

Decision No. 88526 FEB 22 1978

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation for the purpose of considering and determining minimum rates for transportation of any and all commodities statewide including, but not limited to, those rates which are provided in Minimum Rate Tariff 2 and the revisions or reissues thereof.

Case No. 5432

Petition for Modification

No. 1009

(Filed January 6, 1978)

OPINION AND ORDER

Minimum Rate Tariff 2 names minimum rates and rules for the statewide transportation of general commodities by highway carriers.

By this petition, California Trucking Association seeks to amend the provisions regarding the cubic dimension of the returning empty containers in Item 48 of the tariff.

Petitioner declares that since the establishment of Item 48, automobile parts shippers have made extensive use of the item, thereby giving the carriers the opportunity to fully evaluate the transportation conditions that result. Carrier evaluation reveals that the item has succeeded in accomplishing the many transportation efficiencies set forth in Petition 891. In fact, the provisions of Item 48 have been copied into the major West Coast common carrier tariffs, including the Western Motor Tariffs, the Rocky Mountain Tariffs, and the Pacific Inland Tariffs. However, carriers are concerned that the item does not currently allow the movement of some shipping containers now in use.

Petitioner proposes to amend Item 48 by increasing the size of the allowable container to a maximum of six feet. Containers of this dimension are now in use and petitioner's proposal would extend to these containers the same privileges accorded the smaller containers. The method of handling these larger containers is identical with carriers handling the smaller containers.

Copies of the petition were mailed to various chambers of commerce, shipper organizations and carrier representatives on or about

about January 4, 1978. The petition was listed on the Commission's Daily Calendar of January 9, 1978. No objection to the granting of the petition has been received.

In the circumstances, the Commission finds that petitioner's proposal is reasonable and the resulting minimum rates and charges will be just, reasonable and nondiscriminatory minimum rates and charges for the transportation involved. A public hearing is not necessary. The Commission concludes that the petition should be granted as set forth in the ensuing order.

IT IS ORDERED that:

1. Minimum Rate Tariff 2 (Appendix D to Decision 31606, as amended) is further amended by incorporating therein, to become effective thirty-nine days after the date hereof, First Revised Page 15-BB, attached hereto and by this reference made a part hereof.
2. Common carriers subject to the Public Utilities Act, to the extent that they are subject also to Decision 31606, as amended, are authorized to establish in their tariffs the amendment necessary to conform with the further adjustment ordered by this decision.
3. Tariff publications authorized to be made by common carriers as a result of this order may be made effective not earlier than thirty-nine days after the date hereof and may be made effective on not less than five days' notice to the Commission and to the public if filed not later than sixty days after the effective date of the minimum rate tariff page incorporated in this order.
4. Common carriers, in establishing and maintaining the amendment authorized by this order, are authorized to depart from the provisions of Section 461.5 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; such outstanding authorizations are hereby modified only to the extent necessary to comply with this order; and schedules containing the amendment published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

5. . In all other respects, Decision 31606, as amended, shall remain in full force and effect.

The effective date of this order shall be thirty days after the date hereof.

Dated at San Francisco, California, this 22nd day of FEBRUARY, 1978.

President

Thomas L. Steyer

Richard D. Howell

Clare T. Schick
Commissioners

Commissioner Robert Batinovich, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner William Symons, 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 CARRIERS RETURNING, NEW AUTO PARTS</p> <p>The provisions of this item apply only in connection with shipments of new automobile parts or accessories transported under rates named in Section 2 of this tariff, subject to all of the following paragraphs:</p> <ol style="list-style-type: none"> 1. When empty carriers used for the transportation of new automobile parts or accessories are offered for return shipment to the point of origin of the original shipment, such carriers will be returned free of charge; except when the provisions of Item 145 apply, those charges shall be assessed. 2. Such empty carriers must be constructed of rigid plastic, not exceed an outside cubic dimension of six feet, have a fitted top, and be so formed as to allow the carriers to be nested when empty. 3. The carrier must determine that the empty carriers were moved filled to the consignee of the return shipment, and are being returned by the same carrier(s) to the consignor of the original inbound shipment. 4. Empty carriers must be tendered to the carrier, and be available for immediate shipment, at the time of delivery of an inbound shipment of filled carriers. 5. The carrier shall only be responsible for the return of the number of empty carriers noted on the returning bill of lading, and not for their condition. 6. The shipper of the loaded carrier(s) must note on the bill of lading at the time of shipment that the carrier(s) should return, when empty, in substantially the following form: <p style="text-align: center;">"Return _____ carrier(s) per Item 48 of MRT 2"</p> <p>NOTE.--The blank in the above statement represents the space where the exact number of carriers shall be entered; not to exceed the number of full carriers transported.</p>	<p>648</p>
<p> ♂ Change) Decision No. 88526 ♂ Reduction) </p>	
<p>EFFECTIVE</p>	
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>	

Correction