

**ORIGINAL**

Decision No. 66549

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application )  
of DART TRANSPORTATION SERVICE, )  
a corporation, for authority to )  
continue to depart from the )  
rates, rules and regulations of )  
Minimum Rate Tariff No. 2 under )  
the provisions of the Highway Car- )  
riers Act on transportation for )  
the account of Sears, Roebuck )  
and Company. )

Application No. 45924  
(Filed October 30, 1963)

OPINION AND ORDER

Dart Transportation Service holds radial highway common carrier, highway contract carrier and city carrier permits. By Decision No. 64642 dated December 11, 1962, in Application No. 44920, it was authorized to charge less than the minimum rates otherwise applicable for the transportation of property for Sears, Roebuck and Co. 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. This authority is scheduled to expire with January 1, 1964.

By this application, applicant seeks to modify and extend the authority for a further one-year period. The modification consists of the addition of two new destination cities (Concord and Yuba City) and of a statement pertaining to the rating of split delivery shipments.

Applicant alleges that, except for increased costs, the conditions surrounding the transportation in question which justified deviation from the minimum rates still exist; and that the proposed continuance of rates is being made in recognition of costs experienced by applicant.

Applicant asserts that the operations involved are entirely satisfactory to itself and the shipper; that applicant is desirous of retaining this business which represents a substantial portion of its entire revenue; and that the proposed rates are reasonable.

The application shows that a copy thereof was served on Sears, Roebuck and Company and on California Trucking Association. No objection to its being granted has been received.

In the circumstances, it appears, and the Commission finds, that the proposed rates as hereinafter modified are reasonable. A public hearing is not necessary. The application will be granted except that the proposed rates for the transportation of split delivery shipments will be modified to provide that such charges shall be predicated on the minimum weight or actual weight of the entire shipment, whichever is greater.

In view of the expiration date of the current authority, the order which follows will be made effective January 1, 1964.

Good cause appearing,

IT IS ORDERED that:

1. Dart Transportation Service, a corporation, is hereby authorized to transport property for Sears, Roebuck and Company at less than the established minimum rates but not less than those set forth in, and subject to the provisions shown in, Appendix A attached hereto and by this reference made a part hereof.

2. The authority herein granted shall, on and after January 1, 1964, supersede the authority granted by Decision No. 64642 and shall expire with January 1, 1965.

The effective date of this order shall be January 1, 1964.

Dated at San Francisco, California, this 27<sup>th</sup> day of December, 1963.

William W. Bennett  
President

George L. Grover

Fredrick B. Halblott

Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

## APPENDIX A TO DECISION NO \_\_\_\_\_

Schedule of Minimum Rates, Including Limitations and  
Conditions, Applicable to the Transportation of  
Property for Sears, Roebuck and Company 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 Company located at Antioch, Bakersfield, Concord, Fresno, Hanford, Hayward, Marysville, Modesto, Mountain View, Oakland, Sacramento, Salinas, San Francisco, San Jose, San Leandro, San Mateo, Stockton, Santa Rosa, Vallejo, Visalia, Walnut Creek and Yuba City.

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 Company 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:	A.O.	Minimum Weight in Pounds			
		2,000	4,000	10,000	20,000
Antioch )					
Hayward )					
Modesto )					
Mountain View )					
Oakland )					
Sacramento )	271	--	157	117	102
Salinas )					
San Francisco )					
San Jose )					
San Leandro )					
San Mateo )					
Stockton )					
Bakersfield	232	178	118	73	63
Concord	287	--	175	134	117
Fresno	255	232	140	99	83
Hanford	251	223	137	95	81
Marysville	296	--	184	142	125
Santa Rosa	301	--	189	147	130
Vallejo	296	--	184	142	125
Visalia	246	216	133	94	77
Walnut Creek	292	--	179	138	121
Yuba City	296	--	184	142	125

<sup>1</sup> Subject to all increases, surcharges and split delivery charges prescribed in Minimum Rate Tariff No. 2 and supplements thereto.

Not applicable to split-pickup shipments.

The rate for transportation of a split delivery shipment shall be the charges applicable to the highest rated destination predicated on the minimum weight or actual weight of the entire shipment whichever is greater.

(END OF APPENDIX A)