

ORIGINALDecision No. 56180

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 carriers relating to the)
 transportation of sand, rock, gravel)
 and related items (commodities for)
 which rates are provided in Minimum)
 Rate Tariff No. 7.))

Case No. 5437
 Petition for
 Modification No. 36

INTERIM OPINION

By this petition, filed August 2, 1957, the California Dump Truck Owners Association, Inc., seeks modification of Minimum Rate Tariff No. 7 by revisions of Items 300-B, 360-J, 361 and 362 so as to reinstitute "double factor" hourly rates in Northern Territory. On motion made at the hearing on this petition held October 16, 1957, the Commission, in its Decision No. 55859 dated November 19, 1957, ordered the consolidation of proceedings in Petition No. 36 and Petition No. 37 of the California Trucking Associations, Inc., for the limited purpose of receiving evidence and argument on the preliminary question of whether "double factor" minimum hourly rates should be established for the transportation of commodities by dump truck in Northern Territory, in Southern Territory, or in both territories.

On October 22, 1957, petitioner filed an amendment to its petition requesting that, if "double factor" hourly rates are not established, the present "single factor" hourly rates for Northern Territory be revised to reflect the increases in drivers' wages which have become effective since the present rates were established.¹

Public hearing, limited to the receiving of evidence regarding the proposed increase in "single factor" hourly rates, was held before Examiner Jack E. Thompson on December 12, 1957, at San Francisco. Evidence was adduced through the testimony of the secretary-manager of petitioner and the principal highway engineer for the Department of Public Works, State of California.

The present minimum hourly rates for the transportation of commodities in dump truck equipment in Northern Territory were established by the Commission in Decision No. 52952, dated April 24, 1956. The wage rates for drivers of dump trucks engaged in highway construction prevailing in April 1956 and in December 1957 are of record and are as follows:

1

"Double factor" rates are those wherein the hourly rate for transportation is determined by adding an equipment factor rate published in the minimum rate tariff and the prevailing wage rate for the territory in which transportation is to be performed. "Single factor" rates are those in which the element of the cost of drivers' wages is included in the minimum rate itself.

Prevailing Wage Rates in Cents Per Hour
Highway Construction - State of California
Drivers of Dump Trucks

Capacity of Truck In Yards		I		II		III		IV	
		4-'56	12-'57	4-'56	12-'57	4-'56	12-'57	4-'56	12-'57
0	4	222.5	255	222.5	255	226.5	263	226.5	263
4	6	236.5	269	236.5	269	230	266	229.5	266
6	8	252.5	290	245	290	230	266	229.5	266
8	12	282.5	315	255	310	250	271	234.5	271
12	14	282.5	315	275	310	250	279	242.5	279
14	16	282.5	315	275	310	257	279	242.5	279
16	18	282.5	315	275	310	257	301	264.5	301
18	Over	282.5	315	275	310	269	301	264.5	301

Column I - Bay Area District as described in Item 315, MRT-7.
 Column II - El Dorado District as described in Item 315, MRT-7.
 Column III - Kern District as described in Item 315, MRT-7.
 Column IV - San Luis Obispo District as described in Item 315, MRT-7.

In April 1956, overtime wages for Sunday work in the Bay Area, Kern and El Dorado districts were computed at one and one-half straight-time wages. In December 1957, overtime wages in all districts in Northern Territory for work on Sundays and holidays are double straight-time wages.

The present prevailing wages for drivers of dump trucks on highway construction projects are substantially the same as those provided in current contracts between the Associated General Contractors of America and the construction teamsters' unions. One exception is that, where the contract in force in 1956 provided for an additional 75 cents per day to be paid drivers of "double headers" and the 1957 contract provides for an additional \$1.00 per day for such work, the schedule of wages filed with the Director of Industrial

Relations as the prevailing wages to be paid to drivers on highway construction do not provide for additional wages for drivers of "double headers."

With the exception of the Bay Area and El Dorado districts' rates for trucks with capacities of 16 yards or more, petitioner requests that the minimum hourly rates for Northern Territory be increased by the exact amounts of the increases in wages. In the case of the former, petitioner requests that those rates be increased by the exact amounts of the wage increases plus an additional twelve and one-half cents per hour. The additional amount is predicated upon the assumption by petitioner that trucks with capacities of 16 yards or more operated over public highways must be double headers if carriers are to comply with the vehicular weight restrictions of the Motor Vehicle Code. This contention was not supported by the principal highway engineer of the State's Department of Public Works who described certain vehicles, not within the definition of the term "double headers," which are operated over public highways in connection with highway construction work.

It was shown that carriers are obligated to pay the increased wages and that the prevailing wages required to be paid by contractors to their employees engaged in driving dump trucks on highway construction projects are at about the same level as those required to be paid by carriers. As a result of the substantial increases in drivers' wages since the minimum rates were last adjusted, a situation exists which warrants action by the Commission prior to the completion of proceedings in this petition.

Participants in the proceeding were not opposed to an upward adjustment of the hourly rates by amounts equal to the increases in the prevailing wage rates. A number of parties objected to the additional twelve and one-half cents per hour proposed by petitioner for trucks of 16 yards or more capacity.

Upon consideration of all the facts and circumstances of record, the Commission is of the opinion that, pending further determination in this proceeding, interim increases, by amounts of the differences in the wages of drivers prevailing in December 1957 as compared with those prevailing in April 1956, in the minimum hourly rates for Northern Territory, are justified and are necessary. The additional twelve and one-half cents per hour proposed by petitioner to be applicable to the Bay Area and El Dorado districts' rates for vehicles of 16 yards or more capacity has not been justified.

INTERIM ORDER

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

IT IS ORDERED that Minimum Rate Tariff No. 7 (Appendix "A" of Decision No. 32566, as amended) is further amended by incorporating therein, to become effective March 2, 1958, the following revised pages, which pages are attached hereto and by this reference made a part hereof:

Eleventh Revised Page 42
Third Revised Page 42-A
First Revised Page 42-B

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

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 27th day of January, 1958.

[Signature]
President
[Signature]
[Signature]
[Signature]
[Signature]
Commissioners

Cancel

Item No.	SECTION NO. 4					HOURLY RATES (Continued)					
	COMMODITIES, as described in Item No. 320 (Items Nos. 360, 361 and 362).										
	Level Capacity of Dump Truck Body in Cubic Yards. (See Note 1 in Item No. 362)		NORTHERN TERRITORY (See Item No. 110) (1)(2) Rates in Cents per Hour (See Item No. 300)								
			Bay Area District (See Item No. 315)								
	But		Col. A			Col. B			Col. C		
	Over	Not Over	M	O	P	M	O	P	M	O	P
	0	2	492	747	620	419	674	547	467	722	595
	2	3	547	802	675	457	712	585	518	773	646
	3	4	605	860	733	496	751	624	570	825	698
	4	5	674	943	809	547	816	682	632	901	767
	5	6	728	997	863	584	853	719	679	948	814
	6	7	800	1090	945	640	930	785	745	1035	890
	7	8	843	1133	988	672	962	817	787	1077	932
	8	9	919	1234	1077	728	1043	886	852	1167	1010
	9	10	963	1278	1121	758	1073	916	889	1204	1047
	10	11	1004	1319	1162	786	1101	944	924	1239	1082
	11	12	1043	1358	1201	812	1127	970	955	1270	1113
	12	13	1078	1393	1236	836	1151	994	985	1300	1143
	13	14	1109	1424	1267	857	1172	1015	1011	1326	1169
	14	15	1138	1453	1296	877	1192	1035	1036	1351	1194
	15	16	1164	1479	1322	894	1209	1052	1058	1373	1216
o360-K Cancel 360-J	16	17	1188	1503	1346	910	1225	1068	1078	1393	1236
	17	18	1218	1533	1376	934	1249	1092	1105	1420	1263
	18	19	1237	1552	1395	947	1262	1105	1120	1435	1278
	19	20	1254	1569	1412	958	1273	1116	1135	1450	1293
	20	(3)	17	17	17	11	11	11	14	14	14
	El Dorado District (See Item No. 315)										
	0	2	488	743	616	419	674	547	467	722	595
	2	3	547	802	675	457	712	585	518	751	624
	3	4	605	860	733	496	751	624	570	825	698
	4	5	674	943	809	547	816	682	632	901	767
	5	6	728	997	863	584	853	719	679	948	814
	6	7	799	1089	944	639	929	784	744	1034	889
	7	8	847	1137	992	671	961	816	786	1076	931
	8	9	913	1223	1068	722	1032	877	846	1156	1001
	9	10	957	1267	1112	752	1062	907	883	1193	1038
	10	11	998	1308	1153	780	1090	935	918	1228	1073
	11	12	1037	1347	1192	806	1116	961	949	1259	1104
	12	13	1072	1382	1227	830	1140	985	979	1289	1134
	13	14	1103	1413	1258	851	1161	1006	1005	1315	1160
	14	15	1132	1442	1287	871	1181	1026	1030	1340	1185
	15	16	1158	1468	1313	888	1198	1043	1052	1362	1207

16	17	1182	1492	1337	904	1214	1059	1072	1382	1227
17	18	1212	1522	1367	928	1238	1083	1099	1409	1254
18	19	1231	1541	1386	941	1251	1096	1114	1424	1269
19	20	1248	1558	1403	952	1262	1107	1129	1439	1284
20	(3)	17	17	17	11	11	11	14	14	14

- (1) Minimum charge shall be the rate for one hour.
- (2) For application of Columns A, B and C and Subcolumns M, O and P, see Item No. 362.
- (3) Add to the rate for 20 cubic yards capacity for each cubic yard or fraction thereof the amount shown opposite this reference mark.

(Continued in Items Nos. 361 and 362)

o Increase, Decision No. **56180**

EFFECTIVE MARCH 2, 1958

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

Correction No. 602

Cancel

Item No.	SECTION NO. 4		HOURLY RATES (Continued)								
	COMMODITIES, as described in Item No. 320 (Items Nos. 360, 361 and 362).										
	Level Capacity of Dump Truck Body in Cubic Yards. (See Note 1 in Item No. 362)		NORTHERN TERRITORY (See Item No. 110) (1)(2) Rates in Cents per Hour (See Item No. 300)								
			Kern and San Luis Obispo Districts (See Item No. 315)								
	But		Col. A			Col. B			Col. C		
	Over	Not Over	M	O	P	M	O	P	M	O	P
	0	2	497	760	629	424	687	556	461	724	593
	2	3	554	817	686	462	725	594	510	773	642
	3	4	610	873	742	501	764	633	562	825	694
	4	5	668	934	801	541	807	674	615	881	748
	5	6	722	988	855	578	844	711	663	929	796
	6	7	773	1039	906	613	879	746	709	975	842
	7	8	821	1087	954	645	911	778	760	1026	893
	8	9	872	1143	1008	681	952	817	793	1064	929
	9	10	916	1187	1052	711	982	847	837	1108	973
	10	11	957	1228	1093	739	1010	875	869	1140	1005
	11	12	996	1267	1132	765	1036	901	900	1171	1036
	12	13	1039	1318	1179	797	1076	937	937	1216	1077
	13	14	1070	1349	1210	818	1097	958	963	1242	1103
	14	15	1097	1376	1237	838	1117	978	986	1265	1126
	15	16	1125	1404	1265	855	1134	945	1006	1285	1146
361-A Cancel 361	16	17	1171	1472	1322	893	1194	1044	1046	1347	1197
	17	18	1201	1502	1352	917	1218	1068	1071	1372	1222
	18	19	1220	1521	1371	930	1231	1081	1086	1387	1237
	19	20	1237	1538	1388	941	1242	1092	1100	1401	1251
	20	(3)	17	17	17	11	11	11	14	14	14
<p>(1) Minimum charge shall be the rate for one hour. (2) For application of Columns A, B and C and Subcolumns M, O and P, see Item No. 362. (3) Add to the rate for 20 cubic yards capacity for each cubic yard or fraction thereof the amount shown opposite this reference mark.</p> <p>(Continued in Item No. 362)</p>											

o Increase, Decision No. 56180

EFFECTIVE MARCH 2, 1958

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

Correction No. 603

Item No.	SECTION NO. 4 - HOURLY RATES (Continued)
<p>*362-i Cancels 362</p>	<p style="text-align: center;">COMMODITIES AS DESCRIBED IN ITEM NO. 320 (Items Nos. 360, 361 and 362)</p> <p>COLUMN "A" rates apply where the loading is performed by power loading device, excepting processed sand, gravel or crushed stone in stockpiles 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>SUBCOLUMN "M" rates apply on all days except the days on which the sub-column "O" or "P" rates apply.</p> <p style="text-align: center;">***</p> <p>SUBCOLUMN "O" rates apply on every Sunday and on January 1, February 22, May 30, July 4, September 9, December 25, the day each year proclaimed by the President of the United States to be celebrated as Labor Day and the day so proclaimed as Thanksgiving Day.</p> <p>SUBCOLUMN "P" rates apply on every Saturday.</p> <p>NOTE 1.-Level capacity of Dump Truck body means the cubical content of the body (including the bodies of all trailers, or semitrailors in the unit of equipment) 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 and end boards, if such boards are used, with no allowance for the crown of the load or for low head board or low tail gate.</p> <p>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.</p>
	<p>* Change *** Subcolumn "N" eliminated } Decision No. 56180</p>
EFFECTIVE MARCH 2, 1958	
<p>Issued by the Public Utilities Commission of the State of California, San Francisco, California.</p>	
<p>Correction No. 604</p>	