

Decision No. 57070

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
SIGNAL TRUCKING SERVICE, LTD., a)
corporation, for authority to depart)
from the rates, rules and regulations)
of Minimum Rate Tariff No. 5 and Min-)
imum Rate Tariff No. 2, under the)
provisions of the City Carriers' Act)
and of the Highway Carriers' Act.)

Application No. 27666
(Twelfth Supplemental)

TWELFTH SUPPLEMENTAL OPINION AND ORDER

Applicant holds radial highway common, highway contract and city carrier permits.¹ Prior orders in this proceeding have authorized it, under Sections 3666 and 4015 of the Public Utilities Code, to deviate from the established minimum rates in connection with transportation service performed for Sears, Roebuck & Company to its stores and customers within a radius of 45 constructive miles of First and Main Streets, Los Angeles.² The authority is scheduled to expire July 26, 1958.

By this supplemental application authority is sought to continue to deviate from the minimum rates for a further one-year period. Applicant proposes, however, to increase the currently authorized rates except the rates on extra semi-trailers in so-called "Shuttle Delivery Service" and rates on "Mail Order Service".³

¹ Applicant also operates as a certificated highway common carrier for the transportation of general commodities between Los Angeles and steamship wharves and docks located at Los Angeles Harbor (Wilmington and San Pedro) and as a highway common carrier of petroleum and petroleum products in tank vehicles within southern California. These operations do not conflict with those here involved.

² A so-called "Shuttle Delivery Service" is also rendered between the Los Angeles area, on the one hand, and points within the corporate limits of the cities of San Diego, Riverside, San Bernardino, Ventura, Santa Barbara and Oxnard, on the other hand.

³ The application states applicant is considering a proposal to modify the method of assessing charges on so-called "Mail Order Service" and contemplates that this application will shortly be supplemented with respect thereto.

The supplemental application states that the conditions which justified deviation from the minimum rates still obtain; that the proposed increases in the rates correspond with the increases established by Decision No. 55704, effective November 18, 1957, in Minimum Rate Tariff No. 2 and Decision No. 55369, effective September 10, 1957, in Minimum Rate Tariff No. 5; and that operations under the proposed rates are expected to be profitable during the ensuing year.

In the circumstances, it appears, and the Commission finds that the proposed rates are reasonable and consistent with the public interest. This is a matter in which a public hearing is not necessary.

The special rate authority herein sought and granted is not applicable to common carrier services. ⁴ Section 3542 of the Public Utilities Code forbids carriers to operate both as a common carrier and as a highway contract carrier of the same commodities between the same points. ⁵ In view of the authority herein granted, it appears that a suitable limitation should be placed upon applicant's radial highway common carrier permit to preclude the dual operations prohibited by Section 3542 of the Code. The limitation of the permit will be handled as a separate matter.

Therefore, good cause appearing,

IT IS ORDERED:

(1) That Signal Trucking Service, Ltd., is hereby authorized to depart from the rates, rules and regulations set forth in Minimum Rate Tariff No. 2 (Appendix "D" of Decision No. 31606, as amended) and Minimum Rate Tariff No. 5 (Appendix "A" to Decision No. 32504, as amended) to the extent that alternative rates, rules and regulations are provided in Appendix "A", attached hereto and by this reference made a part hereof.

⁴ Section 3666 of the Public Utilities Code reads as follows:

"If any highway carrier other than a common carrier desires to perform any transportation or accessorial service at a lesser rate than the minimum established rates, the commission shall, upon finding that the proposed rate is reasonable, authorize the lesser rate."

⁵ Section 3542, Public Utilities Code reads as follows:

"No person or corporation shall engage or be permitted by the commission to engage in the transportation of property on any public highway, both as a common carrier and as a highway contract carrier or as a common carrier and a petroleum contract carrier of the same commodities between the same points."

(2) That the authority herein granted shall expire July 26, 1959, unless sooner canceled, changed or extended by order of the Commission.

This order shall become effective July 26, 1958.

Dated at San Francisco, California, this 22nd day of July, 1958.

E. Lynn Fox
President
W. E. Mitchell
Paul S. Venturini
Theodore J. J. J. J.
Commissioners

APPENDIX "A" TO DECISION NO. 57030

IN APPLICATION NO. 27666 - (TWELFTH SUPPLEMENTAL)

Naming

Rates, rules, regulations, conditions and restrictions applicable to the transportation of property for Sears, Roebuck and Company.

- (a) Between points within a radius of 45 constructive miles, computed in accordance with the provisions of Distance Table No. 4 (Appendix "A" of Decision No. 46022, as amended, in Case No. 4808), from the intersection of First and Main Streets, Los Angeles; and
- (b) (Applicable only to transportation of property by shuttle delivery service) Between points as designated in above paragraph (a) on the one hand, and points within the corporate limits of the cities of San Diego, Riverside, San Bernardino, Ventura, Santa Barbara, and Oxnard, on the other hand.

The transportation services designated herein are described in Decision No. 41328 in Application No. 27666 (Second Supplemental).

SHUTTLE DELIVERY SERVICE - HOURLY RATES

<u>Weight in Pounds</u>	<u>Rates in Cents Per Hour</u>	<u>Minimum Charges in Cents</u>
250 or less	570	570
Over 250 but not over 2,500	710	710
Over 2,500 but not over 5,000	735	735
Over 5,000 but not over 8,000	760	760
Over 8,000 but not over 12,000	775	775
Over 12,000 but not over 20,000	890	890
Over 20,000 but not over 30,000	950	950
Over 30,000	1100	1100

Note 1. -- Weight in pounds is the greatest (heaviest) gross weight of the property transported by the unit of carriers' equipment at one time during a single transaction. No allowance shall be made for weight of containers.

Note 2. -- (a) The total of the loading, unloading and driving time computed from the arrival of carrier's equipment at point of origin, or first point of origin when more than one point of origin is involved, to the time unloading is completed at point of destination, or last point of destination when more than one point of destination is involved, subject to paragraph (b) hereof, shall be used to compute charges.

(b) In computing time under the basis outlined in paragraph (a) hereof the various time factors shall be not less than the actual time involved in minutes. After the total time has been determined under the provisions of paragraph (a) hereof, it shall be converted into hours and fractions thereof. Fractions of an hour shall be determined in accordance with the following table:

Less than 8 minutes - - - - - omit
 8 minutes or more but less than 23 minutes shall be 1/4 hour.
 23 minutes or more but less than 38 minutes shall be 1/2 hour.
 38 minutes or more but less than 53 minutes shall be 3/4 hour.
 53 minutes or more shall be 1 hour.

Note 3. -- Between the hours of 6:00 P.M. and 7:00 A.M., and on Sundays or holidays, an additional charge at the rate of 175 cents per hour (or fraction thereof) shall be assessed.

SHUTTLE DELIVERY SERVICE - WEEKLY AND MONTHLY RATES

Weight in Pounds Subject to Note 1:	Column	Column	Column	Column	Column	Column
	1	2	3	4	5	6
2,500 or less	178	226	700	864	09	478
Over 2,500 but not over 5,000	184	233	723	889	10	478
Over 5,000 but not over 8,000	190	241	751	920	11½	478
Over 8,000 but not over 12,000	194	246	768	936	12	478
Over 12,000 but not over 20,000	222	279	888	1059	12½	478
Over 20,000 but not over 30,000	237	298	952	1131	14½	493
Over 30,000	275	344	1117	1306	18½	498

COLUMN 1 - Rates in dollars per unit of carrier's equipment for a period of five successive days or any portion thereof, excluding Sundays and holidays, and limited to 8 hours out of each 9 consecutive hours. When equipment is operated in excess of 250 miles during such period, add rates provided by Column 5. When equipment is operated in excess of 8 hours in each 9 hours, add rates provided by Column 6.

COLUMN 2 - Rates in dollars per unit of carrier's equipment for a period of six successive days or any portion thereof, excluding Sundays and holidays, and limited to 8 hours out of each 9 consecutive hours. When equipment is operated in excess of 300 miles during such period, add rates provided by Column 5. When equipment is operated in excess of 8 hours in each 9 hours, add rates provided by Column 6.

COLUMN 3 - Rates in dollars per unit of carrier's equipment for a period of twenty-one successive days or, when the equipment is not operated on Saturdays, Sundays and holidays, for a period of twenty-one successive days exclusive of Saturdays, Sundays and holidays, or any portion of such periods. When equipment is operated in excess of 1,050 miles during the period, add rates provided by Column 5. When equipment is operated in excess of 8 hours in any one day, add rates provided by Column 6.

COLUMN 4 - Rates in dollars per unit of carrier's equipment for a period of twenty-five successive days or, when the equipment is not operated on Sundays and holidays, for a period of twenty-five successive days, exclusive of Sundays and holidays, or any portion of such periods. When equipment is operated in excess of 1,250 miles during the period, add rates provided by Column 5. When equipment is operated in excess of 8 hours in any one day, add rates provided by Column 6.

COLUMN 5 - Rates in cents per mile to be added to the Column 1, 2, 3 and 4 rates when the unit of carrier's equipment is operated in excess of the maximum mileage allowed thereunder.

COLUMN 6 - Rates in cents per hour to be added to the Column 1, 2, 3 and 4 rates when the unit of carrier's equipment is operated in excess of the maximum hours allowed thereunder.

NOTE 1. - Weight in pounds is the gross weight of the property transported by the unit of carrier's equipment at the time the equipment is transporting the greatest (heaviest) load during the period covered by the transaction. No allowance shall be made for weight of containers.

SHUTTLE DELIVERY SERVICE - RATES FOR EXTRA SEMI-TRAILERS

Rate per trailer, per day	\$ 5.00
Rate per trailer, per week	25.00
Rate per trailer, per month	70.00
Rate per trailer, per month - 24-foot Hi-cube	80.00

SHUTTLE DELIVERY SERVICE - - RULES AND REGULATIONS

(a) Rates apply only for the transportation of property, regardless of classification, between stores, warehouses or other properties owned, leased, operated, or controlled by Sears, Roebuck and Company.

(b) Rates are subject to Items Nos. 10, 11, and 150 Series of Minimum Rate Tariff No. 5 (Appendix "A" to Decision No. 32504, amended, in Case No. 4121).

(c) Rates are subject to an additional charge at the rate of \$3.70 per man, per hour, minimum charge \$1.85, when carrier furnishes help in addition to the driver. The time for computing the additional charge shall be not less than the actual time in minutes the helper or helpers are engaged in performing the services. The total time so computed shall be converted into hours and fractions thereof. Fractions of an hour shall be determined in accordance with the following table:

Less than 8 minutes-----omit.
8 minutes or more but less than 23 minutes shall be 1/4 hour.
23 minutes or more but less than 38 minutes shall be 1/2 hour.
38 minutes or more but less than 53 minutes shall be 3/4 hour.
54 minutes or more shall be 1 hour.

(d) Signal Trucking Service, Ltd., 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 herein provided (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. Signal Trucking Service, Ltd. shall retain and preserve a copy of each such shipping document, subject to the Commission's inspection, for a period of not less than three (3) years from the date of its issuance.

(e) Charges on shipments transported in shuttle delivery service to or from San Diego, Riverside, San Bernardino, Ventura, Santa Barbara, and Oxnard shall not be less than those applicable to shipments of 12,000 pounds.

(f) Charges on shipments transported in shuttle delivery service to or from San Diego, Riverside, San Bernardino, Ventura, Santa Barbara, and Oxnard shall be constructed by adding to the charge computed at the rates provided on page 3 in Columns 1, 2, 3, 4, 5, and/or 6, any charge accrued or paid for drivers' wages which is in excess of the charge which would have accrued at the regular and/or overtime wage rates in effect on March 1, 1957, for drivers engaged in making deliveries in shuttle delivery service in accordance with provisions of Decision No. 41870, as amended, in this proceeding, within the area described in paragraph (a) on first page of this appendix.

DELUXE DELIVERY SERVICE

The rate for the delivery of shipments in deluxe delivery service will be \$1.98 per 100 pounds to all points within the delivery zone, including all points within the delivery zone west of Topanga Canyon Blvd., which area is bounded on the north by Ventura County line and on the south by the Pacific Ocean. The \$1.98 rate will also apply to the Calabasas, Newhall, Saugus, Sylmar and Solemint area. Deliveries to all points are subject to the following minimum charge.

Weight of Shipment

40 pounds or less	89 cents
Over 40 pounds but not over 60 pounds	126 cents
Over 60 pounds but not over 80 pounds	173 cents
Over 80 pounds but less than 100 pounds	198 cents

1. \$2.34 in addition to the transportation charge is to be assessed for installation of all gas ranges. Shipper is to furnish all material.
2. \$1.98 per hundred pounds on all uncrated water heaters.
3. \$1.98 flat fee is to be charged when pickup has been ordered but not completed for some stated reason from either in-zone or outside locations.

\$1.98 flat charge will be made for call-backs to complete installations or other service not provided at time of delivery, when such call-backs are not made for the convenience of the carrier. This charge will be in addition to the agreed charge for such installation or other service.

4. \$8.84 per hour is to be charged for all lost time when shown as actual lost time by irregularity report attached to bill of lading by delivery driver. This includes out-of-zone deliveries.

Out-of-zone time shall be computed on the basis of actual elapsed time, exclusive of delivery time, between departure from and return to extreme delivery limits. Irregularity reports created by delivery driver must show times of departure from and return to delivery limits plus elapsed time necessary to perform actual delivery.

5. Special deliveries will be charged for at the following hourly rates dependent on the total weight of the individual shipment plus the helpers rate of \$3.70 per hour, minimum charge \$1.85.

	<u>Rates per Hour</u>	<u>Minimum Charge</u>
250 pounds or less	\$5.70	\$5.70
251 pounds or over	7.10	7.10

Time to be computed shall be the elapsed time between the time loading begins and delivery at destination.

6. The charges for collecting and remitting the amount of C.O.D. bills collected on C.O.D. shipments shall be computed in accordance with the provisions of Item No. 150 series of Minimum Rate Tariff No. 5 (Appendix "A" to Decision No. 32504, as amended, in Case No. 4121).
7. Rates include second and third attempt delivery.
8. \$3.22 per hundred pounds will be charged for the disconnecting and return of refrigerator power units to Sears' warehouse.
9. \$3.22 per hundred pounds will be charged for delivery and installation of refrigerator power units.

DELUXE DELIVERY SERVICE

10. Lawn Swings - setting up charge will be \$4.16.
11. Dryers - installation charge will be \$2.34.
12. Deep Freezers - \$3.12 per hundred pounds will apply on all deep freezers having a cubical capacity of 14 cu. ft. or larger. All others having a cubical capacity of less than 14 cu. ft. will be rated at \$1.98 per hundred pounds.

MAIL ORDER SERVICE

Class rates in cents per 100 pounds applicable to the transportation of shipments having both point of origin and point of destination within the Los Angeles Drayage Area, as described in Items Nos. 30 to 33 series, inclusive, of Minimum Rate Tariff No. 5 (Appendix "A" of Decision No. 32504, as amended, in Case No. 4121).

MINIMUM WEIGHT IN CENTS PER 100 POUNDS

RATE BASIS	ANY QUANTITY				500 Pounds				2,000 Pounds			
	1	2	3	4	1	2	3	4	1	2	3	4
A	109	98	87	76	79	71	64	57	61	56	51	46
B	110	99	88	77	80	72	65	58	65	59	54	48
C	111	100	89	78	82	73	66	59	74	67	61	55

RATE BASIS	4,000 Pounds				10,000 Pounds				20,000 Pounds			
	1	2	3	4	1	2	3	4	1	2	3	4
A	40	37	34	31	33	31	28	26	27	25	23½	22
B	42	39	36	33	34	32	29	27	27½	26	24	22½
C	53	49	45	40	42	38	35	32	31½	29½	27½	25

The minimum charge per shipment shall be as follows:

25 pounds or less	78 cents.
Over 25 pounds but not over 50 pounds	89 cents.
Over 50 pounds but not over 75 pounds	105 cents.
Over 75 pounds but not over 100 pounds	123 cents.
Over 100 pounds	139 cents.

The foregoing rates and minimum charges include delivery from carriers' vehicles to customers of Sears, Roebuck and Company.

MAIL ORDER SERVICE

Class rates in cents per 100 pounds applicable in lieu of those provided in Minimum Rate Tariff No. 2 (Appendix "D" of Decision No. 31606, as amended, in Case No. 4246) for the transportation of shipments between points within a radius of 45 constructive miles from the intersection of First and Main Streets, Los Angeles:

MILES But Not Over Over		Any Quantity				Minimum Weight 2,000 Pounds				Minimum Weight 4,000 Pounds				Minimum Weight 10,000 Pounds			
		1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
0	3	143	130	117	104	89	82	75	65	69	64	58	53	45	41 $\frac{1}{2}$	38 $\frac{1}{2}$	35 $\frac{1}{2}$
3	5	144	131	118	104	91	84	76	67	71	65	59	54	47	44	39 $\frac{1}{2}$	36 $\frac{1}{2}$
5	10	147	133	119	106	93	85	78	68	74	66	61	55	49	46	41 $\frac{1}{2}$	38 $\frac{1}{2}$
10	15	149	134	122	107	98	88	80	71	76	70	62	56	52 $\frac{1}{2}$	47	44	39 $\frac{1}{2}$
15	20	151	137	123	109	100	90	82	74	78	71	64	58	54 $\frac{1}{2}$	49	45	40 $\frac{1}{2}$
20	25	153	139	125	110	103	93	84	76	80	74	65	59	57	52 $\frac{1}{2}$	47	43
25	30	155	141	127	111	105	96	86	77	82	76	67	61	59	54 $\frac{1}{2}$	48	44
30	35	158	144	128	113	108	99	88	79	84	77	70	62	61	57	50	46
35	40	159	145	129	114	110	101	91	81	85	78	70	63	62	57	52 $\frac{1}{2}$	46
40	45	162	146	131	117	114	104	93	83	87	80	72	64	64	59	53 $\frac{1}{2}$	48
45	50	163	147	131	118	117	105	96	84	90	82	75	66	66	61	55	49
50	60	166	150	135	120	122	111	100	89	92	85	76	68	68	63	58	50

MINIMUM CHARGES

The minimum charge per shipment shall be as follows:

<u>Weight of Shipment</u>	<u>MINIMUM CHARGE IN CENTS</u>
25 pounds or less	90
Over 25 pounds but not over 50 pounds	102
Over 50 pounds but not over 75 pounds	121
Over 75 pounds but not over 100 pounds	138
Over 100 pounds	151

The foregoing rates and minimum charges include delivery from carriers' vehicles to customers of Sears, Roebuck and Company.

(End of Appendix "A")