

Decision No. 77370

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application)
 of RED LINE CARRIERS, INC., a)
 corporation, for authority to)
 depart from minimum rates in con-)
 nection with certain transportation)
 to be performed for International)
 Business Machines Corporation.)

Application No. 51874
 (Filed May 4, 1970)

OPINION AND ORDER

Applicant holds household goods carrier, radial highway common carrier and highway contract carrier permits. By Decision No. 75764, dated June 10, 1969, in Application No. 51043, applicant was authorized to assess monthly vehicle unit rates and charges, which are different than the minimum rates and charges otherwise applicable, for the transportation of used office and store fixtures and equipment for International Business Machines Corporation between points within 250 air miles of the intersection of Monterey Road and Cottle Road in San Jose. The authority is scheduled to expire July 1, 1970.

By this application, applicant seeks an extension of the current authority for a further six month period, reflecting an increase of approximately 8 percent in the base monthly vehicle unit rates and in certain other charges as specifically set forth in Appendix A attached to the application.

Applicant alleges that the conditions which originally justified the granting of the current authority continue to exist now in reference to the rates proposed. The increase of 8 percent

corresponds to the interim increase of the same percentage which became effective April 24, 1970 in connection with the governing minimum rates, pending determination of the new wage contract to govern applicant's operations.

Said increased labor expense, applicant states, will be experienced retroactively in connection with the transportation here in issue. Because of the labor negotiations pending at the time of filing, applicant could not compute its exact increased costs and could only estimate them. Applicant further states that, prior to the expiration of the termination of the sought six months' authorization, it will file an application seeking an additional renewal of authority, based upon the complete and final labor costs which will then be effective. Meanwhile, applicant is satisfied that the rates sought herein will be just and reasonable for the period during which they are proposed to be made effective.

The certificate of service shows that a copy of the application was mailed to California Trucking Association, California Moving & Storage Association and Knapp, Gill, Hibbert & Stevens on May 1, 1970. The application was listed on the Commission's Daily Calendar of May 5, 1970. No objection to the granting of the application has been received.

In the circumstances, it appears, and the Commission finds, that the proposed rates are reasonable. A public hearing is not necessary. The Commission concludes that the application should be granted.

In view of the impending expiration date of the current authority, the order which follows will be made effective July 1, 1970.

IT IS ORDERED that:

1. Red Line Carriers, Inc., a corporation, is authorized to deviate from minimum rates established for the transportation of used office and store fixtures and equipment as defined in Item No. 20 of Minimum Rate Tariff No. 4-B for International Business Machines Corporation between points within 250 airline miles of the intersection of Monterey Road and Cottle Road in San Jose, by assessing rates and charges no less than those specified in Appendix A, attached hereto and made a part hereof.

2. The authority granted herein shall, on and after July 1, 1970, supersede the authority granted by Decision No. 75764 and shall expire with January 1, 1971.

The effective date of this order shall be July 1, 1970.

Dated at San Francisco, California, this 16th day of JUNE, 1970.

William Syms - Jr.
President

August

M. J. Sullivan

John J. Brown

Donald L. Stinson
Commissioner

APPENDIX A
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By Red Line Carriers, Inc. to Certain Traffic of International
Business Machines Corporation

All service covered by this statement subject to Notes 3, 4, 6, 8, 9, 10, 11, 13, 14, 16, 17, 18 and 19.

Other notes applicable as indicated by specific reference thereto.

SECTION A. BASE MONTHLY VEHICLE UNIT RATES

Base rates in dollars per unit of equipment for exclusive use for thirty (30) consecutive calendar days.

Rates do not include services performed during premium pay hours or on Saturdays, Sundays or days observed as holidays. Rates for such service will be at the additional charges provided in Section "C".

	<u>Rate</u>	<u>Excess Trailing Equipment Rate (Note 5)</u>
(a) Trucks without trailers (Note 1)		
12 feet or over (Note 2)		
2-axle van	1563	
3-axle van	1658	
(b) Tractors and semitrailers		
Tractor (Gas)		
2-axle		
Tare weight: over 8000 lbs.		
With trailer van		
Carrier owned		
28 feet or over (Note 2)	1736	98
Tractor (Gas)		
2-axle		
Tare weight: over 8000 lbs.		
With trailer van		
Shipper owned	1637	

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(a) Trucks without trailer (Note 1)

12 feet or over (Note 2)

2-axle van 13

3-axle van 15

(b) Tractors and semitrailers

Tractor (Gas)

2-axle

Tare weight: over 8000 lbs.

With trailer van

Carrier owned

28 feet or over (Note 2) 19

Tractor (Gas)

2-axle

Tare weight: over 8000 lbs.

With trailer van

Shipper owned

16-1/2

SECTION C. HOURLY VEHICLE UNIT RATES FOR PREMIUM PAY HOURS,
SATURDAYS, SUNDAYS AND HOLIDAYSRates

Rates per hour are in dollars per unit of carrier's equipment. Rates do not include a charge for miles operated. See Section "B" for mileage rates.

- (a) For service performed other than between 8 a.m. and 5 p.m. on any day other than a day observed as a holiday, Monday through Friday.

9.88

- (b) For service performed on a Saturday other than on a day observed as a holiday, the total charge shall include payment for a minimum of 6 hours between 8 a.m. and 3 p.m., regardless of the hours actually worked.

9.88

- (c) For service performed on a Sunday or a day observed as a holiday, subject to a minimum charge of 4 hours if the service is performed exclusively between 8 a.m. and 12 noon or between 1 p.m. and 5 p.m. Provided further, when any service whatsoever is performed between the hours of 8 a.m. and 12 noon, and the service of such vehicle is continued after 1 p.m., then such service is subject to a minimum charge of 8 hours.

13.01

APPENDIX A
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When carrier furnishes help in addition to the driver, the following additional charges apply. Rates are in dollars per man-hour.

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|---|-------|
| (a) For service performed between 8 a.m. and 5 p.m. on any day other than a day observed as a holiday, Monday through Friday, subject to a minimum charge of 2 hours per man. | 8.59 |
| (b) For service performed other than between 8 a.m. and 5 p.m. on any day other than a day observed as a holiday, Monday through Friday. | 9.56 |
| (c) For service performed on a Saturday other than on a day observed as a holiday. The charge for service performed on such a day shall include payment for all hours between 8 a.m. and 12 noon, regardless of the hours actually worked. | 9.56 |
| (d) For service performed on a Sunday or a day observed as a holiday, subject to a minimum charge of 4 hours if the service is performed exclusively between 8 a.m. and 12 noon or between 1 p.m. and 5 p.m. Provided further, when any service whatsoever is performed between the hours of 8 a.m. and 12 noon and the service of the helper is continued after 1 p.m., then such service is subject to a minimum charge of 8 hours. | 12.64 |

NOTES TO RATE SCHEDULE

1. Trucks not suitable for use with trailing equipment.
2. Lineal loading space.
3. In the event that furniture pads or skins are furnished, an additional monthly charge of \$2.35 per dozen shall be made.
4. An additional charge of \$11.15 per month shall be made for each unit of equipment that is equipped with a power-lift gate.
5. Semitrailers furnished by carrier in excess of number of vehicles operated as a single unit.
6. Except as otherwise provided, rates are limited to 8 hours' service out of 9 consecutive hours per day, and to service performed between the hours of 8 a.m. and 5 p.m. For operations in excess of these limitations add the hourly charges provided in Section "C" and the mileage rates shown in Section "B".

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7. The total miles operated will be determined by computing the number of speedometer miles registered during each day that service is performed, beginning at the point at which carrier's driver commences to operate vehicle at start of day and ending with speedometer miles registered at termination of driver's day.

8. Rates are limited to the transportation of all commodities except those for which rates are provided in the State of California Public Utilities Commission's Minimum Rate Tariffs Nos. 3-A, 6-A, 7, 8, 10, 12, 13 and 17, and except used household goods, viz.: household or personal effects, such as furniture, furnishings, clothing, radios, musical instruments, stoves and refrigerators.

9. Rates are limited to operations between points within 250 air miles from Monterey Road and Cottle Road in San Jose.

10. Holidays mean New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, the day after Thanksgiving Day, Christmas Day and the day after Christmas Day. When one of the above holidays falls on a Sunday, the following Monday will be observed as a holiday.

11. The number of driver's hours of service for each day will be computed from the time at which carrier's driver commences either operating the motor vehicle or performing other related service, whichever is sooner, and ending at the time that carrier's driver either ceases operating the motor vehicle or performing other related service, whichever is later.

12. The number of helper's hours of service for each day shall be computed from the time helper is engaged to perform loading, unloading or other related service or required to ride carrier's vehicle, whichever is sooner, and ending at the time loading or unloading service is completed, or the helper is returned to the point at which he was engaged at start of day, whichever is later.

13. Included in each 8 hours' service out of 9 consecutive hours will be two rest periods, not to exceed 15 minutes each. Time taken for lunch of one hour or less will not be included in hours of service performed.

14. In the event that a unit of equipment has become temporarily inoperable while engaged in transportation, the carrier may substitute another unit of equipment at the rates agreed upon in the written agreement until such time as the original unit of equipment is operable.

15. The rates in Sections "A" and "C" include the service of the driver only. When the carrier furnishes help in addition to the driver, the additional charges as provided in Section "D" will be assessed.

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16. Rates do not include weighmaster fees and bridge or ferry tolls. Such fees and tolls, when incurred by the carrier, shall be added to the transportation charges.

17. Rates are subject to the articles shipped being released by the shipper at a valuation of not in excess of fifty cents per pound per article.

18.(a) Within 7 calendar days after the 31st day after commencement of service, the carrier shall present a bill to the shipper which shall show the following information:

- (1) The transaction period.
- (2) Identification and type of each unit of carrier's equipment.
- (3) Base rate for each unit of equipment.
- (4) Rate per mile and number of miles operated.
- (5) Rate for premium pay and excess hours and number of hours, when applicable.
- (6) Rate for Saturday, Sunday or holiday service and dates of such service, when performed.
- (7) Rate per hour for helpers and number of hours used.
- (8) Additional charges and explanation of each.

(b) When the billing date determined above falls on a Saturday, Sunday or holiday, said billing date is extended to the following day other than Saturday, Sunday or holiday.

(c) The form of document set forth in Item No. 600 of Minimum Rate Tariff No. 15 will be suitable and proper. A copy of each freight bill shall be retained and preserved at a location within the State of California, subject to the Commission's inspection, for a period of not less than three years from the date of its issuance.

(d) Credit may be extended for a period of not to exceed 7 days, excluding Sundays and holidays, from the first 12 o'clock midnight following presentation of the freight bill.

19. Prior to the transportation of the property, the shipper must enter into a written agreement with carrier. This agreement shall show:

- (a) Provisions agreeing to the rules and regulations of this order and at a level no lower than those authorized by this order.
- (b) A clause governing adjustment of the rates and charges in the event that the provisions of this order are changed.
- (c) Date transportation service is to commence.
- (d) Type of carrier's motor power equipment.
- (e) Type of trailer or semitrailer equipment, when applicable.

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- (f) Identification of each piece of equipment either by license number or otherwise.
- (g) Lineal loading space of each unit of equipment in feet.
- (h) Base of operations.
- (i) Base rate.
- (j) Rate per mile.
- (k) Duration of written agreement.
- (l) Declared valuation.
- (m) The agreement shall be in substantially the form of the written agreement set forth in Item No. 91 of Minimum Rate Tariff No. 15, and the original or a copy thereof shall be retained and preserved by the carrier, at a location within the State of California, subject to Commission inspection, for a period of not less than three years from the date of its issuance.