

ORIGINAL

Decision No. 61276

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
DART TRANSPORTATION SERVICE, a cor- )  
poration, for authority to depart )  
from the rates, rules and regula- )  
tions of Minimum Rate Tariff No. 2 )  
under the provisions of the Highway )  
Carriers Act on transportation for )  
the account of Sears, Roebuck and )  
Co. )

Application No. 42847

OPINION AND ORDER

Dart Transportation Service holds radial highway common carrier, highway contract carrier and city carrier permits. By Decision No. 59621, dated February 1, 1960, in Application No. 41426, it was authorized under Section 3666 of the Public Utilities Code to charge less than the minimum rates otherwise applicable for the transportation of property for Sears, Roebuck and Co., shipper. The transportation applies from shipper's consolidation station at 1337 South Eastman Avenue, Los Angeles, to its retail stores and retail store warehouses located in various specified cities throughout the State of California. This authority is scheduled to expire January 1, 1961.

By this application, filed November 9, 1960, applicant seeks authority to continue the current authorization for a further one-year period. It proposes, however, to modify the currently authorized scale of rates and certain provisions relating to the receipt of shipments.<sup>1</sup>

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<sup>1</sup> Applicant proposes to assess rates higher than those now authorized. However, no authority for the increase is required from this Commission inasmuch as applicant is a highway permit carrier for which only minimum rates have been established. Authority to continue the use of the sought rates beyond January 1, 1961, is required; however, inasmuch as these rates are below the minimum rates otherwise applicable.

Applicant alleges that, except for increased costs, the conditions surrounding the transportation involved which justified the original authority to deviate from the minimum rates still exist; and that the proposed increase in rates is being made to offset increased operating costs experienced by applicant.

The period of time within which applicant may accept shipments is now restricted to one calendar day. Applicant proposes in lieu thereof a 24-hour period, exclusive of Saturdays, Sundays and holidays. It is alleged that both carrier and shipper have experienced difficulty with the present rule because of the nature of the latter's shipping schedules and the fact that the consolidation station is in operation eighteen hours daily. Applicant states that once a trailer is loaded and dispatched from the station, any additional freight which arrives thereafter from other carriers, from vendors, or from the shipper itself must be unloaded onto the shipper's platform and held until the following day when the loading operation is resumed. Applicant contends that the proposed rule change would save the shipper the cost of unloading and reloading such freight and the carrier would be able to secure loaded trailers at an earlier hour with resulting savings in driver expense.

The carrier asserts that the operations involved are mutually satisfactory to itself and the shipper; that it desires to retain this business which represents a substantial portion of its over-all revenue; and that it believes the proposed rates to be reasonable.

The application shows that, on or about October 24, 1960, a copy thereof was served on various interested parties, including California Trucking Associations, Inc. No objection to its being granted has been received.

In the circumstances, it appears, and the Commission finds, that the proposed rates and rules are reasonable. A public hearing is not necessary. The application will be granted.

Therefore, good cause appearing,




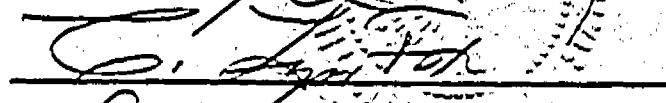

IT IS ORDERED:

1. That Dart Transportation Service, a corporation, is authorized to transport property for Sears, Roebuck and Co., from 1337 South Eastman Avenue, Los Angeles, to retail stores and retail store warehouses of Sears, Roebuck and Co., at rates and charges no lower in volume or effect than the rates and charges set forth in and subject to the limitations and conditions shown in Appendix "A" which is attached hereto and by this reference made a part hereof.

2. That the authority granted herein shall expire January 1, 1962, unless sooner canceled, changed or extended by order of the Commission.

The effective date of this order shall be January 1, 1961.

Dated at San Francisco, California, this 28<sup>th</sup> day of December, 1960.

  
President  
  
  
  
  
Commissioners

APPENDIX "A" TO DECISION NO 61276

Schedule of Minimum Rates, Including Limitations and  
Conditions, Applicable to the Transportation of  
Property for Sears, Roebuck and Co. by  
Dart Transportation Service

## Section 1

Item 10. Application of Rates - General

To the extent that Minimum Rate Tariff No. 2 prescribes minimum rates for the transportation of property, said minimum rates, rules and regulations are applicable to all shipments except as specifically provided in Section 2.

## Section 2

Item 20 Application of Rates - Territorial

Rates in this section apply to the transportation of property from 1337 South Eastman Avenue, Los Angeles, to retail stores and retail store warehouses of Sears, Roebuck and Co. located at Antioch, Bakersfield, Fresno, Hanford, Hayward, Marysville, Modesto, Mountain View, Oakland, Sacramento, San Francisco, San Leandro, San Mateo, Stockton, Santa Rosa, Vallejo, Visalia and Walnut Creek.

Item 30. Application of Rates - Commodities

Rates in this section apply only to such articles regularly sold or to be offered for sale by Sears, Roebuck and Co. in its mail order and chain retail department store businesses.

Item 40. Application of Rates - Limitations and Conditions

Except as provided in Item 60, rates in this section are subject to the following conditions:

- (a) All property must be loaded into carriers' equipment by the shipper and tendered to the carrier with the vehicle sealed by the shipper.
- (b) Shipping documents must bear the notation "Shippers Load and Count."
- (c) Carrier shall be absolved from liability and shall not accept liability for loss, damage, nonreceipt or misdescription of the goods, other than that where the collision or overturning of the vehicle is the proximate cause thereof, provided the vehicle is received at destination with seals intact.
- (d) In the case of a split-delivery shipment, unless the vehicle is resealed at all points of destination, until such time as it is completely unloaded, the carrier shall be absolved from liability and shall not accept liability for loss, damage, nonreceipt or misdescription of the goods, other than that where the collision or overturning of the vehicle is the proximate cause thereof, provided the vehicle is received at the first point of destination with seals intact.

Item 50. Shipping Documents

Carrier may accept from the shipper component parts of a shipment, including a split-delivery shipment, being progressively received, handled and loaded into the carrier's equipment during a 24-hour period, exclusive of Saturdays, Sundays and holidays, prior to being furnished with manifest or written delivery instructions covering the entire shipment.

Item 60. Split Pickup - Exception to Classification

Components of a split-pickup shipment received at 1337 South Eastman Avenue, Los Angeles, shall be rated as 94 per cent of first class. Split-pickup shipments shall not be subject to Items 40 and 70. Item 50 shall apply only on the components picked up at 1337 South Eastman Avenue, Los Angeles.

Item 70. Rates (In Cents per 100 Pounds)<sup>1</sup>

Property as Described in Item 30

FROM: 1337 South Eastman Avenue, Los Angeles.

TO:		<u>Minimum Weight in Pounds</u>			
	<u>A.Q.</u>	<u>2,000</u>	<u>4,000</u>	<u>10,000</u>	<u>20,000</u>
Antioch )					
Hayward )					
Modesto )					
Mountain View )					
Oakland )					
Sacramento )	241	--	146	110	95
San Francisco )					
San Leandro )					
San Mateo )					
Stockton )					
Bakersfield	202	159	108	67	57
Fresno	224	211	130	91	78
Hanford	220	202	126	87	76
Marysville	265	--	170	134	118
Santa Rosa	270	--	175	139	123
Vallejo	265	--	170	134	118
Visalia	216	195	123	187	72
Walnut Creek	261	--	165	130	114

1 Subject to all increases and surcharges prescribed in supplements to Minimum Rate Tariff No. 2; and

Not applicable to split-pickup shipments.

(END OF APPENDIX "A")