

Decision No. 48931**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 L. T. PIERCE, R. H. DAVIS and )  
 F. J. DAVIS, a partnership, doing )  
 business as FRUITVALE DRAYAGE, for )  
 authority to transport certain com- )  
 modities under monthly vehicle unit )  
 rates between Oakland, Alameda, )  
 Berkeley, El Cerrito, San Pablo, )  
 Richmond, Albany, Piedmont, Castro )  
 Valley, Hayward, Haymont, and )  
 San Lorenzo. )

Application No. 34297

Markham C. George, for applicant.O P I N I O N

Applicants transport groceries and related items for the Louis Stores from its warehouse in Alameda to its retail stores at Alameda, Albany, Berkeley, Emeryville, Oakland and Piedmont. This transportation is performed under monthly unit rates named in City Carriers' Tariff No. 2-A - Highway Carriers' Tariff No. 1-A. By this application as amended authority is sought to assess monthly unit rates for transportation of shipments from the shipper's warehouse in Alameda to its retail stores in San Pablo, El Cerrito, Richmond, Castro Valley, Hayward, Haymont and San Lorenzo. Authority is also sought to apply such rates on rejected shipments returned to the shipper's warehouse.

Public hearing was held before Examiner Lake at San Francisco on July 8, 1953.

From Alameda to San Pablo, El Cerrito, Richmond, Castro Valley, Hayward, Haymont and San Lorenzo the minimum rates are stated in cents per 100 pounds. They vary with the classification of the article, the weight of the shipment and the length of haul. Rates for this service are set forth in Highway Carriers' Tariff No. 2. The monthly unit rates herein sought to be applied are

stated in dollars per month and vary with the carrying capacity of the equipment. When the equipment is operated in excess of the mileage authorized under the monthly rate or when the equipment is operated at other than regular working hours, additional charges specifically provided therefor must be assessed.

According to the record, the transportation involves shipments weighing from 3,000 to 20,000 pounds comprised of groceries, produce, clothing, wine and beers, cigarettes, drugs and a variety of miscellaneous items usually handled in super-market grocery stores. One of the applicants contended that to classify and rate all of the items transported individually and to weigh them would result in a prohibitive expense and would cause substantial delays in the delivery of the merchandise. He testified that the authority herein sought was necessary to avoid the expense of classifying and weighing the shipments. He further testified that the operations to the territory herein involved would be conducted in the same type of equipment with which the East Bay operations are conducted. He stated that the drayage operations under the monthly unit rates had been and were fully compensatory. He asserted that the sought rates would not produce revenues as great as those resulting from present rates but that the savings in expense that would result from not being required to weigh, classify and rate each shipment would more than offset the difference in revenues. Under these circumstances he contended that the cost to the shipper for its transportation under the proposed rates would be less and the net revenue to the carrier would be greater than would be experienced under the present rates.

The authority herein sought has been accorded other carriers under similar circumstances in connection with the transportation of iron and steel articles.<sup>1/</sup>

Upon careful consideration of all the facts and circumstances of record, the Commission concludes and finds as a fact that the rates and charges proposed in this proceeding have been shown to be reasonable within the meaning of Section 3666 of the Public Utilities Code. The application will be granted. Due to the fact that the conditions which justify authorization of the sought rates may change at any time the authority will be limited in duration to a period of one year.

O R D E R

This application having been fully heard and submitted, full consideration of the matters and things involved having been had and based upon the conclusions and findings in the preceding opinion,

IT IS HEREBY ORDERED that:

1. L. T. Pierce, R. H. Davis and F. J. Davis, a partnership, doing business as Fruitvale Drayage, be and they are hereby authorized to transport for Louis Stores groceries and related items at rates and charges which differ from those heretofore established as minimum but no lower than those set forth in Appendix "A", which is attached hereto and by this reference made a part hereof.

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<sup>1/</sup> Decision No. 44187 of May 16, 1950, in Application No. 31042, Decision No. 43422 of October 18, 1949, in Application No. 30583 and Decision No. 43241 of August 29, 1949, in Application No. 30451.

2. The authority herein granted shall expire one year after the effective date of this order unless sooner canceled, changed or extended by order of the Commission.

3. This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 4th day of August, 1953.

[Signature]  
President

[Signature]  
[Signature]

[Signature]  
[Signature]  
Commissioners

APPENDIX "A" TO DECISION NO. 48931  
Page 1 of 2

Rates apply only for the transportation of groceries and related items for Louis Stores from its warehouse in Alameda to its retail stores in Alameda, Albany, Berkeley, Castro Valley, El Cerrito, Emeryville, Haymont, Hayward, Oakland, Piedmont, Richmond, San Lorenzo and San Pablo, and for the return movement of rejected shipments.

	Column 1	Column 2	Column 3
MONTHLY VEHICLE UNIT RATES, including driver and all other operating expenses. (Subject to NOTES 1 and 2.)			
10,500 pounds or less .....	670	830	15
Over 10,500 pounds and not over 20,000 pounds .....	780	960	20
Over 20,000 pounds .....	895	1085	25

COLUMN 1 -- Rates per month in dollars per unit of carrier's equipment for service exclusive of service on Saturdays, Sundays and Holidays. When equipment is operated in excess of 1,050 miles per month, add rates shown in Column 3.

COLUMN 2 -- Rates per month in dollars per unit of carrier's equipment for service including service on Saturdays, Sundays and Holidays. When equipment is operated in excess of 1,250 miles per month, add rates shown in Column 3.

COLUMN 3 -- Rates in cents per mile to be added to the Columns 1 and 2 rates when unit of carrier's equipment is operated in excess of the maximum mileage allowed thereunder.

NOTE 1 -- Rates named herein apply during regular working hours of 8:00 A.M. to 5:00 P.M. except Saturdays, Sundays and the following holidays: New Year's Day, Washington's Birthday, Decoration Day, Fourth of July, Labor Day, Admission Day, Thanksgiving Day, and Christmas Day. When such holidays fall on Sunday the following Monday shall be considered a holiday. For services performed at the request of the shipper or consignee at other than those hours and on Saturdays, Sundays or the holidays shown, an additional charge equal to the additional cost of overtime will be made. When carrier is required to provide additional labor, at point of origin or point of destination, for the handling of articles or packages which, because of their weight or bulk, cannot be handled by one man, an additional charge of \$3.13 per man per hour, minimum charge of \$3.13, shall be made.

NOTE 2 -- L. T. Pierce, R. H. Davis and F. J. Davis, doing business as Fruitvale Drayage, shall issue, for each vehicle furnished, a shipping document containing a certification that during the period covered by the document the vehicle was operated only in transportation service for which rates are provided by this decision (or full explanation of other operations, with reference to shipping documents covering), showing rates and charges assessed and containing all such information respecting each of the factors entering into the computation of the charges as may be necessary to verify the lawfulness of the charges assessed. L. T. Pierce, R. H. Davis and F. J. Davis, doing business as Fruitvale Drayage, shall retain and preserve a copy of such shipping document, subject to the Commission's inspection, for a period of not less than three years from the date of its issuance.

(End of Appendix "A")