

ORIGINAL

63277

Decision No. _____

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 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.)

Application No. 44075
(Filed January 3, 1962)

OPINION AND ORDER

Applicant holds highway contract carrier and city carrier permits. By Decision No. 61497 dated February 14, 1961, in Application No. 43048, it was authorized to assess 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-F of City Carriers' Tariff No. 2-A-Highway Carriers' Tariff No. 1-A. The authority is scheduled to expire March 1, 1962.

By this application, 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. 62601 dated September 25, 1961, in Case No. 5441 (Petition for Modification

No. 52) for application in the East Bay Drayage Area.¹ Applicant and its shipper have negotiated new charges for mechanical equipment that is used in the loading or unloading service. These charges were primarily induced by the increased use by said shipper of applicant's lift truck equipment. According to the application, the charges for said equipment will return satisfactory profits to the carrier.

Applicant alleges that the service performed by it since the renewal of authority granted by Decision No. 61497, supra, has been substantially identical in character to that which was performed prior thereto, except that operations have been somewhat more profitable for the last fiscal year. It avers that it is now assessing the increased hourly rates authorized by Decision No. 62601, supra; that increases in pay recently negotiated by the trucking industry with the Teamsters Union have been applied to the labor charges; and that it is anticipated that, with these increases, operations will continue to be satisfactorily profitable. 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 operations will continue for the forthcoming year in substantially the same manner as for the past year and that no significant additional increases in cost will be incurred. 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 authority requested is granted, its entire business may be destroyed.

¹ This decision authorized a general increase in the rates set forth in City Carriers' Tariff No. 2-A-Highway Carriers' Tariff No. 1-A including increases in the monthly vehicle unit rates ranging from three to four percent. Applicant does not require Commission authority to increase the rates inasmuch as it is a permitted carrier for which only minimum rates have been established. Authority for the use of the sought rates beyond March 1, 1962, 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.

The application shows that on or about January 2, 1962, 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 rates are reasonable and consistent with the public interest for the transportation involved herein. A public hearing is not necessary. The application will be 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.

Good cause appearing,

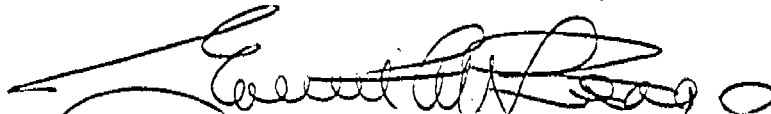
IT IS ORDERED that:

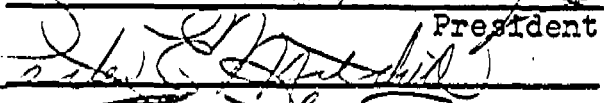
(1) O'Brien Freight Lines, a corporation, doing business as Atlas Freight Lines, is hereby authorized to depart from the provisions of the minimum rate orders otherwise applicable to the services which it performs for Continental Can Company, Inc.-Hazel-Atlas Glass Division, to the extent specifically provided in Appendix A which is attached hereto and by this reference made a part hereof.

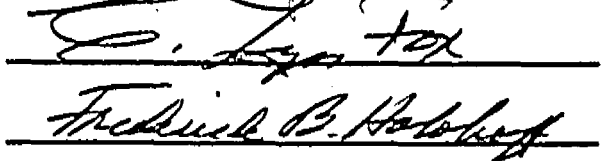
(2) The authority herein granted shall, on and after March 1, 1962, supersede the authority granted by Decision No. 61497 and shall expire with March 1, 1963.

This order shall become effective March 1, 1962.

Dated at San Francisco, California, this 13th day of February, 1962.



President




Commissioners

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	\$ 7.60
When the capacity of the vehicle exceeds 10,500 lbs. but is not over 20,000 lbs.	8.85
When the capacity of the vehicle exceeds 20,000 lbs.	10.05

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 \$2.30 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 \$4.60 per man per hour during regular working hours, subject to a minimum additional charge for one half (1/2) hour. When helpers are required at other than regular working hours specified in Item (5), the additional charge shall be \$6.90 per man per hour, subject, however, to a minimum charge for eight (8) hours 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 Service:

- (a) Carrier will supply fork lift truck equipment to perform loading and unloading service at the plant of Continental Can Company, Inc. - Hazel-Atlas Glass Division, 8717 G Street, Oakland, at a rate of \$325.00 per lift truck per month including all operating expenses except for fuel and oil, which shall be furnished by shipper, and except for the drivers, the charge for which is provided in Item 7(c) hereof.
- (b) Carrier will supply additional fork lift trucks at the same location on an hourly basis, minimum one hour in any one day, at a rate of \$3.00 per hour including all operating expenses except the driver, the charge for which is provided in Item 7(c) hereof. Time shall be computed in the manner provided in Item (3).
- (c) The charge for the driver during regular working hours (see Item (5)) shall be at the rate of \$5.30 per hour, minimum eight hours on fork lift truck equipment rented on a monthly basis, and minimum one hour on lift truck equipment rented on an hourly basis. When fork lift equipment, rented either monthly or hourly, is operated other than during regular working hours, the charge for the driver shall be at the rate of \$7.95 per hour.

(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