

ORIGINAL

Decision No. 58043

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
I. F. Stewart, doing business as)	
STEWART DRAYAGE LINES to establish)	Application No. 40780
Joint Rates with STERLING TRANSIT)	
COMPANY, INC.)	

OPINION AND ORDER

Applicants are highway common carriers of general commodities. Sterling Transit Company, Inc., operates, among other places, between Los Angeles Territory and San Diego area, on the one hand, and San Francisco and Oakland, on the other hand. I.F. Stewart, doing business as Stewart Drayage Lines, operates, among other places, between San Francisco and Oakland, on the one hand, and Crockett, Martinez, Port Chicago, Pittsburg, Walnut Creek and certain intermediate points and the off-route points of Concord and Vallejo, on the other hand.

By this application, authority is sought to establish, on less than statutory notice, through service, through routes and joint rates between the points set forth above. The freight would be interchanged at San Francisco or Oakland. The proposed joint rates are on the same level as the minimum class rates named in Minimum Rate Tariff No. 2. Applicants state that no departures from the long-and-short-haul provisions of the Public Utilities Code will occur in connection with the proposed joint rates.

Service over applicants' lines between the points involved is now subject to combinations of their local rates. These combination rates are higher than the proposed joint rates. Applicants

represent that it will be advantageous to the public to be able to make through shipments over their lines under the lower rates. Applicants propose to transport traffic between points on the lines of Sterling Transit Company, Inc., on the one hand, and points on the lines of I. F. Stewart, doing business as Stewart Drayage Lines, on the other hand.

The application shows that, on or about January 29, 1959, a copy of the application was served on competing carriers. No objection to its being granted has been received.

It appears that the establishment of the proposed through service, through routes and joint rates, on ten days' notice, is not adverse to the public interest and should be authorized, subject to the condition that applicants shall search out and avoid publishing or thereafter maintaining any joint through rate in excess of the combination of applicants' local rates for the transportation of a like kind of property between the same points. The application will be granted. A public hearing is not necessary.

Therefore, good cause appearing,

IT IS ORDERED:

(1) That applicants are hereby authorized to establish, on not less than ten days' notice to the Commission and the public, the through service, through routes and joint rates proposed in the above-entitled application.

(2) That the authority herein granted is limited to the extent that it may be exercised in conformity with the provisions of Article XII, Section 21, of the Constitution of the State of California and Section 460 of the Public Utilities Code and that the authority shall not be construed as relieving applicants from the

operation and requirements of said provisions of the Constitution and of the Public Utilities Code to any extent whatsoever.

(3) That applicants shall search out and avoid publishing or thereafter maintaining any joint through rate in excess of the combination of applicants' local rates for the transportation of a like kind of property between the same points. In the event any combination of applicants' published local rates is found to make a lower rate than the joint through rate published pursuant to the authority herein granted, applicants shall immediately adjust the higher through rate in accordance with Rule 7 of General Order No. 80.

(4) That the authority herein granted shall expire unless exercised within ninety days after the effective date of this order.

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

Dated at San Francisco, California, this 24th day of February, 1959.

C. Lynn Fox
President

[Signature]

[Signature]

Theodore H. Fisher

[Signature]
Commissioners