

Decision No. 20213

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Establishment of maximum or minimum, or maximum and minimum rates, rules and regulations of all common carriers as defined in the Public Utilities Act of the State of California, as amended, and all highway carriers as defined in Chapter 223, Statutes of 1935, as amended, for the transportation for compensation or hire, of any and all commodities.

ORIGINAL

Case No. 4246.

In the Matter of the Establishment of maximum or minimum, or maximum and minimum rates, rules and regulations of all carriers as defined in the City Carriers' Act of the State of California (Statutes 1935, Chapter 312 as amended) for the transportation over the public highways within any city or city and county in the State of California, for compensation or hire, of any and all commodities.

Case No. 4434.

Additional Appearances

T. A. L. Loretz, for Orange County Dump Truck Assn.

Melville C. Erskine and T.A.L. Loretz, for Blue Diamond Corp., Inc.

N. W. Simpson and H. F. Carvin Pelsue, for Graham Bros., Inc.

Thomas W. Moore, for Asphaltic Paving Materials Co.,

Paul Moe, for Moe Bros.

Jake M. Kyle, in propria persona.

BY THE COMMISSION:

INTERIM OPINION AND ORDER

On May ¹⁴~~17~~, 1941, a hearing was held before Examiner Hunter for the purpose of taking evidence involving certain phases of the transportation of property by dump trucks.

This Interim Opinion and Order deals with certain phases of the record adduced at this hearing; namely

- (a) The abandonment of the Production Area "R," as presently described on Second Revised Page 21-G of City Carriers' Tariff No. 6, Highway Carriers' Tariff No. 7, Decision No. 33002, as amended; and the description of new area to be designated as "Production Area "R" at a point approximately one-half mile southerly from the presently described production area "R";
- (b) In changing the boundary descriptions of Production Area "W," as presently described on Second Revised Page 21-G of City Carriers' Tariff No. 6; Highway Carriers' Tariff No. 7, for the purpose of including within the boundaries of this area production plants not now included but which are in the immediate vicinity thereof.

Evidence pertaining to the relocation of Production Area "R" was introduced by Thomas W. Moore, President of the Asphalt Paving Materials Company. His testimony showed that the property upon which the presently described Production Area "R" is situated is to be subdivided for residential purposes and that he has obtained the permission of the City of Culver City to locate a plant for the purpose of manufacturing asphaltic concretes and the production of sand used in the manufacture of this commodity at a point approximately one-half to three-quarters of a mile south from the present location of Production Area "R".

No opposition to this proposal was presented at this hearing.

The company represented by this witness is one of the larger producers of asphaltic concrete in the metropolitan Los Angeles area. The witness indicated that the establishment of zone rates from this new production plant is of importance so as to permit his company to be competitive with other companies marketing this commodity in the Los Angeles metropolitan district.

In connection with the proposal for the change in the boundary of Production Area "W", H. F. Garvin Pelsue, Vice President of Graham Bros., Inc., testified that a plant for the production of

decomposed granite operated by their company was located adjacent to this production area, but not included within the boundary of aforesaid area, and that it was important from the competitive standpoint of marketing this commodity in the Long Beach and San Pedro area to have zone rates established from their plant for the transportation of this material.

The witness indicated that his company owned approximately forty acres adjacent to Production Area "W" and requested that this entire area be included within this production zone. No opposition was presented to the redescription of this production area and no testimony was offered that any opposition would be afforded by residents of this territory.

A petition was received from the Ansco Construction Company of Long Beach, who also operate a plant producing decomposed granite in the Palos Verdes territory, requesting that their plant be included in the boundaries of Production Area "W." This petition stated that they have located a new plant adjacent to the present Production Area "W" but not within its boundaries.

The fact that large quantities of material produced at plants which are requesting to be included in Production Area "W" are contracted for delivery to defense projects in the Los Angeles-Long Beach Harbor district and the urgent request on the part of the operator of the plant located in the proposed Production Area "R" for permission to use zone rates, indicating that a large portion of his production is used directly or indirectly in defense work, requires the issuance of an Interim Order. Other phases of this matter are being reserved for future disposition.

From the record adduced pertaining to these two matters, it appears that no opposition has arisen to the request for the redescription of the boundary zones of Production Area "R" and

Production Area "W" and the following Interim Order will therefore
redescribe the boundaries of these Production Areas.

INTERIM ORDER

Public hearing having been held in the matters referred to
in this Opinion of the above entitled proceedings, and based upon the
evidence thus received;

IT IS HEREBY ORDERED that City Carriers' Tariff No. 6,
Highway Carriers' Tariff No. 7 (Appendix "A" to Decision No. 32566,
as amended) be and it is hereby further amended by substituting
therein, to become effective May 28, 1941, the page designated as
"Third Revised Page 21-G, cancels Second Revised Page 21-G, which is
attached hereto and by this reference made a part hereof."

IT IS HEREBY FURTHER ORDERED that in all other respects
said Decision No. 32566, as amended, shall be in full force and effect.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 27th day of

May, 1941.

[Signature]
Justin J. Baller
Frank L. Havens
Richard H. [Signature]

Commissioners.

Area
No.

SECTION NO. 3--RATES FROM PRODUCTION AREAS TO DELIVERY
ZONES (Continued)

APPLICATION OF TARIFF--TERRITORIAL (Continued)
LOS ANGELES--PRODUCTION AREAS (Concluded)

O

Beginning at the intersection of Santa Fe Avenue and 15th Street in the City of Los Angeles, thence westerly on 15th Street to Alameda Street; southerly on Alameda Street to 37th Street; easterly on 37th Street to Santa Fe Avenue; northerly on Santa Fe Avenue to the point of beginning.

P

Beginning at the intersection of Mar Vista Avenue and D Street, thence westerly on D Street and its westerly prolongation to a line parallel to and 1,000 feet westerly of Mar Vista Avenue; thence southerly along said line to its intersection with Wilmington & San Pedro Road; northeasterly on Wilmington & San Pedro Road to Mar Vista Avenue; northerly on Mar Vista Avenue to the point of beginning.

*R

Beginning at that intersection of the northerly city limit of the City of Culver City and Moynier Lane, located approximately 1000 feet southerly of the intersection of Jefferson Blvd. and Rodeo Road; thence southerly on Moynier Lane to the intersection of Moynier Lane and the easterly city limit of the City of Culver City; thence northerly along said city limits to the point of beginning.

S

Beginning at the intersection of railroad of The Atchison, Topeka & Santa Fe Railway Company's San Diego line with a line parallel to and 1,000 feet easterly of Indiana Street, thence northwesterly on said railroad to Soto Street; northerly on Soto Street to 8th Street; northwesterly on 8th Street and its northwesterly prolongation to the Los Angeles River; southerly on Los Angeles River to Soto Street; southerly on Soto Street to Vernon Avenue; easterly on Vernon Avenue to Downey Road; northerly on Downey Road to the Los Angeles River; southeasterly on Los Angeles River to the southerly prolongation of a line parallel to and 1,000 feet easterly of Indiana Street; thence northerly along said line to the point of beginning.

T

Beginning at the intersection of Cherry Avenue and Wardlow Road, thence westerly on Wardlow Road to Orange Avenue; southerly on Orange Avenue to Spring Street; easterly on Spring Street to Cherry Avenue; northerly on Cherry Avenue to the point of beginning.

U

Beginning at the intersection of the northerly prolongation of Dorothy Avenue with the railroad of Southern Pacific Company's Santa Ana branch, thence westerly along said railroad to the northerly prolongation of Rheem Avenue; southerly on said prolongation and Rheem Avenue to Firestone Boulevard; easterly on Firestone Boulevard to Dorothy Avenue; northerly on Dorothy Avenue and its northerly prolongation to the point of beginning.

Area
No.

SECTION NO. 3--RATES FROM PRODUCTION AREAS TO DELIVERY
ZONES (Continued)

APPLICATION OF TARIFF--TERRITORIAL (Continued)
LOS ANGELES--PRODUCTION AREAS (Concluded)

*W

Beginning at a point on Palos Verdes South, one mile westerly of the intersection Palos Verdes Drive South and Pacific Avenue (formerly Fifth Street) measured along said Palos Verdes Drive South, thence easterly from said point along Palos Verdes Drive South to its intersection with the westerly prolongation of the southerly city limit of the City of Los Angeles (adjacent to Sixteenth Street, San Pedro area), easterly from said intersection along said prolongation to the southwest corner of the city limits of the City of Los Angeles, northerly along the westerly city limit of the City of Los Angeles to the northwest corner of the city limits of the City of Los Angeles in the proximity of the intersection of Mirple's Drive and First Street, thence westerly along the westerly prolongation of the northerly city limit of the City of Los Angeles to its intersection with a line extending north from the point of beginning, thence south along said line to the point of beginning.

X

Beginning at the intersection of East Road and North Oak Avenue, thence westerly on East Road to Normandie Avenue, southerly on Normandie Avenue to 212th Street, thence easterly on the easterly prolongation of 212th Street to its intersection with the southerly prolongation of North Oak Avenue, thence northerly along said prolongation to the point of beginning.

(Concluded)

*Change, Decision No. _____

EFFECTIVE MAY 28, 1941

Correction No. 74

Issued by The Railroad Commission of the State of California,
San Francisco, California.