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Decision No. _____

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
ATLAS DRAYAGE & RIGGING CO., a)	
California corporation, for authority)	Application No. 41221
to depart from the rates, rules and)	
regulations of Minimum Rate Tariff No.)	
2, and City Carriers' Tariff No. 1-A.)	

OPINION AND ORDER

By this application, Atlas Drayage and Rigging Co., a corporation, which holds permits to operate as a radial highway common carrier, highway contract carrier and city carrier, seeks authority to deviate from the minimum rates.

The application shows that applicant has entered into an agreement with the Sterling Furniture Co. under which the applicant agreed to apply to this Commission for authority to utilize certain monthly vehicle unit rates for transportation of property on behalf of Sterling between points located in the area comprised of the Counties of Solano, Marin, Alameda, Contra Costa, San Mateo, Santa Clara, and San Francisco. Applicant states that authority to utilize the proposed rates is imminently and immediately necessary in the interest of enabling the applicant to induce Sterling to use its services in lieu of the proprietary operations currently being conducted.

From the application it appears that the rates agreed upon between applicant and Sterling are in some respects in excess of, and in the same form as, the corresponding established minimum rates. In these respects the proposed rates do not require Commission consideration or approval. Indeed, the application states that, with the exception of the rates to be charged for the use of helpers, the rates proposed are not designed to be, and are not,

lower than the monthly rates heretofore established by the Commission.

The principal rate deviation for which authority is sought and required relates to applicant's proposal to assess monthly vehicle unit rates which would include the services of a driver and helper. The monthly vehicle unit rates otherwise applicable under the existing minimum rate orders include the service of the driver only, and require that when the carrier furnishes additional help at the request of the shipper an additional charge shall be made for each helper at a prescribed rate per man per hour. Under the instant application it is contemplated that in those instances where a helper will be utilized he will be employed on a full time basis and not on a partial or hourly basis from time to time. Accordingly, the applicant proposes the establishment of a separate and special rate on a monthly basis in those instances where both a helper and a driver are utilized.

Applicant's proposal to establish monthly vehicle unit rates which include the service of both the driver and a helper is a reasonable one. Based upon the allegations and figures contained in the verified application, the Commission is of the opinion and finds that, for the services involved in this application, a rate of \$1,760 per month (exclusive of Saturdays, Sundays and holidays) per unit of carrier's equipment having a capacity of not over 10,500 pounds, to apply for a maximum mileage of 1,050 miles and limited to 8 hours out of each 9 consecutive hours per day, to include the services of the driver and one helper, and subject in all other respects to the rules and regulations contained in or referred to in Section 3-A of Minimum Rate Tariff No. 2, will be reasonable and consistent with the public interest. To this extent the application will be granted; in other respects it will be denied without prejudice. If it appears to the applicant that any further or different authority is required or justified, another application may be filed.

The application shows that on or about June 11, 1959, a copy was served on the Draymen's Association of San Francisco and the California Trucking Associations, Inc. No objection to its being granted has been received.

Because the conditions under which the service is performed may change at any time the authority will be made to expire at the end of one year unless sooner changed, canceled or extended by order of the Commission.

Therefore, good cause appearing,

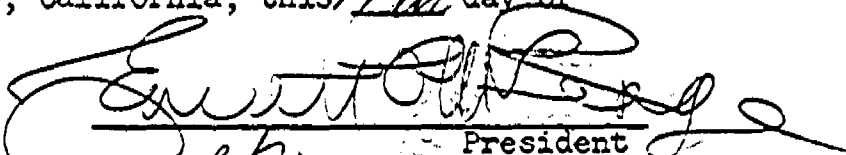
IT IS ORDERED:


(1) That Atlas Drayage and Rigging Co., a corporation, is hereby authorized to transport commodities on behalf of Sterling Furniture Company between points located in the area comprised of the Counties of Solano, Marin, Alameda, Contra Costa, San Mateo, Santa Clara, and San Francisco at a rate of \$1,760 per month (exclusive of Saturdays, Sundays and holidays) per unit of carrier's equipment having a capacity of not over 10,500 pounds, to apply for a maximum mileage of 1,050 miles and limited to 8 hours out of each 9 consecutive hours per day, to include the services of the driver and one helper, and subject in all other respects to the rules and regulations contained in or referred to in Section 3-A of Minimum Rate Tariff No. 2.

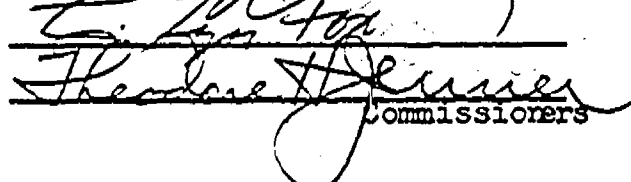
(2) That in all other respects this application is denied without prejudice.

This order shall become effective 20 days after the date hereof.

Dated at San Francisco, California, this 14th day of July, 1959.



President




Commissioners