

**ORIGINAL**

Decision No. 61197

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of	)	
O'BRIEN FREIGHT LINES, a corporation	)	
doing business as ATLAS FREIGHT	)	
LINES, for authority to deviate	)	
from, or charge less than, the	)	Application No. 43048
minimum rates prescribed in	)	
Minimum Rate Tariff No. 2 by	)	
charging the hourly rates prescribed	)	
in City Carriers' Tariff No. 2-A,	)	
Minimum Rate Tariff No. 1-A.	)	

OPINION AND ORDER

By Decision No. 59640, dated February 9, 1960, in Application No. 41768, applicant was authorized to observe hourly vehicle unit rates in lieu of the minimum rates in cents per 100 pounds otherwise applicable 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, from the shipper's plant in Oakland, or from the shipper's warehouses located in the East Bay area, to designated points in California. The rates are on the same level as those set forth in Item No. 1090-E of City Carriers' Tariff No. 2-A - Highway Carriers' Tariff No. 1-A. The authority is scheduled to expire March 1, 1961.

By this application, filed January 9, 1961, authority is sought to continue to assess hourly vehicle unit rates for the service involved but to adjust such rates to the level of the minimum hourly vehicle unit rates established by the Commission in Decision No. 60418, dated July 18, 1960, in Case No. 5441 (Petitions for

Modifications Nos. 36 and 41) for application in the East Bay  
1  
Drayage Area.

Applicant alleges that the service performed by it since the issuance of Decision No. 59640, supra, has been substantially identical in character and quantity to that which was performed prior thereto except that a strike at Hazel Atlas in the Fall of 1959 adversely affected the operation for the early part of the fiscal year. Financial statements set forth in Exhibit "A" attached to the application indicate that the operation has been profitable.

Applicant states that it anticipates that the operation will continue for the forthcoming year in substantially the same manner as for the past year. Applicant asserts that the shipper is its sole customer, that proprietary operations are as threatening now as at the time of the filing of the original application and that unless the requested authority is granted, applicant's entire business may be destroyed.

The application shows that on or about January 9, 1961, a copy thereof was served on California Trucking Associations, Inc. No objection to its being granted has been received. The Transportation Division staff has reviewed the verified application and has recommended that it be granted.

In the circumstances, it appears, and the Commission finds, that the proposed hourly vehicle unit rates are reasonable and consistent with the public interest for the transportation involved herein. A public hearing is not necessary. The application will be

1

This decision authorized increases averaging approximately seven percent in the minimum rates set forth in City Carriers' Tariff No. 2-A-Highway Carriers' Tariff No. 1-A. Applicant does not require Commission authority to increase the rates, inasmuch as it is a permit carrier for which only minimum rates have been established. Authority for the use of the sought rates beyond March 1, 1961 is required, however, as the rates sought will be on a basis different from that prescribed in the minimum rate orders, and in some instances, below the minimum rates otherwise applicable.

granted. However, as the conditions surrounding the transportation involved herein may change, the extension will be limited to one year unless sooner canceled, changed or extended by order of the Commission. In view of the expiration date of the current authority, the following order will be made effective March 1, 1961.

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 depart from the provisions of the minimum rate orders otherwise applicable to the services which it performs for Continental Can Company, Inc., -Hazel-Atlas Glass Division, to the extent specifically provided in Appendix "A" which is attached hereto and by this reference made a part hereof.

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

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

Dated at San Francisco, California, this 14<sup>th</sup> day of February, 1961.

Quill Bill Page  
President  
W. L. Smith  
S. J. Fox  
George A. Dwyer  
Frederick B. Volz  
Commissioners

APPENDIX "A" TO DECISION NO. 61497

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.

	Rate Per Hour
When the capacity of the vehicle is 10,500 lbs. or less	\$ 7.30
When the capacity of the vehicle exceeds 10,500 lbs. but is not over 20,000 lbs.	8.55
When the capacity of the vehicle exceeds 20,000 lbs.	9.75

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"