

ORIGINALDecision No. 73736

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. 467
(Filed July 27, 1967)

Marvin Handler, of Handler, Baker & Greene, for
Boyd Trucking Co., Inc., petitioner.
J. C. Kaspar, H. F. Kollmyer and Arlo D. Poe,
for California Trucking Association, interested
party.
Joseph C. Matson and Robert W. Stich, for the
Commission staff.

O P I N I O N

Boyd Trucking Co., a corporation (Boyd), operates as a highway common carrier. ^{1/} By Decision No. 71193, dated August 23, 1966, in Application No. 48629, Boyd was authorized, as a contract carrier, to assess a rate less than the established minimum rate but not less than 28 cents per 100 pounds, subject to a minimum weight of 90,000 pounds per shipment, for the transportation of

^{1/} It also holds permits to operate as a radial highway common carrier and as a highway contract carrier which are not involved in this proceeding. By Decision No. 71455 dated October 25, 1966, in Application No. 48740, the Commission authorized Boyd to purchase certain certificated authorities owned by C. H. Miller, doing business as C. H. Miller Transportation, which included certain commodities and points involved in this petition. Boyd then published the authorized rate in its tariff.

lumber for Hudson Lumber Company from Anderson to San Leandro. By this petition, authority is sought to continue the current deviation from the minimum rates and to publish this rate for an additional one-year period and to add, as points of origin, all points within the railhead limits of Anderson.

By Decision No. 72947, dated August 22, 1967, Boyd was authorized to continue the prior rate pending a public hearing. The rate is now published to expire February 28, 1968. Public hearing on the petition was held at San Francisco before Examiner Turpen on December 8, 1967. Representatives of the California Trucking Association (CTA) and the Commission staff assisted in developing the record. The matter was submitted on December 20, 1967, upon receipt of a late-filed exhibit by petitioner.

By Decision No. 69532, in Application No. 47528, the rate in issue was found by the Commission to be reasonable upon the basis of evidence received at a public hearing on June 4, 1965. The evidence then showed that three pieces of equipment, each consisting of a truck and trailer, were regularly assigned to this operation. Each truck and trailer carried a total of eight units of lumber weighing approximately 6,840 pounds per unit, making a truck and trailer load of over 50,000 pounds. Loading and unloading were expedited by the lumber company's employees with fork lift trucks owned by the lumber company.

The evidence also showed that the trucks were operated on a continuous 24-hour basis, in excess of 225 days per year. They shuttle between Anderson and San Leandro, making two round trips in each 24-hour period.

Petitioner's president testified that the current operations are substantially the same as at the time of the previous hearing. An accountant presented an exhibit showing petitioner's

recent operating results. This exhibit showed that for the four-month period of June 1 to September 30, 1967, the transportation here involved had an operating ratio of 81.6 percent.^{2/}

The representative of the CTA requested that the commodity description be made more specific. Petitioner had no objection to such change. The CTA representative also requested that a specific route be designated to prevent use of the rate by other carriers. However, the record shows that there are no other shippers of this particular commodity in the area involved.

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

It appears, and the Commission finds, that the rate sought herein is reasonable and justified by transportation conditions, and in view thereof the Commission concludes that Boyd Trucking Co., Inc. should be granted authority to publish the proposed rate for a further one-year period. In view of the impending expiration date of the current authority the order which follows will be made effective on the date hereof.

O R D E R

IT IS ORDERED that:

1. Boyd Trucking Co., Inc., a corporation, is hereby authorized to publish and file, to expire with February 28, 1969, a rate of 28 cents per 100 pounds, minimum weight 90,000 pounds per shipment, for the transportation of lumber, viz: Incense Cedar Pencil Stock, from Anderson (Shasta County), including all points within the railhead limits of Anderson, to San Leandro, and further subject to the following conditions:

^{2/} June 1 was the effective date of the last wage increase for Boyd's drivers.

- (a) The lumber shall be prepared for shipment by the consignor.
- (b) The lumber shall move in units consisting of approximately 6,840 pounds each and approximately 8 units shall be loaded on each truck. Two trucks, each hauling approximately 8 units, shall be loaded at the consignor's Anderson yard and shall move together to San Leandro where unloading shall be effected. The operation shall be conducted on a continuous 24-hour basis and in excess of 225 days a year.
- (c) Loading of the lumber at Anderson and unloading at San Leandro shall be performed by consignor and consignee, respectively, with fork lift trucks supplied by, and operated by employees of, consignor and consignee.

2. Tariff filings, including railhead limits for Anderson, shall be made effective not earlier than five days after the effective date of this order on not less than five days' notice to the Commission and to the public.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 14th day of FEBRUARY, 1968.

[Signature]
President

[Signature]

[Signature]

[Signature]
Commissioners