

ORIGINAL

Decision No. 62962

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 (commodi-)
ties for which rates are provided)
in Minimum Rate Tariff No. 7).

Case No. 5437
Petition No. 48
Filed December 22, 1958
Order Setting Hearing,
dated March 24, 1959.

E. O. Blackman, for California Dump Truck Owners Association, Inc., petitioner and interested party.

Arlo D. Poe, J. C. Kaspar and James Quintrall, for California Trucking Associations, Inc., interested party.

H. G. Feraud and H. Randall Stoke, for Southern California Rock Products Association, interested party.

Karl K. Roos, for L. A. Paving Company, interested party.

Alfred R. Knott, for Renie Map Service, interested party.

Jack Griffin and George Leal, for Southern Pacific Milling Company, respondent.

R. A. Lubich and Leonard Diamond, for the Commission's staff.

O P I N I O N

By Decision No. 61893, dated April 25, 1961, the Commission approved a system of zones which had been proposed by the California Dump Truck Owners Association, Inc., as a basis for revisions to be made in the zone rates in Minimum Rate Tariff No. 7 that apply for the transportation of rock and related commodities by dump truck equipment within designated areas in southern California. In approving the zones for the purposes indicated,

the Commission noted that material errors apparently had been made in various descriptions of the zone boundaries, and directed the staff of its Transportation Division to review the zone descriptions and to develop recommendations concerning the respects in which the proposed descriptions should be corrected, clarified, and otherwise made certain and definite.

On August 21, 1961, a public hearing was held before Examiner C. S. Abernathy at Los Angeles for the purpose of receiving the recommendations which had been developed pursuant to the aforesaid directives. Evidence along this line was presented by a rate expert of the Commission's staff. In addition, a proposal for revising one of the zones was submitted on behalf of L. A. Paving Company, a producer and shipper of asphaltic concrete products. Representatives of various carriers and other shippers also participated in the hearing and in the development of the record thereon.

The Commission rate witness testified that in arriving at the recommendations which he presented he had undertaken to check the zone descriptions of the California Dump Truck Owners Association by comparing them with the most recent and generally available maps of the areas involved. He said that in the course of this check he had found apparent errors arising mainly out of differences in directions and street names, in the use of overlapping boundaries, and in the use of vague and indefinite terms. He said that his recommendations in such instances had been constructed so as to correct the differences in a manner consistent with what appeared to be the intent of the California Dump Truck Owners

Association in framing the zone proposals in question.¹

The zone revision which was requested on behalf of the L. A. Paving Company has for its objective the inclusion of the plant of that company in the same delivery zone as that which encompasses plants of competing companies in the same general area. The granting of this request was opposed by the California Dump Truck Owners Association. The Association's representative pointed out that under present tariff provisions, zone rates do not apply to the transportation which is involved. Instead, different rates apply -- rates which are designated in the tariff as area-to-point rates. The Association's representative also pointed out that the transportation which is performed under area-to-point rates is not involved in the ~~instant~~ phases of these matters. He asserted that the zone proposals had been developed on considerations apart from those applicable to said transportation. He said that for these reasons the adoption of the revision sought by the L. A. Paving Company would be improper on this record.

With the exception of the L. A. Paving Company, no one proposed changes in zones other than those recommended by the rate witness. The record shows that prior to the hearing the exhibit setting forth the recommendations of the rate witness was distributed to parties believed to be interested. No one appeared in opposition thereto.

¹ The descriptions of the zones which were proposed by the California Dump Truck Owners Association, Inc., are set forth in Exhibits Nos. 48-1 to 48-6, inclusive, and A-1 to A-6, inclusive, of record in these matters. The zone descriptions which were recommended by the rate witness are set forth in Exhibits Nos. 48-13 and A-13.

The revisions which the rate witness recommended be made in the boundary descriptions of the zones heretofore approved by Decision No. 61893 appear to be proper. Upon full consideration of these revisions and the bases therefor, we find that they will reasonably accomplish the purpose for which they were developed and presented, namely, the correction of errors in the zone descriptions and/or the clarification of the descriptions otherwise. We further find that as thus revised the zones which were approved by Decision No. 61893 are and will be reasonable as a basis for zone rates to be established for the transportation of rock products and allied materials in further phases of this general proceeding pertaining to Petition No. 48 and to the Order Setting Hearing dated March 24, 1959.

The zone modification which was urged on behalf of the L. A. Paving Company will not be adopted. To be effective from a rate standpoint, the sought changes involve revisions in the area-to-point rates in Minimum Rate Tariff No. 7, which rates are not in issue. The revisions of the present zone rate structure in Minimum Rate Tariff No. 7 in accordance with the purposes of Petition No. 48 and the Order Setting Hearing dated March 24, 1959, will ultimately involve revisions in the area-to-point structure. What such revisions should be will depend upon the record to be subsequently developed in those respects. Should the L. A. Paving Company wish to prosecute its proposals further, a more appropriate time for doing so, it appears, would be when the area-to-point rates are the subject of consideration.

In connection with the publication of the zone descriptions which are approved herein, the representative of the California Dump Truck Owners Association, Inc., asked that in addition to the listing of the descriptions in Minimum Rate Tariff No. 7 the tariff designate also the maps upon which the zone descriptions were developed. This request was made in order that there might be a uniform source of reference for resolving questions arising out of changes in street names in the future, or similar changes, which would have the effect of creating apparent inconsistencies between the tariff provisions and factual circumstances then applicable.

The objectives of this request have merit. Nevertheless, the proposal will not be adopted. It appears that the requested action would fall short of providing the desired results when present maps are superseded by revised editions and become less available to the public.

A more certain source of information for the purposes indicated would be the specific maps upon which the zone descriptions were developed. These maps are maintained as public records in the Commission's files. In order that they be readily identified for reference purposes as need arises, they will be indexed by exhibit number in Appendix "A" attached hereto. Also indexed in said appendix are maps which were used as a basis for the establishment of zone rates in the Antelope Valley portion of Los Angeles, Kern and San Bernardino Counties.

Inasmuch as the matters considered herein are in the nature of interim steps in a program toward the establishment of a revised

zone rate structure for transportation by dump truck equipment in southern California, and in view of our findings and conclusions with respect thereto, a specific Order on the instant phases of Case No. 5437 is not necessary. None will be issued.

Dated at San Francisco, California, this 19th day of DECEMBER, 1961.

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

Appendix "A" to Decision No. _____

Index of Map Exhibits Used as Basis for Zones
for Zone Rates Applicable to Transportation by Dump
Truck Equipment within Areas Designated

Zones	(1)	(2)
(See Note)		
<u>Exhibit No.</u>		
Los Angeles County		
(a) All zones except zones numbered 19601, 19603, 19606, 19607, 19608, 19609, 19610, 19706, 19707, 19715, 19744, 19746 and zones in the Antelope Valley area	43-18	A-18
(b) Zones numbered 19601, 19603, 19606, 19607, 19608, 19609, and 19610.	48-21	A-21
(c) Zones numbered 19706, 19707, 19715, 19744 and 19746	48-7	A-7
Orange County - All zones	48-18	A-18
Riverside County - All zones.	48-19	A-19
San Bernardino County		
All zones except those in the Antelope Valley portion of San Bernardino County.	48-19	A-19
Santa Barbara County - All zones.	48-11	A-11
Ventura County - All zones.	48-20	A-20
Antelope Valley portions of Los Angeles, Kern and San Bernardino Counties - All zones.	58-2 ^(a)	—
(a) Petition No. 58, Case No. 5437		

Note: Unless otherwise stated, the exhibits listed in Column (1) are exhibits received in Petition No. 48, Case No. 5437; those listed in Column (2) are exhibits received in Order Setting Hearing dated March 24, 1959, in Case No. 5437.

(End of Appendix "A")