

ORIGINALDecision No. 59304

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 William S. Rozay, doing business as)
 ROZAY'S TRANSFER, for authority to)
 deviate from minimum rates in the) Application No. 40755
 transportation of all types of tex-) (As Amended)
 tiles, pursuant to Sections 3666 and)
 4015 of the Public Utilities Code.)

R. Y. Schureman, for applicant.
James Quintrall, Arlo D. Poe and J. C. Kaspar,
 for California Trucking Associations, Inc.,
 interested party.
R. A. Lubich and Ralph J. Staunton, for the
 Commission's staff.

O P I N I O N

This matter involves a question of the applicability of the charges which are prescribed in Item No. 165 of Minimum Rate Tariff No. 5 for "the service of unloading, segregating, or unloading and segregating property tendered to (a) carrier in pool cars."

William S. Rozay, applicant herein, is engaged in the transportation of property as a highway permit carrier. As part of his services he delivers textiles for Burlington Industries, Inc., of Los Angeles to various destinations within an approximate 50-mile radius from his terminal situated in the central business district of Los Angeles. The textile shipments originate at eastern mills of Burlington. They are transported to Los Angeles by Burlington in its own vehicles. The loaded vehicles are brought to applicant's terminal where applicant unloads them and transfers the shipments to his own trucks for delivery to ultimate destinations. In the loading of Burlington's vehicles at the eastern mills each shipment is loaded separately. The packages comprising the several shipments are not intermingled; hence, in the unloading of the vehicles,

segregation of the packages by shipment is not necessary. All of the shipments are tendered to applicant, and are billed by applicant, as separate shipments. Split delivery is not involved.^{1/}

The question is whether the charges which are prescribed in Item No. 165 for unloading and/or segregating pool cars should be assessed in connection with Burlington's shipments which are unloaded at applicant's terminal. The term "pool car" is defined in the item as meaning "a rail car or motor vehicle (other than carrier's equipment) containing property intended for delivery to two or more points of destination located within [The Los Angeles Drayage Area]."

Applicant alleges that it was not the intention of the Commission to apply such charges to shipments tendered to a carrier in a shipper's vehicles. He asks that the Commission either (a) determine that the pool car charges do not apply to the Burlington shipments which applicant transports under the conditions described above or (b) relieve applicant from assessing pool car charges in connection with said shipments.

Public hearings on the application were held before Examiner C. S. Abernathy at Los Angeles on April 22 and June 16, 1959.

Applicant presented evidence to show that the present methods of handling the Burlington shipments enable him to perform the transportation at lesser costs than would be the case were:

^{1/} In the unloading of Burlington's vehicles not all of the shipments are unloaded at applicant's terminal. Certain shipments which are destined to Burlington's warehouses and which are loaded in the forward sections of the vehicles are left, and are subsequently delivered by applicant to the warehouses directly from the vehicles. These deliveries are made at the hourly rates which are prescribed in Minimum Rate Tariff No. 5.

he to pick up the same shipments at Burlington's warehouse in Los Angeles. In the latter event applicant would bring the shipments to his terminal in his own vehicles where he would unload the vehicles, sort the shipments by routes, and transfer the shipments to trucks serving those routes. According to time studies which applicant made of the operations involved, the pickup of the shipments at Burlington's terminal would require the expenditure of approximately 22 man-hours more time than is required under present arrangements for the handling of a representative truckload. Moreover, additional vehicle operating costs would apply.

Under present tariff provisions the same rates apply for the delivery of the shipments, irrespective of whether Burlington tenders the shipments to applicant for transportation at its warehouse or at applicant's terminal. Because of this fact, and because of the lower costs which are attained under the present arrangements, applicant contends that he should not be required to assess an unloading charge in connection with the shipments which are brought to his terminal by Burlington.

It is clear from the record herein that the services which applicant performs in the unloading of Burlington's shipments at his terminal are essentially the same as, or identical to, services which are included in the rates which applicant assesses for the transportation of said shipments. The evidence shows that said rates conform to those which have been found to be reasonable minimum rates for such transportation. It follows that said rates include reasonable compensation for the unloading services. In the circumstances, applicant's request to be relieved from the requirement of assessing the unloading charges which are prescribed in Item No. 165 series of Minimum Rate Tariff No. 5 appears justified.

The Commission is of the opinion and finds that exemption of the unloading services from said unloading charges is reasonable and consistent with the public interest. The application will be granted. Because conditions which justify the granting of the sought authority may change, the authority will be made to expire at the end of one year, unless sooner canceled, changed or extended by order of the Commission.

O R D E R

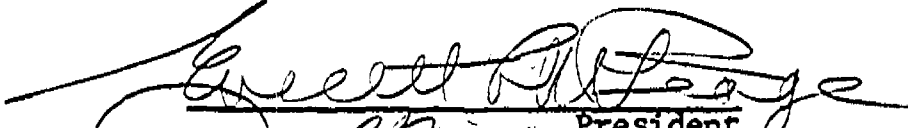
Based on the evidence of record and on the findings and conclusions set forth in the preceding opinion,


IT IS ORDERED that William S. Rozay, doing business as Rozay's Transfer, be and he hereby is authorized to depart from the provisions of Item No. 165 of Minimum Rate Tariff No. 5 to the extent of not assessing the charges which are prescribed in said item for the services of unloading property tendered in pool cars; said authority is to apply only in connection with shipments other than split delivery shipments which applicant, William S. Rozay, transports for Burlington Industries, Inc., of Los Angeles, California, (a) when said shipments are brought to applicant's terminal at 771 Towne Avenue, Los Angeles, in motor vehicle equipment owned or operated by or for Burlington Industries, Inc., of Los Angeles; (b) when the components of one or more shipments are not intermingled with other shipments; (c) when the separate shipments have been loaded by shipment in the vehicles in which they are delivered to applicant's terminal; and (d) when each shipment is tendered to, and is billed by, applicant as a separate shipment.

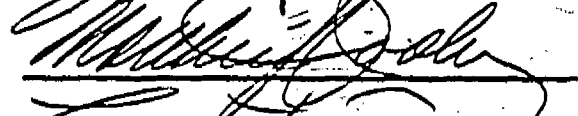
IT IS HEREBY FURTHER ORDERED that the authority herein granted shall expire one year after the effective date of this order, unless sooner canceled, changed or extended by order of the Commission.

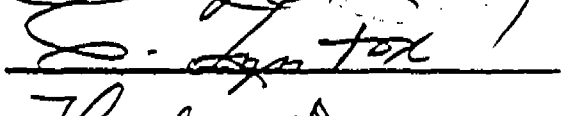
This order shall become effective twenty days after the date hereof.


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



President








Commissioners