

Decision No. 39997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Establishment of)
rates, rules and regulations for the)
transportation of property by common)
carriers as defined in the Public)
Utilities Act and highway carriers as)
defined in the Highway Carriers' Act.)

Case No. 4246

In the Matter of the Establishment of)
rates, rules and regulations for the)
transportation of property by carriers)
as defined in the City Carriers' Act.)

Case No. 4434

ORIGINAL

Appearances

Herbert Cameron and E. O. Blackman, for California
Dump Truck Owners Association.
Austin H. Peck, Jr. and H. G. Feraud, for Southern
California Rock Products Association.
Frank Hagan, for Graham Bros., Inc.

SUPPLEMENTAL OPINION

Decision No. 39753 of December 16, 1946, in these proceedings established increased minimum rates on various materials transported in dump trucks between points in Los Angeles and Orange Counties. California Dump Truck Owners Association, Inc. seeks clarification of this decision. It also seeks a further increase in rates on gravel, sand, stone and decomposed granite. On all of the materials involved it requests that rates from San Bernardino County territory in Los Angeles Production Area "H" be raised to the Los Angeles-Orange County bases.

A public hearing was had at Los Angeles on February 5, 1947, before Examiner Lulgrew.

State-wide minimum rates for dump truck transportation by radial highway common, highway contract and city carriers have

been prescribed by Decision No. 32566 of November 14, 1939, as amended. Decision No. 35271 of April 14, 1942, increased the highway carrier rates theretofore in effect by 6 per cent. No corresponding adjustment was made in the city carrier rates.

Subsequently, by Decision No. 39753 it was intended to increase tonnage rates for city carriers in the Los Angeles-Orange County area by 10 per cent in the case of gravel, sand, stone or decomposed granite and by 20 per cent in the case of other materials. With respect to the tonnage rates of highway carriers, the intention was that their rates should be increased to the city carrier levels so established. City carrier hourly rates were to be increased by 6 per cent and thus raised to the highway carrier hourly rate level. A question has arisen as to whether the order clearly carries out this intention. It will be amended so as to remove all doubt.

With respect to tonnage rates on gravel, sand, stone and decomposed granite, petitioner urges that the authorized 10 per cent increase be change to 20 per cent. The sought basis is that heretofore established for other materials. During the course of the hearings had prior to the issuance of Decision No. 39753 it was shown that an agreement adjusting drivers' wages for the hauling of these commodities to the higher level then in effect for the hauling of other materials was under negotiation. This agreement was subsequently made effective as of October 1, 1946.

The Rock Products Association pointed out at the further hearing that there were still certain differences between the wage agreements. It appears to concede, however, that in their over-all effect the provisions of the agreements are substantially similar. Nevertheless it argues that the record made at the prior hearings brought out the fact that this wage adjustment

was then imminent and that the Commission must therefore have taken this circumstance into consideration in reaching its decision..

The conclusions in Decision No..39753 point out that "because the wages for rock, sand and gravel hauling are differentially lower than wages paid for hauling other material, the rate increases on these commodities will be limited to 10 per cent." The record here made shows that this wage differential no longer prevails.. The rates for these commodities will, therefore, be further increased as urged by petitioner.

There remains for consideration the request of the Dump Truck Owners Association for adjustment of the rates from Los Angeles Production Area H.. The Association points out that this area embraces territory in both Los Angeles and San Bernardino Counties, that the authorized increases do not include the San Bernardino County territory, and that the entire area is competitive with the other producing areas involved.. For these reasons, it asks that rates from the San Bernardino County territory in Production Area H be increased on the same basis as the Los Angeles County rates.. This adjustment was not opposed.. It will be made.

Upon consideration of all the evidence of record we are of the opinion and find that the tariff provisions relating to the increases established by Decision No..39753 should be clarified as hereinabove outlined, that tonnage rates on gravel, sand, stone and decomposed granite should be further increased to the same bases as those established by that decision for other materials, that rates from San Bernardino County points in Los Angeles Production

Area H should be adjusted to the Los Angeles County basis, and that in all other respects the petition of the Dump Truck Owners Association, filed January 16, 1947, should be denied.

O R D E R

Based upon evidence of record and upon the conclusions and findings set forth in the preceding opinion,

IT IS HEREBY ORDERED that Decision No. 32566, as amended, in Cases Nos. 4246 and 4434 be and it is hereby further amended by adding to City Carriers' Tariff No. 6 - Highway Carriers' Tariff No. 7 (Appendix "A" to said Decision No. 32566, as amended) Supplement No. 5, to become effective March 31, 1947, which supplement is attached hereto and by this reference made a part hereof.

IT IS HEREBY FURTHER ORDERED that all carriers which may be deemed to be transportation companies, as that term is employed in Article XII, Section 21 of the Constitution of California, be and they are hereby authorized to charge less for longer than for shorter distances, to the extent necessary to observe the minimum rates established herein.

IT IS HEREBY FURTHER ORDERED that, except to the extent provided for in the preceding ordering paragraphs, the petition of California Dump Truck Owners Association, Inc., filed January 16, 1947, be and it is hereby denied.

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 25th day of February, 1947.

Harold J. Hule
Justus F. Cassen
Earl H. Powell
R. T. Dunning
Francis H. Potter
Commissioners

SPECIAL SUPPLEMENT CONTAINING INCREASED RATES AND CHARGES

SUPPLEMENT NO. 5

(Cancels Supplements Nos. 1 and 4)

To

CITY CARRIERS' TARIFF NO. 6

HIGHWAY CARRIERS' TARIFF NO. 7

Noting

MINIMUM RATES, RULES AND REGULATIONS

For The

Transportation of Property in Dump Truck
Equipment Between Points
in California

By

RADIAL HIGHWAY COMMON CARRIERS

HIGHWAY CONTRACT CARRIERS

And

CITY CARRIERS

EFFECTIVE MARCH 31, 1947.

Issued by the
PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
State Building, Civic Center
San Francisco 2, California

ITEM NO. 1 - GENERAL APPLICATION

(a) Except as provided in paragraph (c), rates and charges for transportation by radial highway common or highway contract carriers are subject to increases provided in Table I.

(b) The hourly rates in Section 4 for transportation by city carriers within Los Angeles and Orange Counties are subject to increases provided in Table I.

(c) Rates and charges in Sections 1, 2 and 3 for transportation by radial highway common, highway contract or city carriers between points in Los Angeles County, Orange County or Los Angeles Production Area No. H on the one hand and points in such counties or production area on the other hand, are subject to increases provided in Table II.

ITEM NO. 2 - COMBINATION RATES

When the through rate is made by combining separately stated rates, each of such rates shall be increased before combining.

TABLE OF INCREASED RATES AND CHARGES IN CENTS

(For Application See Items Nos. 1 and 2)

Find the tariff rate or charge in Column "A". The applicable rate or charge will be found opposite thereto in Table I or Table II, as the case may be.

Col. A	Tables		Col. A	Tables		Col. A	Tables		Col. A	Tables	
	I	II		I	II		I	II		I	II
5	5 ¹	6	63	67	76	108	114	130	165	175	198
10	10 ¹	12	64	68	77	109	116	131	167	177	200
12	13	14	65	69	78	110	117	132	168	178	202
18	19	22	66	70	79	111	118	133	170	180	204
19	20	23	67	71	80	112	119	134	173	183	208
20	21	24	68	72	82	113	120	136	177	188	212
22	23	26	69	73	83	114	121	137	179	190	215
25	27	30	70	74	84	115	122	138	183	194	220
26	28	31	71	75	85	116	123	139	185	196	222
27	29	32	72	76	86	117	124	140	188	199	226
28	30	34	73	77	88	118	125	142	189	200	227
29	31	35	74	78	89	119	126	143	192	204	230
30	32	36	75	80	90	120	127	144	195	207	234
31	33	37	76	81	91	121	128	145	198	210	238
32	34	38	77	82	92	122	129	146	200	212	240
33	35	40	78	83	94	123	130	148	202	214	242
34	36	41	79	84	95	124	131	149	203	215	244
35	37	42	80	85	96	125	133	150	205	217	246
36	38	43	81	86	97	126	134	151	213	226	256
37	39	44	82	87	98	127	135	152	215	228	258
38	40	46	83	88	100	128	136	154	217	230	260
39	41	47	84	89	101	129	137	155	218	231	262
40	42	48	85	90	102	130	138	156	225	239	270
41	43	49	86	91	103	131	139	157	227	241	272
42	45	50	87	92	104	132	140	158	228	242	274
43	46	52	88	93	106	133	141	160	230	244	276
44	47	53	89	94	107	134	142	161	233	247	280
45	48	54	90	95	108	135	143	162	240	254	288
46	49	55	91	96	109	138	146	166	243	258	292
47	50	56	92	98	110	139	147	167	248	263	298
48	51	58	93	99	112	140	148	168	253	268	304
49	52	59	94	100	113	141	149	169	255	270	306

50	53	60	95	101	114	142	151	170	258	273	310
51	54	61	96	102	115	143	152	172	263	279	316
52	55	62	97	103	116	145	154	174	265	281	318
53	56	64	98	104	118	147	156	176	268	284	322
54	57	65	99	105	119	150	159	180	270	286	324
55	58	66	100	106	120	151	160	181	273	289	328
56	59	67	101	107	121	153	162	184	278	295	334
57	60	68	102	108	122	154	163	185	288	305	346
58	61	70	103	109	124	155	164	186	293	311	352
59	63	71	104	110	125	156	165	187	303	321	364
60	64	72	105	111	126	158	167	190	308	326	370
61	65	73	106	112	127	160	170	192	318	337	382
62	66	74	107	113	128	164	174	197	323	342	388

* Change; Decision No. 39997

The End