

Decision No. 50854**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation into)
 the rates, rules, regulations, charges,)
 allowances and practices of all common)
 carriers; highway carriers and city) Case No. 5437
 carriers, relating to the transportation)
 of sand, rock, gravel and related items)
 (commodities for which rates are provided)
 in Minimum Rate Tariff No. 7).)

Warren P. Marsden and E. J. Saldine, for the State
 Department of Public Works, Division of Highways;
Herbert Cameron and E. O. Blackman, for California
 Dump Truck Owners Association; Francis W. Walker
 and Franklin B. Hansen, for Associated Dump
 Truckers of California, Inc.; Austin H. Peck, Jr.,
 and H. G. Feraud, for Southern California Rock
 Products Association; Frank B. Hagan, for
 Southern California Asphalt Plant Association;
Jere C. Bowden, for San Bernardino-Riverside
 Counties Rock Products Association; interested
 parties.
Grant L. Malquist and J. A. McCunniff, of the
 Commission staff.

SUPPLEMENTAL OPINION

Minimum rates, rules and regulations for the transportation of sand, rock, gravel and related items are named in Minimum Rate Tariff No. 7. At public hearings held in Los Angeles on June 30, July 2 and August 9, 1954, before Examiner Carter R. Bishop, evidence was received relative to the minimum hourly rates in Southern Territory.¹ These hourly rates were last adjusted in 1951.

An engineer of the Commission's transportation staff presented a study of the hourly costs of dump truck operation in Southern Territory. The witness explained that he and his assistants

¹ Southern Territory consists of the Counties of Santa Barbara, Ventura, Los Angeles, Orange, San Diego, Imperial, Riverside, San Bernardino, Inyo and Mono. Distance rates and zone rates are not involved herein.

interviewed approximately 320 dump truck operators. He based his study on the operations of 146 carriers that he considered to be reasonably efficient and representative of dump truck operators throughout the territory. Costs were developed separately for operations under so-called "power loading" and "bunker loading." The cost figures reflect the wages paid at the time the study was made and the then current prices for fuel and supplies. ✓

A rate expert of the Commission's staff offered in evidence a study in which he developed proposed hourly rates based on the engineer's cost study. The witness proposed modifying the present rate structure relating to vehicle capacities to provide a uniform progression of cubic capacity in applying the rates. He stated that this change would bring the rates into a closer relationship to the sizes of equipment currently in use.² This witness proposed also that a rule pertaining to the computation of time be clarified. He said that the changes which he proposed would make time determination more accurate.

The rate witness pointed out that the present hourly rates in the tariff require that there be added to the rates shown the prevailing rate of wage for drivers of dump truck equipment engaged in public work of a similar character in the locality in which the work is performed. This condition requires the determination of wage rates from sources outside the minimum rate tariff before it is possible to compute the total minimum rate. The witness recommended

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The present rates are dependent on cubic capacity, but the capacity figures used break at the half-yard mark in some cases, and at the full-yard mark in other cases.

the adoption of "single-factor" rates in order to eliminate this requirement, but submitted alternative rate proposals for Commission consideration. The proposed rates were based upon the engineer's cost figures, with adjustments to permit reasonable earnings and to provide normal progressions and relationship between the different scales. He suggested no increase in the rates for hand-loading operations.³

The manager of the Dump Truck Owners Association recommended the adoption of the rate witness's proposal but suggested that an overtime rule be included to provide an addition of \$1.10 per hour to the applicable rate for work in excess of 8 hours or on Saturdays, and double this amount for work on Sundays or specified holidays. He asserted that, although overtime was taken into consideration in the cost study and reflected in the proposed rates, a recent increase in wage rates over those considered when the cost study was made results in approximately the same amount as the overtime allowance. The suggested overtime rule, he said, would adjust for the increased wage cost.⁴

Counsel for the Department of Public Works of the State of California cross-examined both staff witnesses at length regarding their respective studies. Representatives of carrier and shipper interests also assisted in the development of the record.

From all of the evidence it is concluded that the rate expert's basic proposal (referred to in his exhibit as proposal "A") should be adopted, and that the recommended changes in the rule governing computation of time should be made. With respect to the proposed

3

No costs were developed for hand-loading operations.

4

A carrier witness recommended that the rates be based upon slightly different vehicle-capacity brackets. The evidence does not include the data necessary to make adjustments of this nature.

overtime rule, the record does not contain sufficient information to justify the adoption of the rule in question.

Upon consideration of all of the facts and circumstances of record the Commission is of the opinion and hereby finds that the existing hourly rates, rules and regulations for dump truck service in Southern Territory should be revised to the extent hereinbefore indicated and as provided in the order which follows.

O R D E R

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

IT IS HEREBY ORDERED that Minimum Rate Tariff No. 7 (Appendix "A" of Decision No. 32566 as amended) be and it is hereby further amended by incorporating therein, to become effective January 15, 1955, the original and revised pages attached hereto and by this reference made a part hereof, which pages are numbered as follows:

Tenth Revised Page 2 cancels Ninth Revised Page 2
Fourth Revised Page 40 cancels Third Revised Page 40
Third Revised Page 41 cancels Second Revised Page 41
Ninth Revised Page 42 cancels Eighth Revised Page 42
Original Page 42-A

In all other respects said Decision No. 32566, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 14th day of DECEMBER, 1954.

John E. Mitchell
President
James J. Calahan
James W. Patten
James J. Quinn
Paulo M. Ferrer
Commissioners

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Addition, Decision No. **50854**

EFFECTIVE JANUARY 15, 1955

Issued by the Public Utilities Commission of the State of California,
 San Francisco, California.

Correction No. 433

Item No.	SECTION NO. 4	HOURLY RATES
300-A Cancels 300	<p style="text-align: center;">APPLICATION OF RATES</p> <p>Rates in this section are Hourly Rates and apply from, to and between points in California subject to the description of Southern Territory defined in Item No. 100 and Northern Territory defined in Item No. 110.</p> <p>Rates in this section for transportation within Southern Territory will apply only when notice in writing is given to the carrier, before the transportation commences, of the shipper's intention to ship under such rates. When such notice is given rates in Sections Nos. 2 and 3 will not apply.</p>	
*310-A Cancels 310	<p style="text-align: center;">INTERTERRITORIAL MOVEMENTS</p> <p>(a) Where the movement originates within the Southern Territory of the State and terminates within the Northern Territory of the State, the hourly rates applicable shall be those set forth in Item No. 365.</p> <p>(b) Where the movement originates within the Northern Territory of the State and terminates within the Southern Territory of the State, the hourly rates applicable shall be those set forth in Item No. 360.</p>	
320-B Cancels 320-A	<p style="text-align: center;">COMMODITIES</p> <p>Rates in this Section apply to the transportation of the following commodities:</p> <p>MATERIAL, viz.:</p> <ul style="list-style-type: none"> Sand; Gravel; Stone-natural, blocks, pieces or slabs rough quarried; Stone-natural, sawed not further finished; Stone-crushed, chips, waste; Sand, crushed stone and gravel, mixed dry; Earth; Clay; Loam; Slag; Shale; Mud, dry, oilwell drilling; Barium, clay or silicate mud compounds, dry, oilwell drilling; Decomposed granite; Asphaltic Concrete (commonly called "Hot Stuff"); Cold Road Oil Mixture (commonly called "Plant Mix"); Debris from street or highway maintenance; Debris from demolition of buildings and structures; Fertilizer; Manure; Ore; Salt Cake (Crude Sulphate of Soda); Soap Stone or Talc, crude, blocks, pieces or slabs rough quarried or not further finished than sawed or chipped on four sides; Cement Clinker; Concrete, premixed, wet; Cullet (glass, broken or crushed). 	

* Change, Decision No.

50854

EFFECTIVE JANUARY 15, 1955

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.

Correction No. 434

Item No.	SECTION NO. 4	HOURLY RATES (Continued)
<p>*330-B Cancels 330-A</p>	<p style="text-align: center;">CONSTRUCTION OF RATES</p> <p>1. NORTHERN TERRITORY:</p> <p style="padding-left: 40px;">*The hourly rates are constructed by combination of the vehicle hourly rates shown in Item No. 360 and the Drivers' and Helpers' wage rate provided for in Item No. 340.</p> <p style="padding-left: 40px;">Hourly rates apply to property, as described in Item No. 320, transported for one shipper in one unit of dump truck equipment from the time the truck and driver report for service pursuant to the shipper's order to the time of completion of the last trip under such order. The amount of time of the last trip shall be deemed to be double the running time between the loading and unloading points plus the unloading time. (See Note)</p> <p>*2. SOUTHERN TERRITORY:</p> <p style="padding-left: 40px;">The hourly rates are shown in Item No. 365. (Rates include Drivers' and Helpers' wages.)</p> <p style="padding-left: 40px;">Hourly rates apply to property, as described in Item No. 320, transported for one shipper in one unit of dump truck equipment from the time the truck and driver report for service pursuant to the shipper's order to the time of completion of the last trip under such order. "Trip" for the purpose of this item shall be deemed to embrace movement in both directions, namely, loads from point of origin to destination and empty from point of destination to the same point of origin. (See Note)</p> <p>NOTE.-In computing time for assessing hourly rates, allowances may be made for delays occasioned due to failure of dump truck equipment or due to time taken out for meals.</p>	
340	<p style="text-align: center;">DRIVERS' AND HELPERS' WAGE RATE</p> <p style="padding-left: 40px;">The drivers' and helpers' wage rate shall be the general prevailing rate of wages per diem (converted, however, to an hourly basis) last determined as such pursuant to the provisions of Chapter 397, Statutes of 1931, as amended, for drivers and/or helpers of dump trucks employed on public work of a similar character in the locality in which the work is performed; provided, however, that whenever the Federal Government, the State of California, or any political subdivision thereof shall have fixed or determined the rate of wages to be paid dump truck drivers and/or helpers in connection with any work performed for or on behalf of the Federal Government, the State of California, or any political subdivision thereof, then said rate of wages so fixed and determined shall be the "general prevailing rate of wages" to be used in determining the minimum rates for transportation by dump trucks of the commodities herein mentioned in connection with said work.</p>	
<p>*Change, Decision No. 50854</p>		
<p>EFFECTIVE JANUARY 15, 1955</p>		
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* For Southern Territory Rates, see Item No. 365.

NOTE 1.-Level capacity of Dump Truck body means the cubical content of the body in cubic yards calculated by multiplying the inside length by the average inside width and the average inside height of the sides of the body, including temporary side boards, if such boards are used, with no allowance for the crown of the load or for low head board or low tail gate.

In the case of a Dump Truck body not constructed for use of a tail gate (such as the so-called "rock body"), the inside length shall be deemed to mean the average of the measurement along the top of the sides from the inside of the head board to the point of the angle where the sides are diverted downward to meet the floor, and the measurement along the floor from the inside of the head board to the end of the body.

* Change, Decision No. **50854**

EFFECTIVE JANUARY 15, 1955

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.

Correction No. 436

Item No.	SECTION NO. 4	HOURLY RATES (Concluded)			
<p>MATERIAL, as described in Item No. 320.</p> <p>COLUMN "A" rates apply where the loading is performed by power loading device, excepting processed sand, gravel or crushed stone in stock piles at a commercial producing plant, at point of consumption or at intermediate point of transfer. A hopper chute or bunker shall not be deemed to be a power loading device.</p> <p>COLUMN "B" rates apply where the loading is performed by hand and where the average mileage of the vehicle does not exceed eight miles per hour for the period of time the vehicle is in use each day.</p> <p>COLUMN "C" rates apply where transportation or loading is under conditions other than described under application of Column "A" or Column "B" rates.</p>					
<p>Level Capacity of Dump Truck Body in Cubic Yards (See Note 1)</p>		<p>SOUTHERN TERRITORY (See Item No. 100) (1) Rates in Cents Per Hour (See Item No. 330)</p>			
		◊Column A	△Column B	◇Column C	
*365	Over				
	But Not Over				
	0	3	465	349	460
	3	4	500	375	495
	4	5	540	394	525
	5	6	580	425	560
	6	7	620	460	595
	7	8	665	510	625
	8	9	705	545	660
	9	10	740	575	695
	10	11	775	604	730
	11	12	820	648	765
	12	13	860	670	805
	13	14	885	695	830
	14	15	910	715	855
	15	16	945	758	880
	16	17	970	788	905
	17	18	995	818	930
	18	19	1020	848	955
	19	20	1045	878	980
20	Add to rate for 20 cubic yards capacity for each cubic yard or fraction thereof--	25	30	25	

(1) Minimum charge shall be the rate for one hour.

NOTE 1.-Level capacity of Dump Truck body means the cubical content of the body in cubic yards calculated by multiplying the inside length by the average inside width and the average inside height of the sides of the body, including temporary side boards, if such boards are used, with no allowance for the crown of the load or for low head board or low tail gate.

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* Change
◇ Increase
△ Change, neither increase nor reduction)

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