

Decision No. 59640

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
O'BRIEN FREIGHT LINES, a corpora-
tion doing business as ATLAS
FREIGHT LINES, for authority to
deviate from, or charge less than,
the minimum rates prescribed in
Minimum Rate Tariff No. 2 by
charging the hourly rates pres-
cribed in City Carriers' Tariff
No. 2-A, Minimum Rate Tariff No. 1-A.)

} Application No. 41768

OPINION AND ORDER

O'Brien Freight Lines, a corporation, holds radial highway common carrier, highway contract carrier and city carrier permits. By this application filed December 18, 1959, it seeks authority to assess the minimum hourly vehicle unit rates prescribed in the Commission's East Bay drayage tariff (City Carriers' Tariff No. 2-A, Highway Carriers' Tariff No. 1-A) for service performed for Continental Can Company, Inc. - Hazel-Atlas Glass Division. The service involves the transportation of corrugated, knocked-down cartons and glass jars, carboys, jugs and bottles in cartons principally from the shipper's plant in Oakland, or from the shipper's warehouses located in the East Bay area to points as far south as Visalia and Watsonville, east to Sacramento, and north to Asti.

According to the application the above-named shipper is the sole customer of applicant, and all shipments are prepaid by the shipper. The application states that the service of applicant and its predecessors for this shipper has been continuous for at least 15 years. Applicant alleges that the sought hourly rates afford to it, in the aggregate, revenues substantially higher than those which would be obtained under

Minimum Rate Tariff No. 2. This is justified, applicant states, by the dedication of specific units of equipment for less-than-truckload movements when the frequent emergency demands of the shipper's customers so require. Applicant avers that it would be unprofitable for it to afford such expedited service unless compensation was made on the present hourly basis.

According to the application the sought relief is necessary because of the probability of the shipper entering into proprietary operations. Applicant states that the shipper already operates its own vehicles in some areas, and is prepared to expand its transportation operation to the plant and warehouses here involved.

Financial data of applicant, submitted with the application, for the period November 1, 1958, to August 31, 1959, indicates that the operations have been profitable.

The Transportation Division staff has reviewed the verified application and has recommended that it be granted.

A copy of the application was served on the California Trucking Associations, Inc. That association has informed the Commission in writing that it has no objection to the granting of this application.

In the circumstances, it appears, and the Commission finds, that the proposed rates are reasonable for the transportation in

question. A public hearing is not necessary. The application will be granted. However, as the conditions under which the service is performed may change at any time, the authority will be limited to one year unless sooner canceled, changed or extended by order of the Commission.

Therefore, good cause appearing,

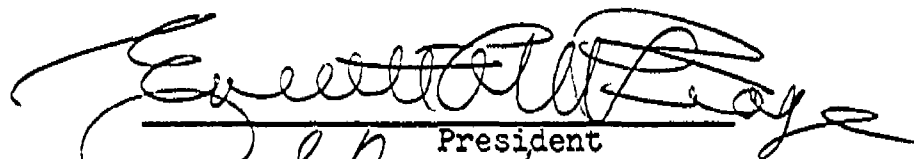
IT IS ORDERED:

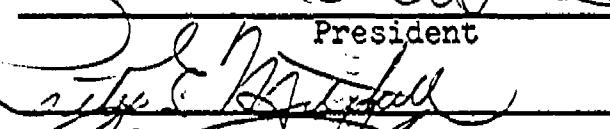
(1) That O'Brien Freight Lines, a corporation, doing business as Atlas Freight Lines, is hereby authorized to transport corrugated knocked-down cartons, and glass jars, carboys, jugs and bottles in cartons for Continental Can Company, Inc. - Hazel-Atlas Glass Division at less than the established minimum rates but not less than those set forth in Appendix "A" attached hereto and by this reference made a part hereof, between the points shown thereon.

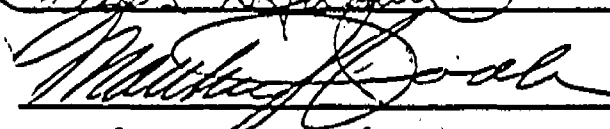
(2) That the authority herein granted shall expire one year after the effective date of this order, unless sooner canceled, changed or extended by order of the Commission.

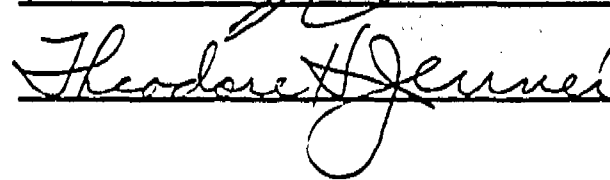
This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 9th day of February, 1960.



President






Commissioners

APPENDIX "A" TO DECISION NO. 59640

HOURLY RATES AND RULES AND REGULATIONS
APPLICABLE TO TRANSPORTATION PERFORMED FOR
CONTINENTAL CAN COMPANY - HAZEL ATLAS GLASS DIVISION

(1) Territorial Application:

The rates and other provisions herein apply between the following named points:

Alameda	Berkeley	Oakland	San Francisco	South San
Albany	Emeryville	Piedmont	San Leandro	Francisco

(2) Hourly vehicle unit rates, including driver and all operating expenses.

	<u>Rate Per Hour</u>
When the capacity of the vehicle is 10,500 lbs. or less	\$6.84
When the capacity of the vehicle exceeds 10,500 lbs. but is not over 20,000 lbs.	8.06
When the capacity of the vehicle exceeds 20,000 lbs.	9.28

Note 1: Rates apply during regular working hours. See Item 5 for additional charges for service at other than regular working hours. See Item 6 for helpers for loading or unloading, also Item 7 for charges for use of lift trucks for the performance of loading or unloading services.

(3) Computation Of Time:

Time shall be computed from the time of the departure of the equipment from carrier's terminal until return thereto.

(4) Minimum Charge:

The minimum charge per vehicle under the hourly rates named in Item (2) shall be for four (4) hours in any one day. When services are performed on Saturdays, Sundays or legal holidays, the minimum charge shall be computed for four (4) hours at the hourly rates specified in Item (2) hereof, plus the additional charges per hour applicable for services during such days as provided in Item (5).

(5) Charges For Service For Other Than Regular Working Hours:

(a) Rates apply for service performed during regular working hours of 8:00 a.m. to 5:00 p.m. daily, except Saturdays, Sundays and the following holidays:

New Year's Day	Labor Day
Washington's Birthday	Admission Day
Memorial Day	Thanksgiving Day
Independence Day	Christmas Day

When such holidays fall on Sunday, the following Monday shall be considered a holiday.

(b) An additional charge of \$2.00 per hour shall apply for services performed during other than regular working hours specified in Paragraph (a) hereof.

(6) Helpers For Loading or Unloading:

When carrier is requested to supply additional labor for assistance in performing loading or unloading services, the charge therefor shall be \$4.00 per man per hour during regular working hours, subject to a minimum additional charge for one half (1/2) hours time. When helpers are required at other than regular working hours specified in Item (5), the additional charge shall be \$6.00 per man per hour, subject, however, to a minimum charge for eight (8) hours time, per man, when such helpers are required on Saturdays, Sundays or legal holidays specified in Item (5).

(7) Charge For Mechanical Equipment To Perform Loading Or Unloading Services:

Carrier will supply fork lift truck equipment to perform loading or unloading service at the plant of Continental Can Company, Inc. - Hazel Atlas Glass Division, 8717 G Street, Oakland, at rate of \$6.00 per hour, including the operator and all operating expenses, during regular working hours (see Item (5)). Time shall be computed in the manner provided in Item (3). If only one fork lift truck is required, time shall be computed for a minimum of eight (8) hours. If more than one fork lift truck is required, time for the first vehicle shall be computed for a minimum of eight (8) hours, plus the actual time, computed in the manner provided in Item (3), for each additional vehicle subject to a minimum of one (1) hour for each such vehicle. When fork lift truck equipment is furnished for use during other than regular working hours provided in Item (5), the charge shall be \$2.00 per vehicle hour in addition to the rate applicable during regular working hours.

(8) Application Of Rates - Commodities:

The rates and the rules and regulations applicable thereto as hereinabove provided apply only to the transportation and other services herein designated on the following commodities:

Fiberboard Cartons, knocked down, corrugated
Glass Jars, Carboys, Jugs and Bottles in fiberboard cartons
with or without their equipment of caps or covers.

End of Appendix "A"