

Decision No. 35614

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of E. PAGGI, JR. for relief from  
rate under Section 11 of the  
Highway Carriers' Act. }

Application No. 25145

OPINION AND ORDER

By this application E. Paggi, Jr., an individual, seeks authority under Section 11 of the Highway Carriers' Act to transport decomposed granite in dump trucks from a pit located approximately two (2) miles northerly of Brea, Orange County, California to the Los Alamitos Air Base near Long Beach, California at a rate less than the established minimum rate. The proposed rate is sixty-five (65) cents per ton and the established minimum distance rate is eighty-three (83) cents per ton.

It is represented that the contract with the Navy Department involves a minimum of Six Thousand (6,000) tons of decomposed granite; that the route to be used is over paved roads except for approximately one mile; that said route does not pass through any city or town or congested area.

The applicant alleges that the proposed rate is reasonable in that within the past 90 days decomposed granite has been hauled over this route, using an hourly basis of rates, which resulted in a cost to the shipper of sixty (60) cents per ton.

The applicant seeks further authority under the Highway Carriers' Act to transport decomposed granite from the above mentioned pit near Brea to the United States Naval Hospital near Long Beach, California at a rate less than the established minimum rate. The proposed rate is eighty-one (81) cents per ton and the

established minimum distance rate is ninety-six (96) cents per ton.

It is represented that on an hourly basis with the elapsed time of two (2) hours and ten (10) minutes, which has been experienced, the cost to the shipper would be slightly less than eighty-one (81) cents per ton.

It is further represented that the contract with the Navy Department involves a minimum of 5,000 tons of decomposed granite, and that this route likewise is over paved roads except for approximately one mile and does not pass through any city or town or congested area.

In both of the above cases it is proposed that the delivery will be on a 24 hour basis. It is represented that both operations are directly connected with the needs of National defense. It is claimed, therefore, that the operations under the proposed rates would be profitable under the conditions involved.

The California Dump Truck Owners Association have been appraised of this application and does not oppose the granting of the relief sought.

It appears that this is a matter in which a public hearing is not necessary and that under the circumstances of record the proposed rates are reasonable and should be authorized. The application will be granted.

It further appears that the special circumstances surrounding transportation between the points involved will cease upon completion of the construction work. The authority granted herein will therefore be limited to a six months' period unless sooner cancelled, changed or extended; therefore, good cause appearing

IT IS HEREBY ORDERED that E. M. Paggi, Jr., an individual

be and he is hereby authorized to transport decomposed granite in dump trucks

1. from a decomposed granite pit located approximately two (2) miles northerly of Brea, Orange County, California, to the site of Los Alamitos Air Base near Long Beach, California at a rate less than that established as minimum for that transportation, but not less than sixty-five (65) cents per ton;

2. from a decomposed granite pit located approximately two (2) miles northerly of Brea, Orange County, California to the site of the United States Naval Hospital near Long Beach, California at a rate less than that established as minimum for that transportation, but not less than eighty-one (81) cents per ton;

IT IS HEREBY FURTHER ORDERED that the authority herein granted shall expire in six months from the date of this order unless sooner cancelled, changed or extended by appropriate order of the Commission.

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

Dated at Los Angeles, California this 28th day of July,

1942.

Justice J. Cullen  
Ray L. Riley

Francis R. Stevenson  
Robert Lecher  
Commissioners