

Decision No. 20473

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of GEORGE J. FRATIES, doing)
business as ROCK AND GRAVEL)
TRUCKING CO., for authority to)
charge less than minimum rates,)
pursuant to Section 11, Highway)
Carriers' Act, Chapter 223,)
Statutes of 1935.)

ORIGINAL
Application No. 21641

In the Matter of the Application)
of GEORGE J. FRATES, doing busi-)
ness as ROCK AND GRAVEL TRUCKING)
CO., for authority to charge less)
than minimum rates, pursuant to)
Section 11, Highway Carriers')
Act, Chapter 223, Statutes of 1935.)

Application No. 21643

George J. Fraties, in propria persona.

Roy B. Thompson, for Truck Owners Association
of California, Protestant.

BY THE COMMISSION:

O P I N I O N

These proceedings seek authority from the Commission,
pursuant to Section 11 of the Highway Carriers' Act, to enter into
service agreements with the Department of Public Works, Division

of Highways of the State of California for dump truck service at rates less than the minimum rates established by the Commission by Decision No. 28836.

In Application No. 21641 applicant proposes to supply the service of four 4-cubic yard dump trucks for approximately 2000 hours work in Marin and Sonoma Counties at rates of \$3.00 per hour for work under power loading, \$2.65 per hour for work under hand loading where the average daily mileage per truck does not exceed 8 miles per hour per day, and \$2.90 per hour for other work under hand loading. The minimum rate for each of the above types of hauling is \$3.15, \$2.65 and \$2.90, respectively.

In Application No. 21643 applicant proposes to supply the service of four 3-cubic yard dump trucks for approximately 2000 hours work in Santa Clara and Santa Cruz Counties at rates of \$2.65 per hour for work under power loading, \$2.35 per hour for work under hand loading where the average daily mileage per truck does not exceed 8 miles per hour per day, and \$2.55 per hour for other work under hand loading. The minimum rate for each type of hauling is \$2.75, \$2.35 and \$2.55, respectively.

The bids for the service agreement in Marin and Sonoma Counties were opened at the office of the District Engineer in San Francisco on December 13th, and Application 21641 was filed December 14th. The bids on the Santa Clara and Santa Cruz Counties contract were opened on December 14th, and Application No. 21643 was filed the same day. Both applications were promptly set, with applicant's consent, to be heard on December 16th. At that time applicant

appeared and moved for a continuance to December 28th on the ground that he required more time for preparation. The motion was granted, but when the matters were called on that day neither applicant nor anyone on his behalf appeared. The proceedings, however, were then taken under submission.

The applications set forth no figures in support of the proposed rates, but each merely alleges:

"Applicant represents that he has made a survey of the district and operating conditions under which the service is to be performed, and finds that the nature of the work is light maintenance operations, which will tend to reduce variable operating costs well below average, due to short hauls and nature of materials to be hauled."

In the absence of specific facts and figures supporting these allegations, showing the nature of the work, the kinds of materials to be hauled, and the manner in which those factors will tend to reduce the variable operating costs, it is impossible to make the finding that the proposed rates are reasonable which is required before the applications may be granted.

O R D E R

Public hearing having been held in the above entitled proceeding, the matters having been submitted and the Commission now being fully advised,

IT IS HEREBY ORDERED that Applications Nos. 21641
and 21643 be and each of them is hereby dismissed.

Dated at San Francisco, California, this 3rd
day of Jan, 1938.

Matthew W. ...
James ...
James ...
Robert ...
Paul ...
Commissioners.