

ORIGINAL

Decision No. 59086

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 No. 54

E. O. Blackman, for California Dump Truck Owners Association, Inc., petitioner.  
James Quintrall, A. D. Poe, and J. C. Kaspar, for California Trucking Associations, Inc., interested party.  
R. A. Lubich, and Carl B. Blaubach, for the Commission's staff.

O P I N I O N

By petition filed July 23, 1959, the California Dump Truck Owners Association, Inc., seeks an increase of 38 cents in the hourly rates which apply as minimum rates for the transportation of specified materials in dump truck equipment between points in Southern California territory.

Public hearing on the petition was held before Examiner C. S. Abernathy at Los Angeles on August 13, 1959. Evidence was presented by petitioner through its manager and through a carrier engaged in dump truck operations. A representative of the California Trucking Associations, Inc., and members of the Commission's staff participated in the development of the record.

The most recent adjustment of the hourly rates which apply in Southern Territory became effective May 1, 1958. According to the evidence in this matter the prevailing wage rates for dump truck

drivers have been since increased by 32½ cents an hour. With the increases in wages the carriers' payments for compensation insurance, social security and unemployment insurance have been increased also. The requested increase in rates is sought as an offset to these increases in costs. Assertedly, there have been no decreases in other of the carriers' operating costs that would counteract the effect of the increases in the wage and related costs.

Petitioner also seeks an increase in an additional charge which applies for dump truck transportation in Inyo and Mono Counties on Sundays and specified holidays. At present the tariff provides that the hourly rates shall be increased by \$1.47 per hour when Sunday or holiday service is provided. Elsewhere in Southern Territory an additional charge of \$2.94 applies under like conditions. The difference in charges stems from the fact that when the charges were established, the wage rate for dump truck drivers for Sunday and holiday service in Mono and Inyo Counties was one and one-half times the basic rate whereas in the remainder of Southern Territory, the Sunday and holiday rate was twice the basic rate. According to petitioner's manager, this wage differential has been eliminated by increasing the wage rate for Mono and Inyo Counties to the level of that in other parts of Southern Territory. For this reason petitioner seeks a corresponding adjustment of the additional charges for Sunday and holiday service in the two counties. This adjustment is in addition to the increase of 38 cents an hour which petitioner otherwise seeks in the hourly rates.<sup>1</sup>

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<sup>1</sup> At the hearing petitioner's manager proposed an increase in the overtime rates generally which would be somewhat in excess of the 38 cents an hour increase that the petition specifically names. Also, he proposed an increase of 1 cent per cubic yard in a yardage rate which is provided in conjunction with the hourly rates. Both of these proposals go beyond the scope of the petition and will not be adopted.

No one appeared in opposition to granting of the petition.

In view of the showing of increased costs which has been made in this matter, the Commission is of the opinion and finds as a fact that the sought increases in rates and charges have been shown to be justified. The petition will be granted.

O R D E R

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

IT IS HEREBY ORDERED that:

1. 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 October 26, 1959, Third Revised Page 42-C, which page is attached hereto and by this reference is made a part hereof.

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

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

Dated at San Francisco California, this 29th day of September, 1959.

*Everett W. Stone*  
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President  
*[Signature]*  
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*[Signature]*  
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*[Signature]*  
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Commissioners

Commissioner Theodore H. Jenner being necessarily absent, did not participate in the disposition of this proceeding.

Item No.	SECTION NO. 4	HOURLY RATES (Concluded)		
	<p>COMMODITIES, 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>			
	Level Capacity of Dump Truck Body in Cubic Yards (See Note 1)	SOUTHERN TERRITORY (See Item No. 100) (1) Rates in Cents Per Hour (See Item No. 300) (See Note 2)		
		Column A	Column B	Column C
	Over                  But Not Over			
	0                      3	586	461	580
	3                      4	624	489	618
	4                      5	667	509	649
*365-D	5                      6	710	543	688
Cancel	6                      7	753	580	726
365-C	7                      8	802	634	759
	8                      9	845	672	796
	9                      10	883	705	834
	10                     11	921	736	872
	11                     12	969	783	910
	12                     13	1012	807	953
	13                     14	1039	834	980
	14                     15	1066	856	1007
	15                     16	1104	902	1034
	16                     17	1131	935	1061
	17                     18	1158	967	1088
	18                     19	1185	999	1115
	19                     20	1212	1032	1142
	20 Add to rate for 20 cubic yards capacity for each cubic yard or fraction thereof--	27	32	27

(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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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.

NOTE 2.-(a) For transportation service furnished under this item on Sundays and/or New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day,

(1) The applicable hourly rate shall be  
\$5.32 an hour in excess of those set  
forth above.

\*\* (2)

(b) Except as otherwise provided by paragraph (a) of this Note, the applicable hourly rates for transportation furnished on Saturdays or during periods in excess of 8 hours in any one shift shall be \$1.66 an hour in excess of those set forth above.

\* Change }  
◇ Increase } Decision No.  
\*\* Eliminated)

EFFECTIVE OCTOBER 26, 1959

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.  
Correction No. 749