

Decision No. 35463

ORIGINAL

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.

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

BY THE COMMISSION:

SUPPLEMENTAL OPINION

By Decision No. 32566 of November 14, 1939, as later amended, the Commission established minimum rates, rules and regulations for the transportation of property in dump truck equipment throughout California by radial highway common and highway contract carriers and carriers defined in the City Carriers' Act.

By a petition The Truck and Warehouse Association of San Diego and Imperial Counties, hereinafter called the Association, proposed certain modifications in the minimum rates, rules and regulations heretofore established in City Carriers' Tariff

No. 6, Highway Carriers' Tariff No. 7,⁽¹⁾ hereinafter referred to as the Tariff. Evidence pertaining to the proposed changes was received at a hearing held before Examiner Bryant at San Diego on January 6, 1942.⁽²⁾

MINIMUM CHARGE

The Association specifically requested that Item No. 50-B of the Tariff be changed to provide a minimum charge for shipment of 6 Tons at the applicable rate instead of the present provision of a minimum charge per shipment of 7 Tons.

Item No. 50 series of the Tariff originally provided for a minimum charge established upon a shipment of 6 Tons, for movements throughout the State. After a hearing in Los Angeles this item subsequently was amended to provide a minimum on the basis of 7 Tons at the applicable rate. The interested parties in San Diego County now urge the adoption of a minimum charge rule based upon a 6 Ton shipment at the applicable rate to apply to movements within San Diego County, primarily upon the grounds that it has been a long established custom of the industry to use a 6 Ton shipment as the basis of a minimum charge and that a large portion of the dump truck equipment engaged in transporting property under distance rates or zone rates is of less than 7 Tons capacity. No one opposed the proposed modification presented. The following order will provide for the revisions requested in the minimum charge rule.

(1) This tariff is Appendix "A" to Decision No. 32566, supra.

(2) Evidence taken in other matters heard at this time was dealt with in Decision No. 35055.

RATES FOR THE TRANSPORTATION OF BRICK

The Association requested that rates be established for the transportation of brick, building, common or pressed, in dump truck equipment similar in volume and application to those provided in the Tariff. (3) The testimony regarding this request showed that brick was loaded into dump trucks by hand and that the time required for this loading operation was much greater than that for the commodities for which rates are presently provided in the Tariff. Carrier witnesses specializing in the transportation of brick were not present, nor was this request supported by any cost data.

While there was some testimony in this record that the establishment of minimum rates for the transportation of brick in dump trucks similar in volume and application to those provided in the Tariff would be of value to carriers and shippers alike, there is not sufficient data in this record upon which to base such a conclusion. Under these circumstances this request will be denied.

REVISION OF ZONES

Subsequent to the time the Commission made its order in Decision No. 32566, supra, which prescribed zone rates for the transportation of property in dump trucks from the established Production Areas (4) to the Delivery Zones within the primary marketing area in this district, three additional production

(3)

Rates for the transportation of brick in dump trucks are presently provided in Highway Carriers' Tariff No. 2 under class rates, but these rates are in some cases substantially higher than the distance rates prescribed for the transportation of other materials in dump truck equipment as shown in City Carriers' Tariff No. 6, Highway Carriers' Tariff No. 7.

(4)

In City Carriers' Tariff No. 6, Highway Carriers' Tariff No. 7 where zone rates are involved, the origin points are described as Production Areas and the destination points as Delivery Zones.

(5)
plants have been developed.

Zone rates prescribed in Decision 32566, supra are not applicable for movements from these three new plants; the applicable tonnage rates are on a distance basis, which requires the determination of the distance the load is to be transported before a rate can be computed. Due to this procedure and other marketing methods employed in the rock and sand industry these newer plants are subject to certain competitive disadvantages.

The Association requested that these newly established plants be located either in existing Production Areas by extending the boundaries of these nearest Areas or by establishing new Production Areas.

A witness testifying for the Association urged that these plants be incorporated in regions designated as Production Areas, so that zone rates may be applied. The Association did not propose how these plants should be zoned.

There was no opposition to the granting of the Association request and it appears reasonable. The plant of the San Diego Rock & Gravel Co. is situated approximately two miles easterly of a central point in the previously described Production Area "D". The plant of the Billings Truck Co. is located approximately four miles easterly of a central point in Production Area "D". In keeping with the general size of the Production Areas in the San Diego territory it appears proper to provide new Production Areas for these plants. The new plant of H. G. Fenton Material

(5)

Billings Truck Co. plant and San Diego Rock & Gravel Co. plant located near the community of Otay southerly of San Diego, H. G. Fenton Material Co. plant located near the San Diego River north-erly of San Diego.

Co. is situated less than one-half mile easterly of the present easterly line of Production Area "A". Due to the proximity of this new plant to an existing Production Area it seems proper to include this plant in Production Area "A" by redescribing the easterly boundary thereof. The order will provide zone rates from these newly established Production Areas to the various Delivery Zones on the same basis as that of the existing zone rates.

ZONE MAP

The Association requested that the Commission issue, for the use of carriers, shippers and others, a map showing in outline the Production Areas and Delivery Zones of the San Diego zoned area. An Association witness testified that certain misinterpretations of rates had grown from the fact that a properly prepared zone map was not available.

No one objected to this proposal and it would appear that the issuance of a map would aid in carrying out the order of the Commission and, therefore, such a map will be prepared and attached to the following order.

MISCELLANEOUS

Minor modifications in the description of the boundaries of Production Area "B" and of Delivery Zones 5 and 22 will be made in the interest of clarification.

Adjourned public hearing having been held in 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 and to become effective June 29, 1942, the pages designated as:

Third Revised Page 5 cancels Second Revised Page 5;
First Revised Page 33-C cancels Original Page 33-C;
First Revised Page 33-F cancels Original Page 33-F;
First Revised Page 33-H cancels Original Page 33-H;
Original Page 38-A-A,

which are attached hereto and by this reference made a part thereof.

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

This Order shall become effective twenty (20) days from the date hereof.

Dated at San Francisco, California, this 9th day of

June, 1942.

Justus F. Callender
Ray J. Pyle
H. BAKER
Richard Jackson

Third Revised Page-----5
 Cancels
 Second Revised Page-----5

CITY CARRIERS' TARIFF NO. 6
 HIGHWAY CARRIERS' TARIFF NO. 7

Item No.	SECTION NO. 1	RULES AND REGULATIONS (Concluded)
* 50-C Cancels 50-B	MINIMUM CHARGE	<p>Except as otherwise provided the minimum charge per shipment shall be the charge for 7 tons at the applicable rate (See Note.)</p> <p>NOTE: Between points in San Diego County the minimum charge per shipment shall be the charge for 6 tons at the applicable rate.</p>
60 1-3-40	METHOD OF DETERMINING WEIGHT OF SHIPMENT APPLICABLE IN SOUTHERN TERRITORY	
<p>Actual weight of the shipment shall be used when furnished by the shipper or when obtained by the carrier at the shipper's direction and expense.</p> <p>Otherwise charges shall be computed upon the basis of an estimated weight of 2800 pounds per cubic yard when loaded in the dump truck equipment.</p>		
70 1-3-40	ALTERNATIVE APPLICATION OF COMMON CARRIER RATES	
<p>Common carrier rates may be applied in lieu of the rates provided in this tariff, when such common carrier rates produce a lower aggregate charge for the same transportation, from the same point of origin to the same point of destination, than results from the application of the rates herein provided. (See Note).</p> <p>NOTE: When a rail carload rate is subject to varying minimum weights, dependent upon the size of the car ordered or used, the lowest minimum weight obtainable under such minimum weight provisions may be used in applying the basis provided in this item.</p>		
80 1-3-40	<u>BRIDGE AND FERRY TOLLS</u>	
<p>On all shipments the actual bridge or ferry tolls shall be added to the transportation charge when such facilities are used by the carrier.</p>		
90 1-3-40	ALTERNATIVE APPLICATION OF COMBINATIONS WITH COMMON CARRIER RATES APPLICABLE TO SOUTHERN TERRITORY OF THE STATE	
<p>When lower aggregate charges result, rates provided in this tariff may be used in combination with common carrier rates for the same transportation as follows:</p> <p>(a) When point of origin is located beyond railroad and point of destination is located at railroad, add to the common carrier rate applying from any team track to point of destination the rate provided in this tariff for the distance from point of origin to the team track from which the common carrier rate used applies. (See Notes 1, 2 and 3.)</p>		

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CITY CARRIERS' TARIFF NO. 6
 HIGHWAY CARRIERS' TARIFF NO. 7

Item No.	SECTION NO. 1 RULES AND REGULATIONS (Concluded) Continued
90 1-3-40	<p style="text-align: center;">ALTERNATIVE APPLICATION OF COMBINATIONS WITH COMMON CARRIER RATES APPLICABLE TO SOUTHERN TERRITORY OF THE STATE</p> <p>(b) When point of origin is located at railhead and point of destination is located beyond railhead, add to the common carrier rate applying from point of origin to any team track, the rate provided in this tariff for the distance from the team track to which the common carrier rate used applies to point of destination. (See Notes 1 and 3.)</p> <p>(c) When both point of origin and point of destination are located beyond railhead, add to the common carrier rate applying between any railheads the rate provided in this tariff for the distance from point of origin to the team track from which the common carrier rate used applies, plus the rate provided in this tariff for the distance from the team track to which the common carrier rate used applies to point of destination. (See Notes 1, 2 and 3.)</p> <p>NOTE 1. In the event, under the provisions of Items Nos. 70 and 90 series, a rate of a common carrier is used in constructing a rate for highway transportation and such common carrier rate does not include accessorial services performed by the highway carrier, the following charge for such accessorial services shall be added: For loading and unloading - 10 cents per ton.</p> <p>NOTE 2. When the point of origin located beyond railhead is a commercial producing plant located within any of the production areas described in Section No. 3, in which a team track is located and the point of destination is outside such production area, the combination rate may be constructed by adding to the common carrier rate specified in this item series, the rate of 5 cents per ton in lieu of the rate provided in this tariff for the distance from the point of origin to the team track from which said common carrier rate applies.</p> <p>NOTE 3. When the rail carload rate is subject to varying minimum weights, dependent upon the size of the car ordered or used, the lowest minimum weight obtainable under such minimum weight provisions may be used in applying the basis provided in this item.</p>
	† Reduction * Change, Decision No. 35468 EFFECTIVE JUNE 29, 1942
Correction No. 84	Issued by The Railroad Commission of the State of California, San Francisco, California.

First Revised Page-----33-C

CITY CARRIERS' TARIFF NO. 6

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HIGHWAY CARRIERS' TARIFF NO. 7

Zone
No.

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

APPLICATION OF TARIFF-TERRITORIAL (Continued)
SAN DIEGO COUNTY AREA - DELIVERY ZONES - (Continued)

* 5

Beginning at the intersection of Lincoln Avenue and Powers Street in the County of San Diego, thence southerly on Powers Street to the county road continuation of Fairmont Avenue, thence southwesterly along a direct line to the northerly intersection of Collier Avenue and 54th Street; southerly on 54th Street to University Avenue; easterly on University Avenue to 70th Street; northerly on 70th Street to Alvarado Avenue; westerly on Alvarado Avenue to Pennsylvania Avenue; thence northwesterly along a direct line to a point on Lincoln Avenue 600 feet easterly of Chase Street; thence westerly on Lincoln Avenue to the point of beginning.

6

Beginning at the intersection of Myrtle Avenue and Euclid Avenue, thence westerly on Myrtle Avenue to 40th Street; thence westerly in a direct line to the intersection of Felton Street and Myrtle Avenue; westerly on Myrtle Avenue to Ray Street; southerly on Ray Street to Upas Street; westerly on Upas Street to 28th Street; southerly on 28th Street to Palm Street; thence southerly along a direct line to the intersection of 28th Street and Date Street; southerly on 28th Street to Russ Boulevard; westerly on Russ Boulevard to 18th Street; southerly on 18th Street to Broadway; easterly on Broadway and the easterly prolongation thereof to its intersection with Federal Boulevard; easterly on Federal Boulevard to Euclid Avenue; northerly on Euclid Avenue to the point of beginning.

7

Beginning at the intersection of 28th Street and Upas Street, thence westerly on Upas Street to 6th Avenue; southerly on 6th Avenue to Date Street; easterly on Date Street to 10th Avenue; southerly on 10th Avenue to the westerly prolongation of Russ Boulevard; easterly on said prolongation and Russ Boulevard to 28th Street; northerly on 28th Street to Date Street; thence northerly along a direct line to the intersection of Palm Street and 28th Street; northerly on 28th Street to the point of beginning.

8

Beginning at the intersection of Pershing Drive and Russ Boulevard, thence westerly on Russ Boulevard and its westerly prolongation to 10th Avenue; northerly on 10th Avenue to Date Street; easterly on Date Street to 6th Avenue; northerly on 6th Avenue to Upas Street; westerly on Upas Street to Curlew Street; southerly on Curlew Street to Reynard Way; northwesterly on Reynard Way to Goldfinch Street; northerly on Goldfinch Street and its northerly prolongation to the San Diego River; westerly along the San Diego River to its intersection with the northeasterly prolongation to Witherby Street; southwestwesterly along said prolongation and Witherby Street to Pacific Highway; southwesterly on Pacific Highway to Harasthy Street; southwestwesterly along the southwestwesterly prolongation of Harasthy Street to the San Diego Bay; southerly along the shore line of San Diego Bay to Broadway; easterly on Broadway to 18th Street; northerly on 18th Street to the point of beginning.

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CITY CARRIERS' TARIFF NO. 6
 HIGHWAY CARRIERS' TARIFF NO. 7

Zone No.	SECTION NO. 3 - RATES FROM PRODUCTION AREAS TO DELIVERY ZONES (Continued)
*9	<p style="text-align: center;">APPLICATION OF TARIFF-TERRITORIAL (Continued) SAN DIEGO COUNTY AREA-DELIVERY ZONES (Continued)</p> <p>Beginning at the northerly intersection of Collier Avenue and 54th Street; thence northwesterly along a direct line to the intersection of Powers Street, the county road continuation of Fairmount Avenue and Camino del Rio; thence continuing northwesterly along said line to the San Diego River; thence westerly along San Diego River to its intersection with the northwesterly prolongation of Boundary Street; thence southeasterly along said prolongation and Boundary Street to Felton Street; southerly on Felton Street to Myrtle Avenue; thence easterly along a direct line to the intersection of Myrtle Avenue and 40th Street; easterly on Myrtle Avenue to Euclid Avenue, northerly on Euclid Avenue to University Avenue; westerly on University Avenue to 54th Street; northerly on 54th Street to the point of beginning.</p> <p style="text-align: center;">(Continued)</p>
	* Change, Decision No. 35468
	EFFECTIVE JUNE 29, 1942
	Issued by The Railroad Commission of the State of California, Correction No. 85 San Francisco, California.

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CITY CARRIERS' TARIFF NO. 6
HIGHWAY CARRIERS' TARIFF NO. 7

Zone
No.

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

APPLICATION OF TARIFF-TERRITORIAL (Continued)
SAN DIEGO COUNTY AREA-DELIVERY ZONES (Continued)

19

Includes the area within the United States Military
Reservation (Point Loma).

20

Beginning at the intersection of Massachusetts Avenue
and University Avenue, thence westerly on University Avenue to
Euclid Avenue; southerly on Euclid Avenue to Federal Boulevard;
northeasterly on Federal Boulevard to San Diego Avenue; easterly
on San Diego Avenue to Massachusetts Avenue; northerly on Massa-
chusetts Avenue to the point of beginning.

* 21

Beginning at the intersection of the northerly prolong-
ation of Garfield Street as located in the City of La Mesa; and
the railroad of San Diego and Arizona Eastern Railway Company,
thence southwesterly on said railroad to the northerly city limit
of the City of La Mesa; westerly along said city limit to its
intersection with Alvarado Avenue; westerly on Alvarado Avenue to
70th Street; southerly on 70th Street to University Avenue; easterly
on University Avenue to Massachusetts Avenue; southerly on Massa-
chusetts Avenue to San Miguel Street; southeasterly on San Miguel
Street and its southeasterly prolongation to the railroad of San
Diego and Arizona Eastern Railway Company; thence southwesterly on
said railroad to the northwesterly prolongation of Nixon Street;
thence southeasterly along said prolongation and Nixon Street to
Woodrow Avenue; southwesterly on Woodrow Avenue to its intersection
with the northerly city limit of the City of San Diego; thence
southerly along a direct line to the intersection of Skyline Drive
and the southern city limit of the City of San Diego; thence along
city limit of said city in a general northeasterly direction to its
intersection with Potrero Street; easterly on Potrero Street to
Sweetwater Avenue; northerly on Sweetwater Avenue to Valencia
Street; easterly on Valencia Street to Bancroft Drive; northerly on
Bancroft Drive to Crossmont Boulevard; westerly on Crossmont Boule-
vard to the northerly prolongation of Garfield Street; northerly
on said prolongation to the point of beginning.

*22

Beginning at the northeasterly corner of the limits of
the City of National City, thence westerly along the northerly limit
of said city to the shore line of San Diego Bay; southerly along the
shore line of said bay to the northerly limit of the City of Chula
Vista; easterly along the northerly limit of the City of Chula Vista
and its easterly prolongation to its intersection with the southerly
prolongation of the farthest westerly limit of the City of National
City, thence northerly along the southerly prolongation of said
westerly limit and the westerly limit of the City of National City
to the point of beginning.

23

Includes the area within the corporate limits of the
City of Chula Vista.

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CITY CARRIERS' TARIFF NO. 6
 HIGHWAY CARRIERS' TARIFF NO. 7

Zone No.	SECTION NO. 3-RATES FROM PRODUCTION AREAS TO DELIVERY ZONES (Continued)
	<p style="text-align: center;">APPLICATION OF TARIFF-TERRITORIAL (Continued) SAN DIEGO COUNTY AREA-DELIVERY ZONES (Continued)</p> <p>24 Beginning at the intersection of Orange Avenue in the community of Coronado and the shore line of San Diego Bay at the Ferry Slip, thence northwesterly and southeasterly along shore line of said bay and of Spanish Bight to a point in the southwesterly shore of Spanish Bight midway between the southeasterly and northwesterly shore lines of said bight; thence south to the Pacific Ocean; southeasterly along the shore line of Pacific Ocean to its intersection with a line extending south from the intersection of Glorietta Boulevard and Visalia Row; northerly along said line to the westerly shore line of San Diego Bay; thence along shore line of said bay in a general northerly direction to the point of beginning.</p> <p>25 Beginning at a point in the southwesterly shore line of Spanish Bight midway between the northwesterly and southeasterly shore lines of Spanish Bight, thence northwesterly and northeasterly along the northerly shore line of said bight and southwesterly along the shore line of San Diego Bay and easterly along the shore line of Pacific Ocean to its intersection with a line extending south from the point of beginning; thence northerly along said line of the point of beginning.</p> <p style="text-align: center;">(Continued)</p>
	<p style="text-align: center;">* Change, Decision No. 35468</p>
	<p style="text-align: right;">EFFECTIVE JUNE 29, 1942</p>
<p>Correction No. 86</p>	<p style="text-align: right;">Issued by The Railroad Commission of the State of California, San Francisco, California.</p>

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CITY CARRIERS' TARIFF NO. 6

HIGHWAY CARRIERS' TARIFF NO. 7

Area No.	SECTION NO. 3-RATES FROM PRODUCTION AREAS TO DELIVERY ZONES (Continued)
	APPLICATION OF TARIFF-TERRITORIAL (Concluded)
	SAN DIEGO COUNTY-PRODUCTION AREAS
* A	<p>Beginning at a point one-half (1/2) mile on Friars Road easterly of the northeasterly city limit of the City of San Diego, measured along said Friars Road, thence westerly along a direct line to Murray Canyon Road at a point one-half (1/2) mile northeasterly of the intersection of Friars Road and Murray Canyon Road; thence continuing westerly along said direct line to its intersection with a line 500 feet northwesterly of and equidistant from Murray Canyon Road; thence southwesterly along said line to its intersection with the northerly prolongation of Sixth Street Extension; southerly along said prolongation and Sixth Street Extension to Camino del Rio; northeasterly on Camino del Rio to a point one-half (1/2) mile, measured along said Camino del Rio, northeasterly of the northeasterly city limit of the city of San Diego, thence along a direct line to the point of beginning.</p>
* B	<p>Beginning at the intersection of County Road continuation of Fairmont Avenue, Powers Street, and Camino del Rio, thence northerly on Powers Street in the County of San Diego a distance of one-half (1/2) mile to a point; thence westerly along a direct line to the intersection of Friars Road and County Highway Commission route No. 3 (Ward Road); thence in a southerly direction on County Highway Commission route No. 3 to Camino del Rio; thence easterly on Camino del Rio to the point of beginning.</p>
* C	<p>Includes the area within the boundary of a circle of one-half (1/2) mile radius, the center of which is located on the unnamed county road varying in distance from but approximately one-quarter (1/4) mile southerly of the San Diego River, two and seven-tenths (2.7) miles northeasterly of the intersection of Camino del Rio, the county road continuation of Fairmont Avenue and Powers Street, measured along Powers Street (in the County of San Diego), Lincoln Avenue and the unnamed county road described above.</p>
D	<p>Beginning at the intersection of Main Street and Seventh Avenue in the community of Otay, thence westerly on Main Street to National Avenue; southerly on National Avenue to Palm Avenue; easterly on Palm Avenue to Seventh Street; northerly on Seventh Street to the point of beginning.</p>
E	<p>Beginning at the intersection of 54th Street and Wightman Street; thence westerly on Wightman Street to 52nd Street; southerly on 52nd Street to Sterling Court, thence southeasterly along a direct line to a point on 54th Street 500 feet southerly of the intersection of 54th Street and Chollas Road measured along 54th Street, thence northerly on 54th Street to the point of beginning.</p>

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CITY CARRIERS' TARIFF NO. 6
 HIGHWAY CARRIERS' TARIFF NO. 7

Area No.	SECTION NO. 3-RATES FROM PRODUCTION AREAS TO DELIVERY ZONES (Continued)
F	<p style="text-align: center;">APPLICATION OF TARIFF-TERRITORIAL (Concluded) SAN DIEGO COUNTY-PRODUCTION AREAS</p> <p>Beginning at the northeasterly corner of the City of Chula Vista, thence southerly along the easterly limit of said city to its intersection with "G" Street; easterly along the easterly prolongation of "G" Street to its intersection with a line parallel to and one mile easterly of the easterly city limit of the City of Chula Vista; northerly along said line to its intersection with the easterly prolongation of the northerly city limit of the City of Chula Vista; westerly along said prolongation to the point of beginning.</p>
*C	<p>Includes the area within the limits of the southwest quarter of Section 24, T-18-S; R-2-W; S.B.B. and M.</p>
*E	<p>Includes the area within the limits of the northeast quarter of Section 19 and the northwest quarter of Section 20, both of T-18-S; R-1-W; S.B.B. and M.</p>
<p>* Change, Decision No. 35468</p>	
<p>EFFECTIVE JUNE 29, 1942</p>	
<p style="text-align: center;">Issued by The Railroad Commission of the State of California, Correction No. 87 San Francisco, California.</p>	

