

Decision No. 4086.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Establishment of maximum or minimum, or maximum and minimum rates, rules and regulations of all Radial Highway Common Carriers, Highway Contract Carriers and City Carriers, as defined in Chapters 223 and 312, respectively, Statutes of 1935, operating motor vehicles over public highways of the State of California, for the transportation for compensation or hire of household goods, furniture and personal effects, office and store fixtures and equipment, and for accessorial services incident to such transportation.

Case No. 4086

ORIGINAL

In the Matter of the Investigation and Establishment of rates, charges, classifications, rules regulations, contracts and practices, or any thereof, of Argonne Van & Storage Company, Baker Transfer and Storage Company, Bekins Van Lines, Inc., C. A. Buck, City Transfer Company, Dowd's Fashion Stables, Electric Transfer and Storage Company, Griggs Van Lines, Chas. Kuppinger Company, Liberty Van Line, Lyon Van Lines, Inc., Nickell Transfer Company, Stockton Transfer Company, Triangle Transfer and Storage Company, and U. C. Express and Storage Company, operating as Highway Common Carriers for compensation, over the public highways of the State of California, of household goods, furniture and personal effects, office and store fixtures and equipment, and for accessorial services incident to such transportation.

Case No. 4099

Additional Appearances

Jackson W. Kendall, for Bekins Van Lines, Inc., and Bekins Van and Storage Company.
G. W. Hover, for Fidelity Van and Storage Company and United Independent Van and Warehousemen's Association.
C. Harold Sexsmith, for Lyon Van and Storage Company and Lyons Van Lines, Inc.
Carl Behrendtz, for Ever-Ready Express Company.
W. J. Follett, for Minick Transfer & Storage Co.

DEVLIN, Commissioner:

THIRD SUPPLEMENTAL OPINION

Numerous revisions of the rates, rules and regulations established by Decision No. 29891 of June 28, 1937, in the above entitled proceedings were advocated by interested carriers at a further hearing had at San Francisco.¹ A complete list of these proposals is contained in Appendix "A" hereof. Certain of the proposals were not supported by evidence of probative value, the showing made being confined to explanations of the modifications sought and to statements that they were desirable from the carriers' standpoint. Discussion of such proposals would serve no useful purpose.²

Local Moving

The Associations urged that additional labor costs incurred on Sundays and holidays justified a revision of the overtime penalty basis to provide that the 25% penalty shall be assessed against all services, instead of being limited as at present to services performed on customer's instructions.

Carl Behrendtz, a member of Draymen's Association of Alameda County, opposed this proposal on the grounds that an operator of a limited number of equipment units having shipments in excess of the number

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Many of the sought revisions were sponsored by the following group of associations: Council of Trucking Associations, San Francisco Movers, Inc., Draymen's Association of Alameda County, Mayflower Warehousemen's Association (Pacific Coast Division), United Independent Van and Warehousemen's Association and California Storage Association. For convenience the term "the Associations" will be used hereinafter to describe this group.

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The Commission had repeatedly held that revisions in established rates should be authorized only upon a convincing showing except in instances where changes are necessary to correct obvious errors or for the purpose of clarification. See Decisions Nos. 29891 of June 28, 1937, in these proceedings, 30069 of August 23, 1937, in Cases Nos. 4108 and 4109 and 29902 of June 28, 1937, in Case No. 4084.

he is able to handle on the day preceding the Sunday or holiday should be permitted, as at present, to complete the handling of such shipments on the following day. He argued that the Associations' proposal would unduly prefer carriers operating large fleets of equipment.

Under the Associations' recommendation it would be possible for carriers to delay shipments and arbitrarily impose penalties upon shippers by performing services on Sundays and holidays. On this record the proposal should not be approved.

The Associations also proposed that the present method of disposing of fractional parts of an hour be revised so as to provide that one-sixth of the hourly rate be applied for every 10 minutes or fraction thereof. In support of this request they urged that the present basis resulting in the assessment of charges at one-half hour or a full hour does not provide a equitable a method of determining minimum charges as that proposed. Although it has been shown that some modification of the rule should be made, it has not been demonstrated that this should be accomplished in the manner proposed. It appears that the present method, modified by providing quarter hour instead of half hour intervals will afford a more reasonable basis for the computation of charges.

Council of Trucking Associations represented that operating costs experienced in the transportation of uncrated property in local moving in Group "B" territory have increased materially since the present rates were established. Exhibit D-1 purports to show that since the compilation of the original cost studies in these proceedings operating costs on shipments where driver and helper are employed have increased 58.2 cents per revenue hour for small equipment and 62.9 cents per revenue hour for large equipment. Another study (Exhibit D-7) dealing with the increased expense of productive hours was

relied upon to show that this increase amounted to 23.6 cents per man per hour. It was contended that these increases resulted from a substantial increase in wages paid drivers and helpers, as well as salaries paid solicitors and office help, and from higher costs of materials and supplies. The record is convincing that minimum rates for local moving of uncrated property in Territory "B" should be increased 25 cents per man per hour.

A revision of crated property rates between freight docks, piers, wharves, stations and depots on the one hand and commercial warehouses on the other in metropolitan Los Angeles was advocated by Council of Trucking Associations. They advocate the subdivision of this territory into two areas, with Manchester Avenue as the dividing line; restriction of the existing rates to movements wholly within each of these areas; and the adoption of a somewhat higher schedule of rates for transportation between the two areas. In justification of these changes it was represented that the present rates fail to give due consideration to the length of haul, and that the principal movement involved is between Los Angeles Harbor and Los Angeles, a distance of approximately 20 miles. It appears that this traffic may now be moved by common carriers not respondents herein, at rates generally lower than those here proposed and that the proposed rates, if authorized, would have little, if any, effect in view of the provision that rates of common carriers, when lower, shall apply. Accordingly, the proposal should be denied.

Long Distance Moving

The Associations requested establishment of charges for storage and disposition of shipments on which delivery cannot be effected on arrival of carrier's equipment at destination. They argued that rates heretofore established in these proceedings do not

contemplate free storage and free re-delivery, and that when such services are rendered existing rates are non-compensatory. They referred to similar provisions previously maintained in tariffs of various common carriers of household goods on file with this Commission and to those appearing in tariffs of certain interstate operators on file with the Interstate Commerce Commission. Carriers should be compensated for the additional services rendered under the circumstances recited. Their proposal as modified in the order herein seems justified.

Adoption of the Commission's constructive mileage plan (Decision No. 30000) for determination of mileages in connection with distance rates, was recommended by the Associations. In justification of this proposal they cited difficulties encountered in computing mileages from available maps and other sources. It was represented that the present plan of determining distances has resulted in considerable confusion and that the method proposed would remedy the situation. However, evidence of record is not persuasive that the increased charges which would result from the application of the constructive mileages proposed are justified. It may well be that the sought revision is meritorious, but unless and until it is supported by a convincing showing it should not be approved.

The Council of Trucking Associations represented that there was an immediate need for the establishment of additional specific rates between metropolitan Los Angeles and points located within a 100 mile radius of that area. They contended that on such movements rates are predicated on the nearest intermediate point located within the outer boundary of metropolitan Los Angeles and reflect costs from the intermediate point, and that where no specific rates are established, carriers experienced difficulty in quoting rates. This proposal, based upon actual mileage, appears inconsistent with the request that a constructive mileage plan be adopted.

Like the constructive mileage plan, however, it would result in substantial increases in existing rates which have not been justified on this record.

FINDINGS

Upon careful consideration of all the facts of record, I am of the opinion and find that Decision No. 29891 of June 28, 1937, in the above entitled proceedings should be modified to the extent indicated in Appendix "B" of the order herein. In all other respects said Decision No. 29891 shall remain in full force and effect. All other proposed changes are found not justified on this record.

The following form of order is recommended:

O R D E R

A public hearing having been held in the above entitled proceedings,

IT IS HEREBY ORDERED that Appendix "A" of Decision No. 29891 dated June 28, 1937, be and it is hereby amended to the extent shown in Appendix "B" attached hereto and by this reference made a part hereof.

IT IS HEREBY FURTHER ORDERED that Argonne Van & Storage Company, Baker Transfer and Storage Company, Bekins Van Lines, Inc., C. A. Buck, City Transfer Company, Dowd's Fashion Stables, Electric Transfer and Storage Company, Griggs Van Lines, Chas. Kuppinger Company, Liberty Van Line, Lyon Van Lines, Inc., Nickell Transfer Company, Stockton Transfer Company, Triangle Transfer and Storage Company, and U. C. Express and Storage Company be and they are hereby ordered and directed to establish on or before thirty (30) days from the effective date of this order, on not less than ten (10) days' notice to the Commission and to the public, rates, rules and regulations no lower in volume or effect than those set forth in Appendix "A" of said Decision No. 29891 of June 28, 1937, as amended by Appendix "B" hereof for the transportation of the commodities for

which rates are provided in said appendix, as amended, which rates, rules and regulations are hereby found to be reasonable and sufficient.

IT IS HEREBY FURTHER ORDERED that the rates, rules and regulations set forth in Appendix "A" of Decision No. 29891 of June 28, 1937, as amended by Appendix "B" hereof, be and they are hereby established and approved effective thirty (30) days from the effective date of this order as the just, reasonable and non-discriminatory minimum rates, rules and regulations to be charged, collected and observed by any and all radial highway common carriers and highway contract carriers as defined in the Highway Carriers' Act (Chapter 223, Statutes of 1935) and by any and all carriers as defined in the City Carriers' Act (Chapter 312, Statutes of 1935) for transportation and accessorial services for which rates are provided in said Appendix "A", as amended.

IT IS HEREBY FURTHER ORDERED that all respondents in these proceedings be and they are hereby ordered to cease and desist on or before thirty (30) days from the effective date of this order and thereafter abstain from charging, collecting or observing rates, rules and regulations lower in volume or effect than those set forth in Appendix "A" of Decision No. 29891, as amended by Appendix "B" hereof.

IT IS HEREBY FURTHER ORDERED that the Commission shall have and it does hereby retain jurisdiction of these proceedings for the purpose of establishing or approving the just, reasonable and non-discriminatory maximum or minimum, or maximum and minimum rates, charges, rules and regulations to be charged, collected and observed by radial highway common carriers, highway contract carriers and city carriers both for the transportation service hereinabove described and for such other transportation and accessorial service as may from time to time appear proper in the light of other or further evidence received herein and for the purpose of establishing and prescribing such rates as will provide an equality of transportation rates for the transportation

of the articles and commodities here involved between all competing agencies of transportation.

The effective date of this order shall be thirty (30) days from the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 3rd day of

Jan., 1938.

Walter M. ...
Leon ...
Frank ...
Rand ...
Chas. & Wiley
Commissioners

APPENDIX "A"

STATEMENT OF PROPOSED CHANGES IN EXISTING
MINIMUM RATES, RULES AND REGULATIONS

PROPOSALS OF THE ASSOCIATIONS

1. Amendment of computation time, in connection with hourly rates;
 - (a) By the addition of actual driving time to point of origin, maximum 15 minutes.
 - (b) By substitution of actual total time in lieu of disposing of fractional parts of an hour in accordance with the conversion table.
2. Adoption of the constructive mileage plan provided in Decision No. 30000 of August 9, 1937, Case No. 4088, Part "N", for computation of the distances to be used in connection with mileage rates.
3. Revision of the overtime rule by providing that overtime penalty charges shall be mandatory for service performed on Sundays and holidays.
4. An increase in the minimum charge for long-distance moving from \$1.50 to \$2.50 per shipment.

PROPOSALS OF THE COUNCIL OF TRUCKING
ASSOCIATIONS

1. Readjustment of the specific rates between Metropolitan Los Angeles on the one hand and points located within a radius of 100 miles on the other.
2. Establishment of rules and charges affecting shipments transported under long-distance moving rates where carrier cannot effect delivery.
3. Revision of rates on crated property transported in Metropolitan Los Angeles between freight docks, piers, wharves and

depots on the one hand, and commercial warehouses on the other by providing a higher rate schedule for movements between points north of Manchester Avenue and points south of Manchester Avenue.

4. Establishment of increased uncrated property rates by raising rate level 25 cents for vehicle and driver; 50 cents for vehicle, driver and helper; and 25 cents on minimum charges.

5. Adjustment of the conversion of fractional parts of an hour in computing total time by providing that one-sixth (1/6) of the hourly rate be applied for every ten (10) minutes or fraction thereof.

6. Establishment of the uncrated property rates for the long-distance moving of mixed shipments of crated and uncrated property.

PROPOSALS OF SAN FRANCISCO MOVERS, INC.
AND DRAYMEN'S ASSOCIATION OF ALAMEDA COUNTY

1. Removal of the restriction limiting additional charges for movements involving the use of toll bridges or ferries to loaded movements.

2. Establishment of additional charges for transportation of crated property involving movement over toll bridges or ferries.

3. Registration of the loading areas of all vehicles.

PROPOSAL OF CARL BEERENDTZ

Cancellation of the requirement that two or more shipments must be consolidated in connection with inter-city movements of uncrated property under rates in cents per 100 pounds.

APPENDIX "B"

RULE NO. 30 (d)

Substitute the following table:

Less than 8 minutes - omit.

8 minutes or more but less than 24 minutes
shall be counted as 1/4 hour.

24 minutes or more but less than 38 minutes
shall be counted as 1/2 hour.

38 minutes or more but less than 54 minutes
shall be counted as 3/4 hour.

54 minutes or more shall be counted as 1
hour.

Add a new rule:

RULE NO. 160 - DELAYED DELIVERY OF SHIPMENTS HANDLED UNDER
RATES NAMED IN SECTION 3

(a) Where carrier cannot effect delivery upon arrival of shipment at point of destination, a free storage period of 24 hours from the first 7:00 A.M. after the day of arrival may be allowed. After said free storage period, storage charges shall be assessed at not less than 3 cents per 100 pounds per day until such time as instructions regarding disposition of the shipment are received by the carrier.

(b) Subsequent delivery of the property from point of storage shall constitute a new shipment.

ITEM NO. 200

Substitute the following item:

UNCRATED PROPERTY

Rates and Minimum Charges in cents

Item No.	TERRITORY "A"		TERRITORY "B"	
	Rates per Hour	Minimum Charges	Rates per Hour	Minimum Charges
200	: Vehicles having a load-			
	: ing area ¹ of less than			
	: 90 square feet			
		150		125
	325		275	
	: Vehicle, driver and			
	: helper*			
	400		350	
<hr/>				
200	: Vehicles having a load-			
	: ing area ¹ of 90 square			
	: feet or over			
		175		150
	375		325	
	: Vehicle, driver and			
	: helper*			
	450		400	

*For help in addition to driver and first helper a charge per man per hour of \$1.25 in Territory "A" and \$1.00 in Territory "B" shall be made.

¹The loading area of a vehicle as used in this item means the total space available for loading including tailgate and overhead (loading space above driver's compartment).