

Decision No. 45426

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of certain railroads for authority)	
to cancel Note 2 of Item 10090,)	
Pacific Southcoast Freight Bureau)	Application No. 31401
Tariff No. 1-S, which provides an)	
estimated weight on shipments of)	
volcanic scoria in open cars.)	

Appearances

E. L. Van Dellen, for applicants.

A. Larsson, Paul D. Thompson,
Roddy Gordenker, Otto Vix, and
Kenneth H. Best, for protestants.

O P I N I O N

Applicants are participants in Pacific Southcoast Freight Bureau Tariff No. 1-S, Cal. P.U.C. No. 45 of J. P. Haynes, Agent. Item No. 10090 series of that tariff names joint rates, in cents per 100 pounds, on volcanic scoria from Kephart, Tionesta and Ainshea Butte Cinder Spur, Modoc County, to various points within California. For shipments moving in open cars actual weights are not required to be observed in connection with the rates involved; instead the rates are subject to an estimated weight of 1,000 pounds per cubic yard, determined by calculating the cubical capacity of the car used but not less than 70,000 pounds.

By this application, as amended, authority is sought to cancel the estimated weight provisions, thus requiring that charges be based upon actual weight. In addition, a downward adjustment in the rates and an increase in the minimum weight to 80,000 pounds

is proposed. The reduced rates are to be set forth in cents per ton.¹ The sought adjustments would result in increased per car charges.

Public hearings in this matter were held in San Francisco before Examiner Lake.

In support of the authority sought, the Assistant Freight Traffic Manager of The Western Pacific Railroad Company, one of the applicant carriers, testified that the present estimated weight provisions were originally established on shipments of volcanic scoria moving from Leaf, Siskiyou County, and that such estimated weight when established was representative of the actual weight of the commodity moving from that point. When rates were published from the Modoc County points the same estimated weight was established.

The witness further stated that similar estimated weight provisions applying from related Oregon producing points were removed from the tariff at the request of the Interstate Commerce Commission and actual weights made applicable. The proposal here is to publish a like basis on intrastate traffic. The witness said that his company had test weighed 48 shipments, which included all movements of volcanic scoria in open cars from Tionesta, during the period February 9 to and including December 23, 1949. He testified that the shipments from Tionesta are representative of movements originating from the other points involved. The results of this investigation, he stated, showed a weighted average actual weight of 1,471 pounds per cubic yard as contrasted with the present estimated weight of 1,000 pounds.

The witness further testified that the downward revision of the existing rates was proposed so that the sought adjustment in

¹The present and proposed rates are set forth in Appendix "A" hereto.

weights would not result in as great an increase in the per car charges as would apply from using actual weight at present rates. Exhibits were introduced showing the present and proposed rate structure in comparison with rates on the same and like commodities from other producing points. The proposed adjustments, while resulting in an increase in the per car charges, will, according to the witness, establish rates for the transportation of volcanic scoria which are in line with rates on the same and like commodities between other points.

The sought increase in minimum weight from 70,000 to 80,000 pounds, subject to the provision that if car is fully loaded actual weight but not less than 60,000 pounds will apply, should not further affect the freight charges, according to the witness, because experience has shown the actual weight of the shipments to be "in excess of 80,000 pounds." The higher minimum weight, he said, was proposed for tariff uniformity.

Granting of the sought authority was opposed by various shipper interests and users of the material involved, including manufacturers of concrete block and building materials. They objected to the cancellation of the estimated weight provisions and to the raising of the minimum weight requirement from 70,000 to 80,000 pounds to the extent that such adjustment resulted in increased freight charges. They claimed that the proposed per car charges would seriously jeopardize their business and require that the receivers of volcanic scoria seek other sources of supply of this commodity or obtain substitute light weight aggregate materials. The protestants suggested that rates be established on a per cubic yard basis but offered no evidence of probative value in support thereof.

The record is convincing that the present estimated weight basis for the determination of the applicable charges in connection with shipments of volcanic scoria from Tionesta, Kephart and Ainshea Butte Cinder Spur is not representative of the actual weight of such

shipments. The proposed adjustments to actual weight coupled with the downward adjustment of rates, it has been shown, would remove the preferences enjoyed by Modoc County shippers and would establish charges on a reasonable and nondiscriminatory basis.

Upon careful consideration of all of the facts and circumstances of record we are of the opinion and find that the proposed cancellation of the estimated weight provisions of Note 2 of Item No. 10090 series of the aforementioned tariff and the concurrent publication of the proposed reduced rates have been justified. The application, as amended, will be granted.

O R D E R

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

IT IS HEREBY ORDERED that the above-entitled application, ✓
as amended, be and it is hereby granted.

IT IS HEREBY FURTHER ORDERED that the authority herein granted shall expire ninety (90) days after the effective date of this order.

This order shall become effective twenty (20) days after the date hereof.

Dated at San Francisco, California, this 6th day of
March, 1951.

A. J. [Signature]
James J. [Signature]
Harold P. [Signature]
[Signature]
[Signature]
Commissioners

APPENDIX "A" TO DECISION NO. 45426
 IN APPLICATION NO. 31401

PRESENT AND PROPOSED RATES ON VOLCANIC SCORIA
FROM KEPHART, TIONESTA AND AINSEEA BUTTE
CINDER SPUR, CALIFORNIA, TO POINTS SHOWN.
(RATES INCLUDE ALL INCREASES.)

	<u>PRESENT*</u>	<u>PROPOSED*</u>
	(Minimum Weight 70,000 Pounds)	(Minimum Weight 80,000 Pounds) (Subject to NOTE 1)
	<u>Cents Per Ton</u>	<u>Cents Per Ton</u>
Chico)		
Oroville)		
Yuba City)		
Marysville)		
Sacramento)		
Woodland)		
West Sacramento)		
Suisun-Fairfield)	460	380
Fairgrounds)		
Stockton)		
Oakland)		
Richmond)		
San Francisco)		
Alameda)		
San Jose)		
Manteca	570	440
Escalon	590	460
Modesto	620	480
Turlock	630	500
Hilmar	640	500
Merced	660	500
Fresno	660	580
Hanford	700	600
Bakersfield	700	620
San Bernardino)		
Pasadena)		
Los Angeles)	820	760
Colton)		
Riverside)		
Anaheim	950	760
Santa Ana	980	760
San Diego	1000	920

*Present rates are published in cents per 100 pounds. Proposed rates will be published in cents per ton of 2,000 pounds.

NOTE 1:-Minimum weight 80,000 pounds, except if car is loaded to full space or weight carrying capacity actual weight will apply, but not less than 60,000 pounds.

End of Appendix