

Decision No. 28274

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the establishment
of temporary minimum rates, rules
and regulations for the transpor -
tation, for compensation or hire, of
sand, rock, gravel, excavated material
and road building material, by dump
trucks over the public highways within
the State of California.

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) Case No.4076
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Edward M. Berol, for the Truck Owners Association
of California.

J. C. Bowden, for the Dump Truck Association of
Southern California.

Thos. S. Louttit and J. Richard Townsend, for
the Stockton Traffic Bureau, Stockton
Port District and Stockton Chamber
of Commerce.

BY THE COMMISSION -

ORIGINAL

OPINION and ORDER

This proceeding, which was instituted by the Commission on its own motion, deals with the establishment on a temporary basis of minimum rates, rules and regulations governing the operations of dump trucks over public highways for compensation in this state and engaged in the transportation of sand, rock, gravel, excavated material and road building material.

Two public hearings were conducted in this proceeding, one at San Francisco on October 4, 1935, by Examiner Brown, and the other by Examiner Hunter at Los Angeles on October 7, 1935. At the latter hearing the matter was taken under submission.

The investigation was instituted largely upon a request from two organizations representing a substantial portion of the dump truck operators in California, one, the "Truck Owners Association," being an organization comprising among its members dump truck operators in the northern part of the state, and the other, the "Dump Truck Association," an organization

of dump truck operators in southern California.

In the original application of the Truck Owners Association, there is set forth a schedule of rates, rules and regulations. These were modified at the hearing in a number of important respects, particularly with respect to the establishment of labor rates. These rates, rules and regulations conform in general to those which have heretofore been in effect under the N.R.A. Code of Fair Competition for the Trucking Industry, applicable in the northern part of the state. The Dump Truck Association contends there should be a lower basis of rates in southern California¹ than for northern California.²

The record shows that there is a material difference in the conditions under which the dump truck operators in the south operate as compared to those in the north. For example, the northern California dump truck operators average approximately 1200 hours of service per year, whereas, in the south, this item is increased to approximately 2000 hours. There is also a material difference between the two operators, in that in the northern part of the state, particularly in the San Francisco area, materials are hauled from the waterfront to points of delivery on the higher levels, whereas, in the southern part of the state, particularly in the Los Angeles area, the materials are excavated in the high levels and delivered to points on a lower level. There is also a substantial difference in the labor costs in the two districts.

The record contains considerable testimony on the reasonable cost of the transportation service to be performed and other data

¹ The southern California territory comprises the counties of Santa Barbara, Ventura, Los Angeles, Orange, San Diego, Imperial, Riverside, San Bernardino and Inyo.

² The northern California territory comprises all other counties in the state.

necessary to a proper determination of this matter. This data appears to support the proposed minimum rates, rules and regulations. The record shows that the Associated General Contractors, the County of Los Angeles (through its Director of Labor Co-ordinating Bureau), and several rock and sand producers who appeared at the Los Angeles hearing are not opposed to the proposed minimum rates, rules and regulations on a temporary basis. The establishment of minimum dump truck rates at this time will tend to stabilize the industry.

After carefully considering the record in this proceeding, it is concluded that the rates, rules and regulations, as proposed by the Truck Owners Association and the Dump Truck Association, as modified in this proceeding, should be established on a temporary basis, and the following order will so provide.

O R D E R

Public hearings having been held on the above entitled proceeding, and the matter being now ready for decision,

IT IS HEREBY ORDERED that on and after the effective date of this order the rates, rules and regulations set forth in Exhibit "A," hereto attached and made a part hereof, shall be the minimum rates, rules and regulations to be continued in effect until further order of the Commission, for the transportation, for compensation or hire, of sand, rock, gravel, excavated material and road building material, over the public highways of the State of California, including those within any and all cities and any city and county within said State, by any and all persons, firms or corporations engaged in the operation of motor vehicle, or vehicles, as highway carriers, and/or city carriers, as defined in Chapters 223 and 312, respectively,

Statutes of 1935, of the State of California.

The effective date of this order shall be five (5) days from the date hereof.

Dated at San Francisco, California, this 9th day of October, 1935.

Lee O Whitely

M B Harris

Francis R. Dehn
COMMISSIONERS.

EXHIBIT "A"

Minimum rates, rules and regulations, applicable to the transportation, for compensation or hire, of sand, rock, gravel, excavated material and/or road building material over the public highways of the State of California.

RATES PER HOUR, EXCLUSIVE OF DRIVER

Capacity of Dump Truck Water Level Measure	Column A		Column B	
	Northern Calif.	Southern Calif.	Northern Calif.	Southern Calif.
Less than 2½ Cu. Yds.	\$0.89	\$0.85	\$1.05	\$0.98
2½ Cu. Yds. or over but less than 3½ Cu. Yds.	1.41	1.40	1.65	1.65
3½ Cu. Yds. or over but less than 4½ Cu. Yds.	1.91	1.75	2.25	2.05
4½ Cu. Yds. or over but less than 5½ Cu. Yds.	2.12	2.00	2.50	2.30
5½ Cu. Yds. to and including 7 Cu. Yds.	2.77	2.25	3.25	2.55

In computing rates for equipment in excess of 7 Cu. Yds. capacity, add 25 cents per Cu. Yd. per hour to the rates shown for 7 Cu. Yd. equipment.

NOTE: Southern California operation shall include the following Counties: Santa Barbara, Ventura, Los Angeles, Orange, San Diego, Imperial, Riverside, San Bernardino and Inyo. Northern California includes all the other counties in the State.

RULES AND REGULATIONS

RULE 1 - APPLICATION OF RATES

(Applicable to operations in Northern California only)

Rates shown in Column A apply on dump truck motor vehicles engaged in:

(a) transportation in highway, road or street maintenance work,
or

(b) the transportation of rock, sand, gravel, excavated material, road building material or any combination thereof, for compensation or hire on any public highway in this State but only if the daily mileage does not exceed an average of ten miles per hour and where loading is performed exclusively by hand labor.

Rates shown in Column B apply on all classes of dump transportation on any public highway in this State when for hire or compensation other than that covered by the rates shown in Column A.

(Applicable to operations in Southern California only)

Rates shown in Column A apply on dump truck motor vehicles engaged in the transportation of sand, gravel and crushed rock products, asphaltic concrete, pre-mixed road material, decomposed granite or other stabilizing materials, however loaded, and on all other dump truck transportation when loading is performed by hand.

Rates shown in Column B apply on excavating grading or stripping work where loading is performed by means of power either directly or through the use of bunkers or chutes equipped with traps.

RULE 2 -

Where the service of a driver, either owner or employee, is included there shall be added to the rates specified under Columns A and B the actual or computed wages paid for a driver, but in no case less than the general prevailing rate per hour for work of a similar character in the locality in which the work is performed. The term "general prevailing rate per hour" shall be understood to mean that rate which has last been found to be the general prevailing rate in the particular locality by the Department of Public Works of the Division of Highways, State of California, as established under the provisions of Chapter 327, Statutes of 1931, as amended.

Exception: Whenever the Federal Government, the State of California, any County, City and County, City, Town, District, or other political subdivision of said State, shall have fixed and determined the rate of wages to be paid drivers such rate shall apply on all work done by or on behalf of said Federal Government, State or political subdivision thereof.

RULE 3 -

The rates herein established shall be the minimum rates and it shall be unlawful to charge or collect any lesser rate than those set forth herein.