

Decision No. 90527 JUL 3 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Burns & Sons Truck-  
ing for authority to be exempted )  
from Tariff 9B (sic); to transport )  
property of abnormal size or )  
weight requiring the use of low- )  
bed trailers. )

Application No. 58863  
(Filed May 14, 1979)

OPINION AND ORDER

Minimum Rate Tariff 9-B (MRT 9-B) names minimum rates and rules for the transportation of property within the San Diego Drayage Area. By this application,<sup>1/</sup> Burns & Sons Trucking (Burns), an individual, seeks authority to be exempted from the minimum rates for the transportation of property, which because of size or weight requires the use of low-bed equipment.

Burns alleges that he transports construction machinery and contracting materials and equipment. Legal restrictions pertaining to the size and/or weight of these commodities being transported over public roads require the applicant to utilize low-bed trailers. In addition, prior to moving any particular load, the carrier must obtain from the City of San Diego, County of San Diego, or the California Department of Transportation, as the case may be, the proper moving permit.

Burns has set forth a schedule of charges, in the application, that he currently assesses for the aforesaid services on an hourly rate basis, which exceed the minimum rate presently in effect in MRT 9-B. Therefore, the exemption sought does not involve the question of the level of rates.

The application was listed on the Commission's Daily Calendar of May 15, 1979. A letter received from California Trucking

<sup>1/</sup> Although the carrier filed an application seeking an exemption from the rates and rules in Minimum Rate Tariff 9-B, the proper acceptable method of seeking such exemption is for one to file a petition in the appropriate minimum rate proceeding, namely Case 5439.

A. 59863 - FS \*

Association opposed an open-ended exemption and suggested that any relief be limited to a one-year period.

The order granting this relief will be restricted to transportation requiring a permit because of unusual size or weight. Transportation circumstances under these restrictions are not likely to change; therefore, relief will be granted on a continuous basis.<sup>2/</sup>

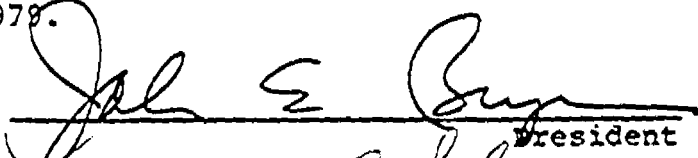
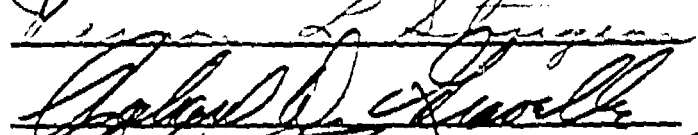

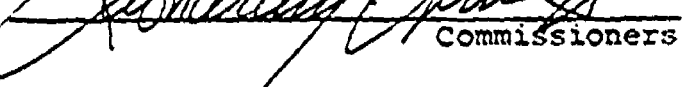
In the circumstances, the Commission finds that applicant's proposal is reasonable. A public hearing is not necessary. The Commission concludes that the application should be granted as set forth in the ensuing order and the effective date of this order should be the date hereof because there is an immediate need for this rate relief.

IT IS ORDERED that:

John J. Burns, Jr., dba Burns and Sons Trucking, is authorized to depart from the minimum rates set forth in Minimum Rate Tariff 9-B to the extent set forth in Appendix A of this decision.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 3rd day of JULY, 1979.

  
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President  
  
\_\_\_\_\_  
Charles D. Howell  
  
\_\_\_\_\_  
Donald L. Patrick  
  
\_\_\_\_\_  
Commissioners

<sup>2/</sup> Among other permits held by carrier, the applicant was issued a Contract Carrier's permit in February 1979 in the name of John J. Burns, Jr. dba Burns and Sons Trucking. The order will take this officially into account.

APPENDIX A \*

JOHN J. BURNS, JR.  
dba  
BURNS AND SONS TRUCKING

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John J. Burns, Jr. dba Burns and Sons Trucking, when transporting construction machinery and all other contracting materials and equipment on low-bed trucking equipment, which such property due to size or weight requires the use of such equipment, shall be exempt from the rates and rules in Minimum Rate Tariff 9-B.

This exemption shall apply only when carrier possesses a permit from the City of San Diego, County of San Diego or the California Department of Transportation, as the case may be, prior to a shipment being transported.

(END OF APPENDIX A)