

Decision No. 38096

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of Barney J. Bryce, d/b/a/ Bryce Trucking and Construction Co., for an Order amending and modifying C.R.C. Decision No. 32566 so as to enlarge the defined boundaries of Production Area L in order to include portion of applicant's granite pit inadvertently excluded therefrom.

Application No. 26739

WALLACE L. WARE and JOHN HUNT, for the applicant.

K. W. SAILORS, for VIRGIL O. ZIGER, interested party.

VERNE P. MILLER, protestant.

FLORENCE REYNOLDS and LEONARD SCHEMPF, for CALIFORNIA DUMP TRUCK OWNERS ASSOCIATION, INC., protestant.

BY THE COMMISSION:

O P I N I O N

By Decision No. 32566 as amended, the Commission established minimum rates, rules, and regulations for the transportation of property in dump trucks throughout California by radial common carriers and highway contract carriers, and carriers defined in the City Carriers' Act. This instant decision deals with the application of Barney J. Bryce, dba Bryce Trucking and Construction Co., seeking an enlargement of Production Area L, located north of Montebello and defined in City Carriers' Tariff No. 6, Highway Carriers' Tariff No. 7, so as to include a portion of the applicant's decomposed granite deposit which extends beyond the present boundary of said Production Area L and which now is

being worked at a point outside of the boundaries of said production area.

A public hearing was held in the matter before Examiner Jacobsen at Los Angeles on June 13, 1945. The applicant testified that he has a contract with the United States Government to furnish decomposed granite to the Army Air Forces Supply Depot located in the vicinity of Maywood and that the completion of this job, together with delivery of material to other war plants, is of an emergency nature. The applicant requested that the northern boundary of Production Area L be extended some 4,800 feet northerly of 3rd Street, a present northerly boundary of this area, so as to include the granite deposits in this area.

The applicant further testified that the cost of transportation from the newly opened deposits lying just north of the existing boundaries of Production Area L, which is involved herein, to Delivery Zone 64, within which the Maywood Army Depot is located, is no greater than from the granite pit⁽¹⁾ located within the presently defined production area to Zone 64.

Deliveries from the applicant's newly opened deposits to the Maywood Army Depot have been curtailed subsequent to the time it was determined that zone rates were not applicable and that distance rates of higher volume would have to be assessed. The applicant stated that the distance from the newly opened granite pit to the Maywood Army Depot is approximately a mile shorter than from the other granite pit operated in this production area.

A representative of Virgil O. Kiger, a material contractor operating a granite pit located some 3,000 feet northerly

(1) A granite pit operated by Owl Rock Products Co. is located just south of Arroyo Drive, approximately three-quarters of a mile easterly of Mesa Drive.

of the proposed northerly boundary of Production Area L, requested that the northerly boundaries of this production area be further extended so as to include their pit, testifying that the cost of operation would not be increased to the extent of making the Production Area L zone rates noncompensatory to the for-hire carrier. This witness further testified that in the event the northerly boundary of Production Area L was extended to include their granite pit that material could be hauled economically from any deposit in this proposed enlargement of Production Area L at the existing zone rates when modern and efficient transportation equipment is employed. The record does not justify the granting of this request and it will be denied.

The granting of this application was opposed by the California Dump Truck Owners Association, testifying that their experience showed that deliveries from this proposed enlarged area could not be transported at the existing zone rates and return the cost of providing the service. The testimony presented applied equally to deliveries from the presently described Production Area L as well as to the proposed enlarged area.

To investigate the existing zone rates would require a general dump truck rate proceeding. By Decision No. 37354 and Decision No. 37952⁽²⁾, the latter being dated May 29, 1945, the Commission stated that now was not the proper time for such a proceeding.

Protestant Schempp, President of the California Dump Truck Owners Association, requested a continuance of this matter to permit his association to retain legal counsel to represent

(2) These decisions in Case No. 4637 deal with the "operations, rates, rules, regulations, charges, and practices of . . . carriers transporting sand, rock, gravel, and other commodities in dump body trucks within or adjacent to the Los Angeles Basin area for compensation or hire".

them at a further hearing, stating that without counsel he was at a disadvantage in protesting the granting of the application. This request was made at the end of the hearing. He stated that he had no further evidence to present at that time. Subsequent to the time the Commission granted this request for a further hearing this protestant has advised the Commission in writing that he wished to withdraw his request for further hearing. The matter will be decided upon the record adduced at the hearing of June 13, 1945.

By decisions Nos. 32630 and 34233, in Cases Nos. 4246 and 4434, the Commission authorized the enlargement of Production Areas O, R, and W to permit the inclusion of nearby producing plants or rail facilities.

A large portion of the decomposed granite produced at the new pit of applicant moves over highways to points westerly and southerly thereof; the distance to such destinations is less than the average distance from points in Area L; therefore, the cost of performing the transportation would not be increased as a result of increasing the area as proposed herein.

Most of the material contracted for delivery by the applicant is destined to military depots or defense plants.

From the record adduced, it appears that the public will be served and particularly the delivery of decomposed granite to emergency war construction jobs will be furthered by the enlarging of Production Area L so as to include the granite pits of the applicant. Therefore, the application will be granted.

O R D E R

Public hearing having been held in the matter referred to in this opinion of the above entitled proceeding,

IT IS ORDERED that Decision No. 32566 as amended is hereby further amended as follows:

By substituting in Appendix A thereof (City Carriers' Tariff No. 6, Highway Carriers' Tariff No. 7), the revised page attached hereto and by this reference made a part hereof, which page is numbered as follows:

First Revised Page 21-F - Cancels Original Page 21-F.

IT IS 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 July, 1945.

Harold C. ...
Justice J. ...
Francis ...
... Lowell
COMMISSIONERS

| Area No. | SECTION NO. 3 - RATES FROM PRODUCTION AREAS TO DELIVERY ZONES (Continued) |
|----------|--|
| | <p>APPLICATION OF TARIFF - TERRITORIAL (Continued)</p> <p>LOS ANGELES - PRODUCTION AREAS (Continued)</p> |
| I | <p>That area in the City of Long Beach adjacent to the westerly end of Seventh Street and having Slip 2 for its northerly boundary, Long Beach Turning Basin for its westerly boundary, Slip 3 for its southerly boundary and a straight line between the easterly extremities of Slips 2 and 3 for its easterly boundary.</p> |
| J | <p>Beginning at the intersection of Kashlan Road and Chota Road, thence westerly along a direct line to the intersection of Cypress Street and Nabal Road; westerly on Cypress Street to Walnut Street; southwesterly on Walnut Street to Hiatt Street; southerly on Hiatt Street to the northerly county limit of the County of Orange; easterly along said county limit to Fullerton Road; northeasterly on Fullerton Road to Kashlan Road; westerly on Kashlan Road to the point of beginning.</p> |
| K | <p>Beginning at the intersection of the westerly city limit of the City of Alhambra with Ramona Boulevard, thence westerly on Ramona Boulevard to its intersection with the northerly prolongation of Rollins Avenue; southerly along said prolongation and Rollins Avenue to Partin Way; westerly on Partin Way to Booth Avenue; southwesterly on Booth Avenue to its intersection with the northerly prolongation of Eastern Way; southerly along said prolongation and Eastern Way to Blanchard Street; easterly on Blanchard Street to McBride Avenue; thence easterly along a direct line to the intersection of Ladrillo Avenue and Coyote Pass Road; northeasterly on Coyote Pass Road to its intersection with the southerly prolongation of the westerly city limit of the City of Alhambra; thence northerly along said prolongation and city limit to the point of beginning.</p> |
| L* | <p>Beginning at the intersection of Arroyo Drive and Mesa Drive, thence southwesterly on Mesa Drive to its intersection with a line following the center of the supporting towers of the Eaton-Newmark, Anita-Newmark Transmission Line of the Southern California Edison Company, thence northwesterly along said line to its intersection with Garfield Avenue in Monterey Park, Los Angeles County, thence southerly on Garfield Avenue to Third Street, easterly on Third Street to Wilcox Avenue; southerly on Wilcox Avenue to Lincoln Avenue; easterly and northeasterly on Lincoln Avenue to San Gabriel Boulevard; northwesterly on San Gabriel Boulevard to Arroyo Drive; northwesterly on Arroyo Drive to the point of beginning.</p> |

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 Original Page 21-F

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

| Area No. | SECTION NO. 3 - RATES FROM PRODUCTION AREAS TO DELIVERY ZONES (Continued) |
|----------|--|
| | <p style="text-align: center;">APPLICATION OF TARIFF - TERRITORIAL (Continued)</p> <p style="text-align: center;">LOS ANGELES - PRODUCTION AREAS (Continued)</p> <p>Beginning at a point on Redondo & Wilmington Boulevard 1,000 feet easterly of Narbonne Avenue, thence westerly and northwesterly on Redondo & Wilmington Boulevard to Newton Street; westerly on Newton Street to Hawthorne Avenue; southerly and westerly on Hawthorne Avenue to the southwesterly city limit of the City of Torrance; southeasterly along said city limit and the southeasterly prolongation thereof to its intersection with a line 1,000 feet equidistant from and southeasterly of Narbonne Avenue; thence northeasterly and northerly along said equidistant line to the point of beginning.</p> <p>Beginning at the northeast corner of the west half of the west half of Section 22, T. 1 N., R. 10 W., S. B. B. & M., thence westerly along the north lines of Sections 22 and 21 to the west line of the east half of Section 21; southerly along said line and the southerly prolongation thereof to its intersection with a line parallel to and 500 feet northerly of Fish Canyon Road; westerly along said parallel line to its intersection with the northerly continuation of Mount Olive Drive; southerly on said continuation and Mount Olive Drive to the railroad of Southern Pacific Company's Duarte branch; easterly along said railroad to Las Lomas Avenue; northerly on Las Lomas Avenue to Fish Canyon Road; northeasterly on Fish Canyon Road to the south line of Section 21; easterly along said south line and the south line of Section 22 to the southeast corner of the west half of the west half of Section 22; thence northerly along the east line of said fractional area to the point of beginning.</p> <p style="text-align: center;">(Continued)</p> |
| | <p>* Change, Decision No.</p> |
| | <p style="text-align: center;">EFFECTIVE</p> |
| | <p>Correction No. 89</p> <p style="text-align: right;">Issued by the Railroad Commission of the State of California San Francisco, California</p> |