

Decision No. 73205

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation into)
the rates, rules, regulations, charges,)
allowances and practices of all common)
carriers, highway carriers and city)
carriers relating to the transportation)
of any and all commodities between and)
within all points and places in the)
State of California (including, but not)
limited to, transportation for which)
rates are provided in Minimum Rate)
Tariff No. 2.)

Case No. 5432
(Petition for Modification
No. 471)
(Filed August 16, 1967)

In the Matter of the Investigation into)
the rates, rules, regulations, charges,)
allowances and practices of all common)
carriers, highway carriers and city)
carriers relating to the transportation)
of property in the City and County of)
San Francisco, and the Counties of)
Alameda, Contra Costa, Lake, Marin,)
Mendocino, Monterey, Napa, San Benito,)
San Mateo, Santa Clara, Santa Cruz,)
Solano and Sonoma.)

Case No. 5441
(Petition for Modification
No. 129)
(Filed August 16, 1967)

In the Matter of the Application of)
Walkup's Merchants Express, a corpor-)
ation, for authority to depart from)
the rates, rules and regulations of)
City Carriers' Tariff No. 1-A and)
Minimum Rate Tariff No. 1-B, in)
relation to the transportation of)
edible flour, in bulk, in pneumatic)
equipment, under the provisions of the)
City Carriers' Act.)

Application No. 49608
(Filed August 16, 1967)

OPINION AND ORDER

Walkup's Merchants Express, a corporation, hereinafter
called petitioner, holds radial highway common carrier, highway con-
tract carrier and city carrier permits and a certificate to operate as
a highway common carrier.

By Decision No. 71515 dated November 9, 1966, in Application No. 48615 and Petitions for Modification Nos. 428 and 112, in Cases Nos. 5432 and 5441, respectively, petitioner was authorized: (1) as a permitted carrier, to assess rates less than the minimum rates otherwise applicable for the transportation of flour, in bulk, within the cities of Alameda, Albany, Berkeley, Emeryville, Oakland, Piedmont and San Francisco, and (2) as a highway common carrier, to publish rates less than those established as minimum for the transportation of flour in bulk, from San Francisco, Oakland or Vallejo to certain points within 60 miles of said cities and between Alameda, Albany, Berkeley, Emeryville, Oakland and Piedmont. The above authority is scheduled to expire with December 1, 1967.

By this application and petitions, petitioner seeks an extension of the current authority. It also requests that the authority be modified by: (1) deleting the 30,000-pound rates; (2) increasing the 40,000-pound rates by one-half cent per 100 pounds; (3) increasing the charges for accessorial services as specifically indicated in Exhibit A of the application and petitions; and (4) establishing a minimum charge for multiple load shipments.

Petitioner alleges that the circumstances set forth in its original application and petitions, which justified the granting of the current authority, still exist except that increased labor costs require that the authorized rates be modified as herein proposed.

As stated in Decision No. 71515, supra, petitioner transports flour for Langendorf United Bakeries, Inc. (Langendorf) from rail terminals in San Francisco to Langendorf's facilities in special truck equipment with mechanical devices, which permit removal

of the bulk flour from rail cars by suction and discharge of this commodity at destination by blower. The use of this special equipment substantially lessened the time required for loading and unloading of bulk flour, as compared with that for sacked flour. In addition to Langendorf, the modern flour plants and distribution facilities established at San Francisco and Oakland by Colorado Elevator and Milling Company and Montana Flour, respectively, include facilities for loading bulk flour into petitioner's equipment by gravity flow or drop loading. The increased speed in loading enables petitioner to make more efficient utilization of its special equipment for the transportation in question.

Revenue and expense data submitted by petitioner indicate that the transportation involved has been profitable and reasonably may be expected to be profitable in the ensuing year.

The certificate of service shows that copies of the verified application and petitions were mailed to Draymen's Association of San Francisco and California Trucking Association on August 15, 1967. The application and petitions were listed on the Commission's Daily Calendar of August 17, 1967. No objection to the granting of the application and petitions has been received.

In the circumstances, it appears, and the Commission finds, that the proposed rates are reasonable, consistent with the public interest and justified by transportation conditions to the extent hereinafter indicated. Distance Table 6, which currently governs the minimum rates for the intercity transportation involved, will

be made to govern the sought rates for such transportation in lieu of Distance Table No. 5 as proposed. A public hearing is not necessary. The Commission concludes that the application and petitions, as herein modified, should be granted.

IT IS ORDERED that:

1. Walkup's Merchants Express, a corporation, is authorized to transport flour, in bulk, within San Francisco, Alameda, Albany, Berkeley, Emeryville, Oakland and Piedmont at rates less than the minimum rates but not less than the rates set forth on page 1 of Appendix A, attached hereto and by this reference made a part hereof.

2. Walkup's Merchants Express, a corporation, is authorized to publish and file, to expire with December 1, 1968, rates for the transportation of flour, in bulk, from San Francisco, Oakland or Vallejo to various points as set forth on page 2 of said Appendix A.

3. Walkup's Merchants Express, a corporation, is authorized to publish and file, to expire with December 1, 1968, rates for the transportation of flour, in bulk, between Alameda, Albany, Berkeley, Emeryville, Oakland and Piedmont as set forth on page 1 of said Appendix A.

4. Tariff publications authorized by Ordering Paragraphs 2 and 3 hereof shall be filed not earlier than the effective date of this order and may be made effective not earlier than ten days after the effective date of this order on not less than ten days' notice to the Commission and to the public.

5. The authority granted by Ordering Paragraph 1 hereof shall, on and after December 1, 1967, supersede the authority granted by Decision No. 71515 and shall expire with December 1, 1968.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 17<sup>th</sup> day of October, 1967.

*D. E. Mitchell*  
President

*Halburton C. Bennett*

*Augustus*

*William J. Sproule*

*Paul P. Morrissey*  
Commissioners

APPENDIX A TO DECISION NO. 73205

WALKUP'S MERCHANTS EXPRESS

Commodity:

Flour, edible, in bulk, when transported in pneumatic air slide semitrailers, self contained to discharge flour by pumping.

Authorized rates (in cents per 100 pounds):

1. Rates lower than minimum rates otherwise prescribed but not less than the following rates applicable between points and places:

- (a) Within San Francisco or
- (b) Within and between Alameda, Albany, Berkeley, Emeryville, Oakland, Piedmont.

Rates subject to Notes 1 through 10.

<u>Actual Miles</u>	<u>Rates in cents per 100 pounds* 40,000 lbs.</u>
0 - 3	9
3 - 5	9.5
5 - 10	10

\*All rates are subject to Notes 1 through 10, and are not subject to the Bay Counties surcharges.

2. Rates lower than minimum rates otherwise prescribed but not less than the following rates applicable from San Francisco, Oakland or Vallejo on the one hand, to destination points beyond the areas described in Paragraph 1 hereof but not exceeding 60 constructive miles from the respective points of origin, on the other hand. Mileages to be computed in accordance with the Commission's Distance Table No. 6, supplements thereto or successive issues thereof.

<u>Constructive Miles</u>	<u>Rates in cents per 100 pounds*</u> <u>San Francisco, Oakland or Vallejo</u>	
	<u>40,000 lbs.</u>	
0 - 10	11	
10 - 15	11.5	
15 - 20	12	
20 - 25	12.5	
25 - 30	13.5	
30 - 35	14	
35 - 40	15	
40 - 45	16	
45 - 50	17	
50 - 60	18	

\*All rates are subject to Notes 1 through 10, and are not subject to the Bay Counties surcharges.

- Note 1 - Rail Car Service - An additional charge of 3.5 cents per 100 pounds for unloading from rail car. Add an additional .5 cents (total 4.0 cents) if Walkup's Merchants Express furnishes electrical power at designated team track.
- Note 2 - Weighing Service - Add \$5.50 per trailer load for weighing service requested on any bulk flour haul.
- Note 3 - Rate Computation - When charges accruing on a shipment based on actual weight exceed the charges computed on a rate based on a greater minimum, the latter shall apply.
- Note 4 - Demurrage - If, through no fault of the carrier, delivery cannot be accomplished and the trailer is put out of service without driver in attendance, after the first two hours the added charge will be as follows: \$2.50 per hour for the next consecutive 24-hour period; \$9.50 per hour thereafter. If a driver remains in attendance, a charge of \$15.00 per hour will be assessed.
- Note 5 - Returns - If flour is tendered to consignee, refused, returned to mill or car for unloading, a charge of one and one-half times normal applicable rate will be made.
- Note 6 - Special Setup - Add 3.5 cents per 100 pounds when delivery is made to a bakery not equipped for truck delivery (220 three-phase power and reasonable access).
- Note 7 - Service at Other than Regular Hours - Charges for service on Saturdays, Sundays, or holidays, or charges for service requested on week days at hours other than between 8 A.M. and 5 P.M., shall be those charges applicable to the move plus the additional cost to the carrier for supplying labor at the above-mentioned times.
- Note 8 - Loading Time - An additional charge of \$3.25 shall be assessed for each 30-minute period or fraction thereof after the first 30 minutes of free time.
- Note 9 - Payment of Freight Charges - Rates apply only when service is performed for the account of the consignor and consignor undertakes to pay freight charges.



Note 10 - Multiple Load Shipments - Minimum Charge - When a single shipment is tendered which requires transportation in multiple truckloads and the total weight of such shipment is not divisible by a minimum of 40,000 pounds or a maximum of 42,000 pounds, then a charge will be assessed for the movement of the last truckload based upon the applicable rate applied to a minimum weight of 40,000 pounds, regardless of the actual weight of the last load.

(End of Appendix A)