

Decision No. 25635

ORIGINAL

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application            )  
of ED. W. DAVIS for authorization        )  
to charge less than the minimum rate    )    Application No. 25094

BY THE COMMISSION:

OPINION AND ORDER

By this application Ed. W. Davis, an individual engaged in the business of transporting property in dump trucks, seeks authority to transport asphaltic concrete from the processing plant of the Vernon Paving Company, at 3240 Bandini Boulevard, in the City of Vernon, to points in the City of Los Angeles at rates less than the presently prescribed minimum rates.

It is proposed that for movements between such points the minimum zone rates prescribed in Highway Carriers' Tariff No. 7 be reduced 6 per cent.

Rates, rules and regulations for the transportation of property in dump trucks within the State of California are shown in City Carriers' Tariff No. 6, Highway Carriers' Tariff No. 7, and apply to operations of carriers as defined in the City Carriers' Act as well as of those defined in the Highway Carriers' Act. By Decision No. 35271 the rates shown in Highway Carriers' Tariff No. 7 were increased 6 per cent, effective April 24, 1942.

The processing plant of the shipper, the Vernon Paving Company is situated in Production Area "S" as defined in City Carriers' Tariff No. 6, Highway Carriers' Tariff No. 7 as an origin point for

the application of zone rates as prescribed in Section 3 of said tariff. Said Production Area "S" contains other asphaltic concrete processing plants and is so described as to contain a portion of the City of Los Angeles as well as a part of the City of Vernon, some of said plants being located in Los Angeles and some in Vernon.

It is represented that by far a larger portion of the movements from Production Area "S" are to points within the City of Los Angeles. The applicant also represents for movements from a plant in Production Area "S" located in the City of Vernon to a point in the City of Los Angeles the 6 per cent increase in rates is applicable while for movements to the same point from the same Production Area but from a plant located in Los Angeles the increase in rates does not apply, thereby, a 6 per cent rate advantage is created for those shippers in Production Area "S" located in the City of Los Angeles which is detrimental to the shipper involved herein and consequently to the applicant.

It appears that because of the proximity of the asphaltic concrete processing plants located in Production Area "S" the cost of performing the services of transporting property in dump trucks from the different plants in this Area to the same point in the City of Los Angeles is substantially the same. The interests of other highway carriers of asphaltic concrete operating from Production Area "S" would not be adversely affected by the granting of this application.

It appears that this is a matter in which public hearing is not necessary and that under the circumstances the proposed rate is reasonable and should be authorized. The application will be granted. It further appears that due to the possibility that conditions under which this service is rendered may change at any time, the authority will be limited to one year unless sooner changed, cancelled or extended. Therefore, good cause appearing,

IT IS HEREBY ORDERED that Ed. W. Davis, an individual, be and he is hereby authorized to transport asphaltic concrete in dump trucks from Production Area "S" as described in City Carriers' Tariff No. 6, Highway Carriers' Tariff No. 7 to points in the City of Los Angeles at rates less than those established as minima for that transportation but not less than 6 per cent less than such minimum rates.

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

This order shall become effective on the date hereof.

Dated at *Los Angeles* California this *28<sup>th</sup>* day of

*July*, 1942.

*JUSTICE J. QUINN*  
*RAY L. RILEY*  
*FRANK R. HAVENOR*  
*ROBERT L. LACK*