective date of this order.

6. Tariff publications required or authorized to be made by common carriers as a result of ordering paragraph 2 hereof shall be made effective not earlier than July 1, 1973, and may be made effective on five days' notice to the Commission and to the public; such tariff publications as are required shall be made effective not later than July 1, 1973; as to tariff publications which are

authorized but not required, the authority herein granted shall expire unless exercised by August 30, 1973.

7. In all other respects Decision No. 31606, as amended, and Decision No. 81337 shall remain in full force and effect.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 8th day of May, 1973.

Vernon L. Sturgeon
President
William Synovis, Jr.
Alvin [unclear]
[unclear]
Commissioners

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

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">EMPTY PALLET RETURN</p> <p>SECTION 1.--Applies only in connection with Items 316, 320, 320-1, 335.5, 338, 345, 350, 390, 654½ and commodities named in Paragraph (c)</p> <p>(a) When palletized shipments are transported at rates subject to minimum weights of not less than 10,000 pounds, empty pallets may be transported without charge for distances not exceeding 75 constructive miles when returning to the point of origin of an outbound palletized shipment or when transported for a return palletized shipment, subject to the terms and conditions in Notes 1, 2, 3 and 4.</p> <p>NOTE 1.--Palletized shipments must be loaded onto carrier's equipment by the consignor and/or unloaded by the consignee with power equipment, as described in Item 11, furnished and used without expense to the carrier.</p> <p>NOTE 2.--Shipper must indicate on shipping instructions that palletized shipments were loaded onto trailers by power-loading equipment operated by personnel furnished by shipper; and/or receivers must show on carrier's delivery receipt that such shipments were removed by power-loading equipment operated by personnel furnished by receiver.</p> <p>NOTE 3.--Bills of Lading covering the shipment of empty returning pallets shall identify the palletized shipments. Bills of Lading covering returning palletized loads shall identify the shipments of empty pallets.</p> <p>NOTE 4.--For the purpose of this item, empty pallets shall include pallets, platforms, or skids as described in Item 150370, Sub 1; Item 150380; Item 150390, Sub 4; or Item 150430, Sub 2, of the Governing Classification; six inches or less in height or nested solid (as defined in Rule 110 of the Governing Classification), and of wood, metal or wood and metal construction.</p> <p>(b) Carrier must assess applicable tariff charges on empty pallets under the conditions stated in Notes 5, 6, 7 and 8.</p> <p>NOTE 5.--If immediately upon receipt of a palletized shipment consignee fails to provide carrier with up to a like number of empty pallets for return to point of origin of the palletized shipment.</p> <p>NOTE 6.--When empty pallets are furnished by consignee and forwarded to origin point of a palletized shipment, if consignor immediately on receipt of empty pallets fails to provide carrier with a palletized shipment containing up to a like number of pallets loaded for shipment to consignee at point of origin of the empty pallets.</p> <p>NOTE 7.--For the transportation of all empty pallets in excess of those permitted by the provisions of Notes 5 and 6.</p> <p>NOTE 8.--For the transportation of all empty pallets which do not comply with the provisions of this item.</p> <p>(c) When palletized shipments of Toilet Preparations, NOI (as described in Item 59420 of the Governing Classification), Aluminum Foil, NOI (as described in Item 71720 of the Governing Classification) or commodities described in Item 360 or 732 of this tariff are transported at rates provided in Section 2, and are subject to minimum weights of not less than 10,000 pounds, the empty pallets may be transported under the provisions of paragraphs (a) and (b) above.</p> <p>SECTION 2.--When shipments of empty pallets not subject to Section 1 hereof are returned or forwarded for a return paying load via the same carrier, the following exception to the Governing Classification will apply, subject to Item 291:</p> <p>Empty Pallets, as described in Note 4 of Section 1 of this item:</p> <p>Less Truckload-----50% of Class 55 (1)</p> <p>*(1) Subject to a minimum rate of 046 cents per 100 pounds.</p>	<p>(E) 206 45</p>
<p>(E) Expires with June 30, 1973.</p> <p>Δ Change) Δ Increase) Decision No. 81368 Δ Reduction)</p>	
EFFECTIVE MAY 11, 1973	
<p style="text-align: right;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">EMPTY PALLET RETURN</p> <p>SECTION 1--The provisions of this section apply only in connection with shipments of commodities named in paragraph (c) and shipments transported under provisions of Items 316, 320, 320-1, 335.5, 338, 345, 350, 390 and 654½:</p> <p>(a) When palletized shipments are transported at rates subject to minimum weights of 10,000 pounds or more, empty pallets may be transported without charge for distances not exceeding 75 constructive miles when returning to the point of origin of an outbound palletized shipment or when transported for a returning palletized shipment, subject to the provisions of Notes 1, 2, 3 and 4, below:</p> <p>NOTE 1--Palletized shipments must be loaded by consignor and unloaded by consignee with power equipment, furnished and used without expense to the carrier.</p> <p>NOTE 2--Shipper must indicate on the bill of lading that palletized shipments were loaded onto carrier's equipment with power equipment operated by personnel furnished by the shipper. Consignee must indicate on carrier's delivery receipt that the palletized shipments were removed from carrier's equipment with power equipment operated by personnel furnished by the consignee.</p> <p>NOTE 3--Bills of lading covering the shipments of returning empty pallets shall identify the palletized shipments. Bills of lading covering returning palletized loads shall identify the shipments of empty pallets.</p> <p>NOTE 4--For purposes of applying the provisions of this section, the terms "pallets" or "empty pallets" means wooden pallets as described in Item 150390, Sub 4, of the Governing Classification, without bodies, enclosures, ends, sides, stakes, standards or stacking posts.</p> <p>(b) Carriers must assess provisions of Section 2 of this Item or other provisions of this tariff, as applicable, under conditions set forth in Notes 1, 2 and 3, below:</p> <p>NOTE 1--If immediately upon receipt of a palletized shipment consignee fails to provide carrier with up to a like number of empty pallets for return to point of origin of the palletized shipment.</p> <p>NOTE 2--When empty pallets are furnished by consignee and forwarded to point of origin of a palletized shipment, if consignor immediately upon receipt of the empty pallets fails to provide carrier with a palletized shipment containing up to a like number of pallets loaded for shipment to consignee at point of origin of the empty pallets.</p> <p>NOTE 3--For transportation of all empty pallets exceeding the number authorized under provisions of Notes 1 or 2 of paragraph (b).</p> <p>(c) When palletized shipments of Toilet Preparations, NOI (as described in Item 59420 of the Governing Classification), Aluminum Foil, NOI (as described in Item 71720 of the Governing Classification) or commodities described in Items 360 or 732 of this tariff are transported at class rates named in Section 2 of this tariff subject to minimum weights of 10,000 pounds or more, the empty pallets may be transported under provisions of paragraphs (a) and (b) of this section.</p> <p>SECTION 2--Subject to the provisions of Item 291 of this tariff, shipments of empty pallets as described below, when not subject to the provisions of Section 1 of this Item and when returning to the point of origin of an outbound palletized shipment or when transported for a return palletized shipment, are subject to the following exception to the Governing Classification:</p> <p style="padding-left: 40px;">Wooden pallets as described in Item 150390, Sub 4, of the Governing Classification, without bodies, enclosures, ends, sides, stakes, standards or stacking posts:</p> <p style="padding-left: 80px;">Less truckload-----50% of Class 55 (1) (1) Subject to a minimum rate of 46 cents per 100 pounds.</p>	<p style="text-align: center;">45</p>
<p>Change) Increase) Decision No. 81368 Reduction)</p>	
EFFECTIVE JULY 1, 1973	
<p>Correction</p> <p style="text-align: right;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>	