

Decision No. 83165**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
 for approval under Section 496 of )  
 the Public Utilities Code, of an )  
 agreement between motor common )  
 carriers and between said carriers )  
 and PACIFIC MOTOR TARIFF BUREAU, )  
 INC., and of the rules and regula- )  
 tions and procedures of Pacific )  
 Motor Tariff Bureau, Inc. )

Application No. 54814  
 (Filed April 18, 1974)

OPINION AND ORDER

By this application, the carrier participants<sup>1</sup> in Pacific Motor Tariff Bureau, Inc., (PMTB) and PMTB seek Commission approval under Section 496 of the Public Utilities Code<sup>2</sup> of the provisions of the agreement between said carriers and PMTB concerning the functions, operations, rules and procedures of PMTB pertaining to the establishment of rates on California intrastate traffic.

According to applicants, PMTB is a non-profit corporation which operates in a manner typical of such a business entity; it possesses a Board of five directors who are elected for two-year terms by members in good standing at annual meetings. The directors, at their ensuing annual organizational meetings, appoint from the Board a President, Vice President and Treasurer; a Secretary, who

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<sup>1</sup>63 carrier participants are named in Exhibit "A" attached to the application.

<sup>2</sup>Section 496 was added to the Public Utilities Code effective January 1, 1974. It exempts warehousemen, highway carriers, rate bureaus and shippers from antitrust statutes when their rate making processes are operated under agreements approved by the Commission.

acts as PMTB's managing agent, is elected at each annual meeting of the membership. Provisions have been made for special and regular, general business and rate meetings; notices of general business meetings are sent to members and notices of rate meetings to members, subscribers to PMTB tariffs and other interested parties. The rate procedures, set forth in Article IV of Part III of the By-Laws, provide for the calling of rate meetings to pass upon docketed proposals, informal voting on proposals which are distributed through the mail and independent action by member carriers.

Applicants state that the function of PMTB is to prepare, publish and file with this Commission and the Interstate Commerce Commission and other regulatory bodies, for and on behalf of its member carriers, tariffs, related publications and rules for the transportation of property in both interstate and intrastate commerce and PMTB acts through powers of attorney given to it by its member participants to perform the services previously mentioned. Applicants aver that PMTB assists and advises members in order that they may be in compliance with tariff publication and filing requirements of the Public Utilities Commission, the Interstate Commerce Commission and other regulatory bodies and PMTB disseminates information of general interest to its members.

Applicants declare that the affairs and activities of PMTB are controlled by its member carriers and, on matters affecting rates, rules and procedures, each carrier participant operating in the territory involved in a proposed rate provision or participating in a joint rate, is entitled to vote on the rate proposals. On matters of policy or procedure not pertaining to tariff rates, rules or procedures, applicants allege that each member in good standing present at a meeting has one vote. Applicants state that membership is open to all motor carriers authorized by the Public Utilities Commission and/or Interstate Commerce Commission to transport property between points in the territories embraced by the Bureau's tariffs and

members designate the Secretary to act, on their behalf, as the administrative officer of PMTB as well as to control and supervise the management of PMTB pursuant to the directions of the Board of Directors. Applicants declare that the Secretary, on behalf of the carrier participants and PMTB, handles matters with the regulatory agencies and conducts such general correspondence as may be necessary pertaining to the tariffs issued by the Bureau. Applicants aver that common action and the publication of a single tariff document or series of tariff documents by the involved carriers tends to reduce, in a large measure the expense to the carriers for tariff publication and filing and the savings thus accomplished tend to promote efficient service and foster sound economic transportation conditions.

The application was listed on the Commission's Daily Calendar of April 19, 1974. No objection to the granting of the application has been received.

In the circumstances, the Commission finds that:


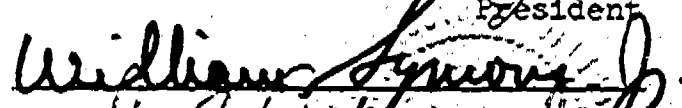
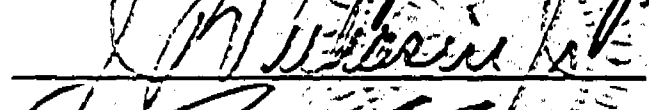


1. The proposed rate and tariff agreement is consistent with the statutory provisions and within the scope of Section 496 of the Public Utilities Code.
2. Said agreement does not pertain to pooling or division of traffic, service or earnings.
3. The agreement provides an opportunity for shippers to be informed and to be heard concerning rate proposals in which they may have an interest.
4. The agreement provides the free and unrestrained right of individual carriers to take independent action, either before, during or after, and contrary to, any determination arrived at under any procedure provided therein.
5. A similar agreement has been approved by the Interstate Commerce Commission for interstate commerce.
6. The approval of the agreement will not in any way adversely affect the public interest.

7. The agreement and the rules and procedures provided for the operation thereof are fair and reasonable and not contrary to public policy.

IT IS ORDERED that the agreement set forth as Exhibits "B" and "C" of Application No. 54814 is hereby approved in connection with California intrastate traffic.

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

Dated at San Francisco, California, this 23<sup>rd</sup> day of July, 1974.

  
President  
  
  
  
  
Commissioners