

ORIGINAL

Decision No. 62908

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. 77,
Filed October 20, 1961.

O P I N I O N A N D O R D E R

Rodeffer Industries, Inc., petitioner in this matter, is engaged in the production and sale of sand, gravel, aggregate and ready-mixed concrete at various locations in Southern California. It has recently constructed a sand plant in Orange County from which it plans to ship substantial tonnages of sand to destinations in Orange County and in Los Angeles County. Assertedly, it will utilize the services of for-hire dump truck carriers for the transportation involved. By this petition it seeks amendment of Minimum Rate Tariff No. 7 so as to have said transportation made subject to the zone system of rates in the tariff that applies to for-hire dump truck transportation of rock products, including sand, between designated production areas and delivery zones in Los Angeles and Orange Counties. More specifically, it seeks the extension of the boundaries of Orange County Production Area "M" to include its recently constructed sand plant.

Orange County Production Area "M" lies along the west bank of the Santa Ana River in unincorporated territory between

the Cities of Anaheim and Orange. It is an area which is about one-quarter mile in width and which extends southward about one-half mile from Wagner Avenue to Ball Road. The change in the area which petitioner seeks is an extension of the southerly boundaries to Taft Avenue, a distance of about one-quarter mile.¹

Production Area "M" was established in order that zone rates might apply to shipments of sand from a newly constructed sand producing facility of Norwalk Asphaltic Concrete Company which is located along the Santa Ana River just north of Ball Road (Decision No. 61115, dated November 22, 1960, Case No. 5437).² The plant of petitioner is located across Ball Road from the Norwalk company's plant. Petitioner avers that the transportation of sand from its plant will be performed under transportation conditions which are the same as, or more favorable than, those that apply to the movement of sand from the Norwalk company's facility. It alleges that for

¹ The present and proposed boundaries are as follows:

Present: Beginning at the intersection of the easterly extension of Wagner Avenue and the Santa Ana River; thence westerly along said extension and along Wagner Avenue to its intersection with Rio Vista Street; thence southwesterly along a direct line to the intersection of Eaton Way and Ball Road; thence easterly along Ball Road and the easterly extension thereof to the intersection of said extension with the Santa Ana River; thence northeasterly along the Santa Ana River to the point of beginning.

Proposed: Beginning at the intersection of the easterly extension of Wagner Avenue and the Santa Ana River; thence westerly along said extension and along Wagner Avenue to its intersection with Rio Vista Street; thence southwesterly along a direct line to the intersection of Eaton Way and Ball Road; thence southerly along Eaton Way to Taft Avenue; thence easterly along Taft Avenue and the easterly extension thereof to the intersection of said extension with the Santa Ana River; thence northeasterly along the Santa Ana River to the point of beginning.

² Said shipments would otherwise be subject to distance rates or to hourly rates in Minimum Rate Tariff No. 7. Assertedly, such rates are not adapted to procedures which are followed in the marketing of rock products.

this reason shipments of sand from its plant should be subject to the same zone rates as those that apply from the plant of the Norwalk company, and that the present boundaries of Production Area "M" should therefore be extended as sought in order to avoid undue rate discrimination against petitioner's shipments.

The California Dump Truck Owners Association, Inc., and the California Trucking Associations, Inc., have been informed of petitioner's proposals in this matter. Neither association has expressed opposition to the granting of the petition.

This is a matter in which a similarity of transportation conditions justifies the application of the same rates to petitioner's shipments as those that apply from Orange County Production Area "M". The Commission finds as a fact that the enlargement of said production area as sought has been shown to be justified, and that the minimum zone rates that will apply as a consequence to the transportation of rock products, including sand, from the extended area are, and will be, just, reasonable and nondiscriminatory minimum rates for said transportation. The petition will be granted. A public hearing thereon is not necessary.

Good cause appearing,

IT IS ORDERED that

1. Minimum Rate Tariff No. 7 (Appendix "A" of Decision No. 32566, as amended) is hereby further amended by incorporating therein, to become effective January 2, 1962, Revised Page 33-A-1, which page is attached hereto and by this reference is made a part hereof. ✓

2. 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 Los Angeles, California, this 7th day of December, 196

W. L. ...
President

S. ...

George G. Grover

Fredrick B. ...

Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

Area No.	SECTION NO. 3 - RATES FROM PRODUCTION AREAS TO DELIVERY ZONES (Continued)
	<p data-bbox="512 445 1329 484">APPLICATION OF TARIFF-TERRITORIAL (Continued)</p> <p data-bbox="512 509 1272 547">ORANGE COUNTY-PRODUCTION AREAS (Concluded)</p> <p data-bbox="272 726 297 764">K</p> <p data-bbox="379 611 1437 866">Beginning at the prolongation of Jefferson Street and the Santa Ana River; thence northerly along said prolongation and Jefferson Street to State Highway No. 14; thence westerly along State Highway No. 14 to its intersection with the southerly prolongation of Red Gum Street; thence southerly along said prolongation of Red Gum Street to the Santa Ana River; thence easterly along the Santa Ana River to point of beginning.</p> <p data-bbox="272 1019 297 1057">L</p> <p data-bbox="379 891 1412 1159">Beginning at the intersection of Walnut and Taylor Streets; thence west on Walnut Street to its intersection with Van Buren Street; thence south on the southerly extension of Van Buren Street to its intersection with the Santa Ana River; thence northeasterly on the Santa Ana River to its intersection with the southerly extension of Taylor Street; thence north on said extension of Taylor Street to the point of beginning.</p> <p data-bbox="256 1324 297 1363">*M</p> <p data-bbox="379 1184 1453 1503">Beginning at the intersection of the easterly extension of Wagner Avenue and the Santa Ana River; thence westerly along said extension and along Wagner Avenue to its intersection with Rio Vista Street; thence south-westerly along a direct line to the intersection of Eaton Way and Ball Road; thence southerly along Eaton Way to Taft Avenue; thence easterly along Taft Avenue and the easterly extension thereof to the intersection of said extension with the Santa Ana River; thence northeasterly along the Santa Ana River to the point of beginning.</p>
	<p data-bbox="272 1592 892 1643">* Change, Decision No. 62908</p>
	<p data-bbox="726 1707 1230 1758">EFFECTIVE JANUARY 2, 1962</p>
	<p data-bbox="198 1783 1462 1860">Issued by the Public Utilities Commission of the State of California, San Francisco, California.</p> <p data-bbox="256 1885 586 1923">Correction No. 931</p>