

Decision No. 66877

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of O'BRIEN FREIGHT LINES, a cor-)	
poration doing business as ATLAS)	
FREIGHT LINES, for authority to)	Application No. 46079
deviate from, or charge less than,)	(Filed January 6, 1964)
the minimum rates prescribed in)	
Minimum Rate Tariff No. 2 by)	
charging the hourly rates prescribed)	
in Minimum Rate Tariff No. 1-B.)	

OPINION AND ORDER

Applicant holds highway contract carrier and city carrier permits. By Decision No. 64978 dated February 19, 1963, in Application No. 45086, it was authorized to assess hourly vehicle unit rates in lieu of the minimum rates in cents per 100 pounds otherwise applicable for services performed for Continental Can Company, Inc.-Hazel-Atlas Glass Division. The services involve the handling and transportation of corrugated, knocked-down cartons and glass jars, carboys, jugs and bottles in cartons between certain designated points in the San Francisco Bay area. The currently authorized rates are on the same level as those formerly set forth in Item No. 1090 of City Carriers' Tariff No. 2-A-Highway Carriers' Tariff No. 1-A.¹ The current authority is scheduled to expire March 1, 1964.

By this application, authority is sought to continue to assess hourly vehicle unit rates for this transportation for an additional one-year period but to adjust such rates to the level of the increased minimum hourly vehicle unit rates established by

¹ City Carriers' Tariff No. 2-A - Highway Carriers' Tariff No. 1-A was canceled by Minimum Rate Tariff No. 1-B effective October 12, 1963, pursuant to Decision No. 65834 dated August 6, 1963, in Case No. 5441 (Order Setting Hearing dated April 10, 1962, and Petition No. 53).

Decision No. 65834, supra, for application within the East Bay
2
Drayage Area. The newly established minimum rates are set forth
in Item No. 1000 of Minimum Rate Tariff No. 1-B.

Applicant alleges that the transportation service herein involved has continued substantially identical in character to that which was performed when the current authority was granted. 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 prior applications and that, unless the authority requested is granted, its entire business may be destroyed.

The verified application shows that a copy thereof was served on California Trucking Association on or about January 6, 1964. No objection to its being granted has been received.

Except for the change in the rate level, the authority herein sought would be a continuation of the authority granted by Decision No. 64978, supra. The change in the rate level is a reflection of the minimum rate revision established by the Commission in Decision No. 65834, supra. In the circumstances, it appears,

2

Applicant does not require Commission authority to increase these 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, 1964, 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.

and the Commission finds, that the proposed rates are reasonable and consistent with the public interest for the transportation and other services involved herein. A public hearing is not necessary. The application will be granted.

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


IT IS ORDERED that:

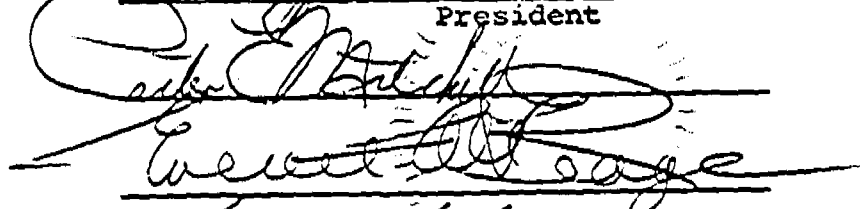
1. O'Brien Freight Lines, a corporation doing business as Atlas Freight Lines, is hereby authorized to depart from the provisions of the minimum rate orders otherwise applicable to the services which it performs for Continental Can Company, Inc. - Hazal-Atlas Glass Division, to the extent specifically 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, 1964, supersede the authority granted by Decision No. 64978 and shall expire with March 1, 1965.

This order shall become effective March 1, 1964.

Dated at San Francisco, California, this 25th day of February, 1964.



President


George H. Grover

Frederick B. Holbrook

Commissioners

APPENDIX A TO DECISION NO. 66877

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

Item

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	\$ 8.50
When the capacity of the vehicle exceeds 10,500 lbs. but is not over 20,500 lbs.	9.50
When the capacity of the vehicle exceeds 20,500 lbs. but is not over 30,000 lbs.	10.00
When the capacity of the vehicle exceeds 30,000 lbs.	10.50

Note 1: Rates apply during regular working hours. See Item 5 for additional charges for service at other than regular working hours. See Item 7 for helpers for loading or unloading, also Item 6 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 charge per hour applicable for services performed during such days as provided in Item 5.

Item

5. Charge for Service at 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
Fourth of July	Christmas Day

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

- (b) An additional charge of \$1.65 per hour shall apply for services performed during other than regular working hours specified in paragraph (a) hereof.

6. Charge for Mechanical Equipment to Perform Loading or Unloading Service:

- (a) Carrier may 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(a) hereof.
- (b) Carrier may 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(a) hereof. Time shall be computed in the manner provided in Item 3.

7. Accessorial Charges for Labor:

- (a) Hourly Charge For a Truck Driver Used as a Helper or Fork Lift Operator - When carrier is required to furnish a truck driver to be utilized as additional labor for assistance in performing loading or unloading services as a helper (i.e., in preparing carrier's equipment for delivery of shipper's products, at shipper's plant or at carrier's terminal), OR as a fork lift operator at shipper's plant or warehouse, the charge therefor shall be \$6.00 per man per hour during regular working hours, as defined in Item 5, subject to a minimum charge of one half (1/2) hour, provided the requirements of Item 9 have been fulfilled. When such helpers or fork lift operators are required at other than regular working hours as specified in Item 5, the charge shall be \$7.65 per man per hour, subject to a minimum charge of one half (1/2) hour, provided the requirements of Item 9 have been fulfilled.

Item

7. (b) Hourly Charge for a Fork Lift Operator - When carrier is required to supply a fork lift driver in instances other than those enumerated in Item 7(a), the charge shall be \$6.00 per man per hour during regular working hours and \$7.65 per man per hour during other than regular working hours as specified in Item 5, subject to a minimum of eight hours in either case.
- (c) Hourly Charge for Casual Help Carrier is Required to Hire (Lumpers) - When carrier is required to hire casual help (lumpers) he shall be reimbursed his cost, i.e., \$5.035 per man per hour during regular working hours and \$7.00 per man per hour during other than regular working hours as specified in Item 5, subject to a minimum of two (2) hours in either case.
- (d) Daily Charge for Casual Help Carrier is Required to Hire (Lumpers) - When it is more economical for carrier to hire casual help (lumpers) by the day rather than by the hour, he shall be reimbursed \$40.00 for eight (8) regular hours, and \$7.00 per man per hour for services performed at other than regular working hours as described in Item 5.

8. Application of Rates - Commodities:

- (a) 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 packages or
in packages on pallets, with or without their equip-
ment of caps or covers

when Continental Can Company, Inc. - Hazel-Atlas Glass
Division, 8717 G Street, Oakland, is the shipper.

- (b) As increases or decreases occur in Items Nos. 110, 140 or 1000 of Minimum Rate Tariff No. 1-B, carrier shall make corresponding changes in the rates and charges set forth herein.

9. Definitions:

- (a) "Truck driver" as referred to in Item 7 means a man who has been utilized any portion of the day to drive a truck from which carrier has derived revenue from the shipper under Minimum Rate Tariff No. 2, or under Item 2 herein to the extent of at least four (4) hours.
- (b) "Shipper" is defined in Item 8 hereof.

Item

9. (c) "Helper as referred to in Item 7 means a truck driver used as an assistant to tie down other truck or trucks of carrier at shipper's plant or at carrier's terminal, in preparation for the delivery of shipper's products.
- (d) "Lumper" as referred to in Item 7 means a man hired on a casual basis under the local drayage agreement with the teamsters' union.

(End of Appendix A)