

ORIGINAL

63462

Decision No. \_\_\_\_\_

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. 79  
Filed December 5, 1961

Joseph T. Enright, for Rodeffer Industries, Inc.,  
petitioner.

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

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

Waldo A. Gillette, for Monolith Portland  
Cement Co., interested party.

R. A. Lubich and Carl B. Blaubach, for the  
Commission's staff.

INTERIM OPINION

This matter relates to the hourly rates in Minimum Rate Tariff No. 7 that apply for the transportation of certain commodities in dump truck equipment by for-hire highway carriers. By this petition Rodeffer Industries, Inc., a producer of concrete, seeks to have the hourly rates made applicable for the transportation of the "ingredients of concrete, viz.: aggregates, wet, and cement, in rubberized bag containers."

Public hearing on the petition was held before Examiner C. S. Abernathy at Los Angeles on December 29, 1961. Evidence was submitted by petitioner's president. Representatives of the California Dump Truck Owners Association, Inc., of the California Trucking Associations, Inc., and of the Commission's staff participated in the development of the record. The matter was taken under submission for decision on the question whether the hourly rates for transportation performed under power loading conditions should be made applicable to the transportation in issue. Further hearings were scheduled on the question whether lower hourly rates which the tariff provides for transportation performed under bunker loading conditions should apply.

Under present provisions of Minimum Rate Tariff No. 7 the hourly rates may be assessed for the transportation of wet, pre-mixed concrete, but they may not be assessed when the ingredients of concrete are transported together unmixed. However, the rates may be applied for the transportation of such ingredients of concrete as sand, crushed stone and gravel, either separately or in dry mixtures.

According to the record herein, the process of transporting the unmixed ingredients of concrete in rubberized bags is a recently developed technique. The bags that are used are reusable rubber and nylon bags which are about six feet high and four feet in diameter. When filled, they hold about  $1\frac{1}{2}$  cubic yards or about 6,000 pounds of material. They are divided into two compartments -- an outer compartment in which aggregates (sand, gravel, crushed stone) and water are loaded, and a smaller and separately

sealed compartment into which cement is loaded. As thus filled, the bags are loaded into dump trucks by crane or other power device, transported to job site, and there dumped at a convenient location. In the final step of the process the materials in the bags are emptied into mixers and mixed into concrete according to need. Assertedly, this process, as compared with present methods, permits the attainment of substantial economies and important advantages in the production, distribution and use of concrete.

The granting of the petition was supported by the California Dump Truck Owners Association, Inc., to the extent that the transportation in issue would be made subject to the hourly rates for transportation performed under power loading conditions. The Association's representative urged, however, that a proviso be included in Minimum Rate Tariff No. 7 to the effect that the carriers would not be accountable for damage to the rubberized bags. He pointed out that in the ordinary unloading of the filled bags from carriers' equipment the bags would be subjected to extreme stresses, since they would be dumped from the vehicles on terrain of various types. He asserted that a proviso as proposed should be included in the tariff in order that the carriers would not be held responsible for damage to the bags in such circumstances.

The record herein shows that the services which dump truck carriers provide in connection with the transportation of the ingredients of concrete in the rubberized bags are essentially the same as other services which the carriers provide under the hourly rates in Minimum Rate Tariff No. 7. We find and conclude that the application of hourly rates to said transportation is justified. The hourly rates for transportation performed under power loading

conditions will be prescribed as requested pending further investigation as to whether the lower hourly rates for transportation performed under bunker loading conditions should apply instead. In accordance with a further request of petitioner, return movements of the emptied bags will be made subject to the same rates as the outbound movements of the filled bags. For clarity of definition the description of the commodities to which the rates will be made applicable will be amplified to read as follows:

Concrete, ingredients of, viz.: aggregates (sand, gravel, crushed stone), water, and cement, in nylon-corded rubberized bags;

Containers, empty, used, viz.: empty, used, nylon-corded rubberized bags being returned from an outbound trip in which they moved containing ingredients of concrete as described.

The proposal of the California Dump Truck Owners Association, Inc., to limit by rule the liability of the carriers for damage to the bags will not be adopted. A specific rule in this respect was not submitted for consideration. Whether a rule that would conform to the desires of the California Dump Truck Owners Association, Inc., can be prescribed without going beyond matters within the purview of the minimum rate regulations for the transportation services involved cannot be determined on this record.

#### INTERIM ORDER

Based on the evidence of record and on the findings and conclusions contained 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 hereby is further amended by

incorporating therein, to become effective April 28, 1962,  
Seventh Revised Page 41, 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 ten days after  
the date hereof.

Dated at San Francisco, California, this 13th  
day of March, 1962.

Wesley A. Page  
President

W. E. Marshall

S. J. Fox

George T. Brewer

Fredrick B. Holbrook  
Commissioners

Item No.	SECTION NO. 4	HOURLY RATES (Continued)
COMMODITIES		
<p>Rates in this Section apply to the transportation of the following commodities:</p>		
<p>*320</p>	<p>Ash, volcanic;            Barium, clay or silicate mud compounds, dry, oilwell drilling;            Cinders;            Clay;            Clinker, cement;            Concrete, asphaltic (commonly called "Hot Stuff");            # Concrete, ingredients of, viz.: aggregates (sand, gravel, crushed stone), water, and cement, in nylon-corded rubberized bags; (2)            Concrete, premixed, wet;            # Containers, empty, used, viz.: empty, used, nylon-corded rubberized bags being returned from an outbound trip in which they moved containing ingredients of concrete as described in this item; (2)            Cullet (glass, broken or crushed);            Debris:                From street or highway maintenance;                From demolition of buildings and structures;            Earth;            Fertilizer;            Fodder: Chopped green corn and sorghum grain plants, including heads, stalks, and leaves;</p>	<p>Granite, decomposed;            Gravel;            Loam;            Manure;            Mixture, cold road oil (commonly called "Plant Mix");            Mud, dry, oilwell drilling;            Ore;            Pumice;            Salt cake (crude sulphate of soda);            Sand;            Sand, crushed stone and gravel, mixed dry;            Scoria, volcanic;            Shale;            Slag;            Slurry (mixed sand, dust, crushed stone and/or gravel, wet); (1)            Soapstone, crude, blocks, pieces or slabs, rough quarried or not further finished than sawed or chipped on four sides;            Stone:                Crushed, chips, waste;                Natural, blocks, pieces or slabs, rough quarried, or sawed, not further finished;            Talc, crude, blocks, pieces or slabs, rough quarried or not further finished than sawed or chipped on four sides.</p>
<p>(1) Applies only in Northern Territory.            # (2) Subject only to hourly rates that apply when loading is performed by power loading device.</p>		
<p>* Change )            # Addition ) Decision No. 63402</p>		
EFFECTIVE APRIL 28, 1962		
<p>Issued by the Public Utilities Commission of the State of California,            San Francisco, California.            Correction No. 932</p>		