

Decision No. 22707

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
MINNIE A. SILVERS, doing business as)	
SILVER LINE TRANSPORT, under Section)	
No. 11, of Chapter 223, Statutes of)	
1935, as amended, for relief from)	Application No. 22707
certain provisions of Decision No.)	
30370, dated December 23, 1937, in)	
Case No. 4088, Part "u" "v")	

BY THE COMMISSION:

OPINION AND ORDER

By this application, as amended, Minnie A. Silvers, doing business as Silver Line Transport, a highway contract carrier, seeks authority under Section 11 of the Highway Carriers' Act to transport split delivery shipments of fresh meat, packing house products and groceries, under contract, for Armour & Co. and the Sonoma Valley Wholesale Grocery, from South San Francisco and Santa Rosa, respectively, to points along designated routes in Sonoma, Lake and Mendocino counties,¹ at less than the minimum charge heretofore established for such shipments. More particularly, applicant requests permission to assess the added charges for split deliveries set forth in Item No. 170

¹ The routes are:

- Along U. S. Highway No. 101, between and including Petaluma and Willits;
- Along the County Road from Petaluma to Sonoma, thence along State Highway No. 12 via Boyes Springs, Fetter Springs and Kenwood to Santa Rosa, also along the County Road from Sonoma via El Verano and Glen Ellen to its junction with State Highway No. 12 at Warfield;
- Along the County Road from Santa Rosa to Sebastopol and thence to Cotati;
- Along the County Road from U. S. Highway No. 101 to and including Fulton;
- Along the County Road from Hopland to Lakeport; also from Kelseyville to Lucerne along State Highway No. 29 and State Highway No. 20 via Lakeport and Upper Lake, including service to Witter Springs.

of Appendix "D" to Decision No. 31606, as amended, in Case No. 4246, ranging from 25 to 75 cents per delivery, according to the number of deliveries, in lieu of the additional charge of 85 cents for each delivery in excess of one, provided by Decision No. 30370, as amended, in Case No. 4088, Part "U". Under the terms of Decision No. 31995 of May 9, 1939, in Case No. 4246, the split delivery charges prescribed in that proceeding are scheduled to become effective August 7, 1939. Upon their effectiveness, they will supersede the 85-cent charge established for such service in Case No. 4088, Part "U".

Applicant alleges that under the contracts negotiated with Armour & Co. and the Sonoma Valley Wholesale Grocery, the average split delivery shipment consists of 56 deliveries, that the average weight of each delivery is 133 pounds, and that each delivery is accomplished in from 4 to 6 minutes from the arrival of the equipment.² These representations are relied upon to establish the service rendered as a particular type of split delivery service, commonly referred to as "peddler service." Applicant alleges further that the existing minimum rates are substantially in excess of the cost of proprietary operation and that, unless she is permitted to accord the interested shippers the split delivery charges now scheduled to become effective August 7, 1939, at an early date, the traffic will be diverted from for-hire to proprietary carriage.

Competing carriers have informed the Commission that they have no objection to the granting of this application.

This appears to be a matter in which a public hearing is not necessary. Applicant is engaged in performing a specialized

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Applicant alleges that the existing 85-cent charge for each delivery in excess of one was based upon an average of 17.8 minutes per stop, which was the time factor utilized in Exhibit No. UV-23, "Estimated Cost of Making Split Deliveries With Motor Trucks."

route delivery service, similar to the operations of other carriers heretofore granted authority to assess less than the established split delivery charge provided by Decision No. 30370, supra.³ The charges so authorized are substantially the same as those here proposed. Moreover, the proposed charges are identical with the split delivery charges provided in Decision No. 31606, as amended, in Case No. 4246, which will be available to all carriers when the rates prescribed therein become operative. The application will be granted but will be made to expire upon the effectiveness of the 4246 rates.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Minnie A. Silvers, doing business as Silver Line Transport, be and she is hereby authorized to transport split delivery shipments of fresh meat, packing house products and groceries, under contract, for Armour & Co. and Sonoma Valley Wholesale Grocery from South San Francisco and Santa Rosa, respectively, to points along the routes specifically described in footnote one (1) hereof, at less than the minimum charge provided for split delivery service in Rule No. 90 of Appendix "A", as amended, to Decision No. 30370, of November 29, 1937, in Case No. 4088 Part "U", but not less than the minimum charges provided in Item No. 170 of Highway Carriers' Tariff No. 2, Appendix "D", as amended, to Decision No. 31606 of December 27, 1938, in Case No. 4246.

IT IS HEREBY FURTHER ORDERED that the authority herein granted shall expire upon the effectiveness of the rates, rules and regulations provided in Highway Carriers' Tariff No. 2, Appendix "D",

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Similar relief to that herein sought was granted other carriers by Decision No. 31309 of September 26, 1938, in Case No. 4088, Part "U", and in Decision No. 30593 of February 7, 1938, in Applications Nos. 21663, 21701 and 21708.

as amended, to Decision No. 31606 of December 27, 1938, in Case No. 4246, unless sooner cancelled, changed or extended by appropriate order of the Commission.

This order shall become effective five (5) days from the date hereof.

Dated at San Francisco, California, this 13th day of June, 1939.

Richard D. ...
Frank ...
Ray H. Ciley
H. Baker
Justus D. Coe
Commissioners.