

Decision No. 21902

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of ROY THOMPSON for authority to ) Application No. 21902  
charge less than minimum rates. )

S.A. Schulz and Roy Thompson for applicant

BY THE COMMISSION:

ORIGINAL

O P I N I O N

Roy Thompson, an individual, engaged in the business of transporting property as a carrier as defined in the City Carriers' Act and as a highway contract carrier as defined in the Highway Carriers' Act seeks authority under Sections 10 and 11, respectively, of those acts to charge less than the minimum rates established for the transportation in dump trucks of loam, fertilizer, shrubs and certain other material necessary or incidental in the planting of trees and shrubs along the Alameda County highway approaches to the San Francisco Oakland Bay Bridge.

A public hearing was had before Examiner W.S. Johnson at San Francisco on May 16, 1938.

Applicant proposes a rate of \$1.60 per hour per vehicle, including driver, for the transportation involved in this proceeding which is to be performed under contract with the State of California, Highway Division No. 4. The transportation will involve the use of 4 pneumatic-tired, hydraulic hoist dump trucks of 1½ cubic yards capacity.

In support of the rate proposed applicant testified that the transportation involved was of a very unusual nature, that the average length of haul would be but 1½ miles, that much of the loading

and unloading would be accomplished by hand labor involving considerable stand-by time, that such expenses as billing, printing, garage and terminal rentals will be completely eliminated and that the nature of the work is such that a high equipment use factor will be experienced.

Applicant was apparently under the misapprehension that a minimum rate of 80 cents per vehicle per hour, exclusive of driver or helper, established in and by Decision No. 28625 dated March 9, 1936, as amended, in Case No. 4087, for the transportation of sand, rock, gravel, road building material, excavated material and/or building material in dump trucks was applicable to the transportation involved in this proceeding. However, the applicable minimum rates were established in Decision No. 28761 dated April 27, 1936, as amended, in Case No. 4088, Part "A", and Decision No. 29217 dated October 26, 1936, in Case No. 4108. The latter rates are stated in cents per hundred pounds or in dollars per vehicle per month and do not readily lend themselves to comparison with the rate proposed by applicant in this proceeding.

No one opposed the granting of the application.

In view of the peculiar nature of the transportation services involved and of the operating economies which appear to be possible under the contract with the State, it seems evident that relief from the outstanding minimum rate orders should be granted, but not to the extent sought by applicant. It has not been made to appear that loam, fertilizer and shrubs can be transported in dump trucks more economically than can sand, rock, gravel, and the other commodities for which minimum rates were prescribed in Case No. 4087 supra. Applicant will therefore be authorized to depart from the minimum

rates heretofore established but will be required to observe as minimum a rate of 80 cents per vehicle per hour, exclusive of driver or helper, which rate is hereby found reasonable and justified. This authority will be limited to the duration of the contract with the State of California, Highway Division No. 4 which, according to the record, will involve not more than 1600 vehicle hours of work.

O R D E R

This application having been duly heard and submitted,

IT IS HEREBY ORDERED that Roy Thompson be and he is hereby authorized to transport in dump trucks having a capacity of  $1\frac{1}{2}$  cubic yards or less, loam, fertilizer, shrubs and other materials necessary or incidental to the planting of trees and shrubs along the Alameda County highway approaches to the San Francisco-Oakland Bay Bridge at rates less than those heretofore established as minimum by the Commission, but not less than 80 cents per vehicle per hour exclusive of driver or helper.

IT IS HEREBY FURTHER ORDERED that the authority herein granted shall expire upon the completion of the contract to be entered into by and between applicant on the one hand and the State of California, Highway Division No. 4 on the other hand.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 22<sup>nd</sup> day of

May, 1938.

Walter W. Brown  
George S. Wheeler  
Walter W. Brown  
Robert W. Brown  
Walter W. Brown  
Walter W. Brown  
Commissioners