

SR

ORIGINAL

Decision No. 81884

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-J of)	Application No. 54092
Agent B. B. Maurer.)	(Filed June 7, 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-J on California intrastate traffic by imposing a 48-hour time limit within which shippers must act if they are to reject cars, which have been placed at their facilities for loading without payment of demurrage charges.²

Applicant states that the rule in question currently does not specify a time limit for rejecting freight car equipment. As a result thereof, applicant declares that rail cars have been rejected from time to time many days after being placed for loading giving rise to the suspicion that rejections have been made in border line cases to avoid payment of demurrage charges for cars ordered but not wanted.

Applicant alleges that amendment of the demurrage rule in question has been authorized by the Interstate Commerce Commission for application on interstate traffic including such traffic from, to and within California since May 1, 1973. Applicant contends that it is not unreasonable to expect shippers to examine the cars furnished within two days after placement and state their reasons for rejection prior to the expiration of the normal free time period

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

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

for loading. Applicant avers that the purpose of the proposed time limit for rejecting rail cars is to improve freight car utilization.

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 June 3, 1973. No objection to the granting of the application has been received.

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

IT IS ORDERED that:

1. B. B. Maurer, Agent, on behalf of the carriers listed in Exhibit A of the instant application, is hereby authorized to publish in his Freight Tariff 4-J 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 five days after the effective date of this order on not less than five 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 14th day of September, 1973.

Vernon L. Sturgeon
President
William J. Sproull Jr.
William J. Sproull Jr.
Thomas Moran
Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.