

ORIGINAL

Decision No. 58022

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) Application No. 27769
from the rates, rules and regulations) (Fourteenth Supplemental)
of Minimum Rate Tariff No. 2 under the)
provisions of the Highway Carriers' Act.)

FIFTEENTH SUPPLEMENTAL OPINION AND ORDER

Applicant holds radial highway common carrier, highway contract carrier and city carrier permits. It transports structural materials and babbitt metal for Joseph T. Ryerson & Son, Inc., between the latter's Los Angeles plant and points in Los Angeles, Kern, Orange, Riverside, San Bernardino, San Diego and Ventura counties. Prior orders in this proceeding have authorized it, under Section 3666 of the Public Utilities Code, to observe monthly vehicle unit rates in lieu of the minimum rates in cents per 100 pounds otherwise applicable to the transportation. The authority is scheduled to expire February 28, 1959.

By this Fourteenth Supplemental Application, authority is sought to continue to deviate from the minimum rates for a further one-year period on a basis higher than the currently authorized monthly vehicle rates. Authority is also sought to establish hourly rates to apply within the territory herein involved. The proposed hourly rates are on the same level as those set forth in Item No. 420-L of Minimum Rate Tariff No. 5.

Applicant states that the conditions which justified the original deviation still exist. It also states that, based upon its experience in performing the transportation in question, it is satisfied that the proposed rates will be fully compensatory for the ensuing year.

In the circumstances, it appears and the Commission finds, that the proposed increased monthly vehicle unit rates, rules and regulations and the establishment of hourly rates are reasonable. This is a matter in which a public hearing is not necessary. The supplemental application will be granted. In view of the expiration date of the current authority, the following order will be made effective February 28, 1959.

The special rate authority herein sought and granted is not applicable to common carrier services.¹ 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.² In view of the contract operation involved in this proceeding, the order herein will provide that, during the period that the authority herein granted is in effect, applicant shall not engage in the transportation of the same commodities between the points involved in this authority as a radial highway common carrier.

Therefore, good cause appearing,

IT IS ORDERED:

(1) That Decision No. 43790 of February 7, 1950, as amended, in this proceeding, is hereby further amended by substituting for Appendix "A-5" thereof Appendix "A-6" attached hereto and by this reference made a part hereof.

¹

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."

²

Section 3542 of the 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 expiration date of the authority granted by said Decision No. 43790, as further amended herein, is hereby extended to February 28, 1960, unless sooner changed, canceled or further extended by order of the Commission.

(3) That during the period that the authority herein granted is in effect the aforesaid applicant shall not engage in the transportation of the same commodities between the points involved in this authority as a radial highway common carrier; and that any such transportation which applicant may perform in violation of these provisions shall be cause for revocation of the authority herein granted.

This order shall become effective February 28, 1959.

Dated at San Francisco, California, this 17th day of February, 1959.

E. Lyn Fox
President
W. L. Mitchell
Matthew J. J. J. J.
Theodore Skinner
Everett R. Page
Commissioners

APPENDIX "A-6" TO DECISION NO. 58022
UNIT RATES, RULES AND REGULATIONS

MONTHLY RATES (1)

<u>Weight in Pounds (2)</u>					<u>Column A</u>	<u>Column B</u>	<u>Column C</u>
	2,500	or less			800	09	536
Over	2,500	but not over	5,000		825	10	536
"	5,000	"	"	8,000	850	11½	536
"	8,000	"	"	12,000	875	12	536
"	12,000	"	"	20,000	975	12½	536
"	20,000	"	"	30,000	1050	14½	549
"	30,000				1200	18½	554

Column A - 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 B. When equipment is operated in excess of 8 hours in any one day, add rates provided by Column C.

Column B-Rates in cents per mile to be added to the Column A rates when the unit of carrier's equipment is operated in excess of the maximum mileage allowed thereunder.

Column C - Rates in cents per hour to be added to the Column A rates when the unit of carrier's equipment is operated in excess of the maximum hours allowed thereunder.

(1) Charges for deliveries in Kern, Riverside, San Bernardino, San Diego and Ventura Counties shall be constructed by adding to the charge computed at the rates provided in Columns A, B, and/or C 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 February 1, 1958, for drivers making deliveries in the Los Angeles Drayage Area, as described in Items Nos. 30, 31, 32 and 33 of Minimum Rate Tariff No. 5 (Appendix "A" to Decision No. 32504, as amended).

(2) 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.

HOURLY RATES

<u>Weight in Pounds</u>	<u>Rates in Cents Per Hour</u>	<u>Minimum Charge in Cents</u>
250 or less	625	625
Over 250 but not over 2,500	765	765
Over 2,500 but not over 5,000	790	790
Over 5,000 but not over 8,000	815	815
Over 8,000 but not over 12,000	830	830
Over 12,000 but not over 20,000	940	940
Over 20,000 but not over 30,000	1,005	1,005
Over 30,000	1,155	1,155

Note 1. - Weight in pounds is the greatest (heaviest) gross weight of the property transported by the unit of carrier's 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 $\frac{1}{4}$ hour.

23 minutes or more but less than 38 minutes shall be $\frac{1}{2}$ hour.

38 minutes or more but less than 53 minutes shall be $\frac{3}{4}$ 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 200 cents per hour (or fraction thereof) shall be assessed.

(End of Appendix "A-6")