

Decision No. 64110

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of W, K & L TRUCKING, a)	
corporation, for authority to)	Application No. 44315
depart from the rates, rules and)	(Filed April 3, 1962)
regulations of Minimum Rate Tariff)	(Amended July 6, 1962)
No. 2 under the provisions of the)	
Highway Carriers' Act.)	

OPINION AND ORDER

Applicant holds permits as a highway contract carrier and as a city carrier.¹ By this application it seeks authority to depart from the provisions of Minimum Rate Tariff No. 2 for the transportation of rocks and boulders of abnormal size, or riprap, transported in motor vehicle equipment from which the load is discharged by lifting or tilting the body of such equipment by mechanical means that are not a part of the vehicle. Applicant proposes to assess rates no lower in volume or effect than the rates and charges provided in Item No. 130 series of Minimum Rate Tariff No. 7, which is applicable to transportation performed with dump trucks.

The application, as amended, states that applicant has been applying the rates prescribed in Minimum Rate Tariff No. 7 since 1959 for the subject transportation in the belief that those rates were the applicable rates. Recently applicant has been informed that the rates in Minimum Rate Tariff No. 7 are not applicable to such transportation because applicant's equipment and method of unloading do not conform to the definition of dump truck equipment provided in Minimum Rate Tariff No. 7. Therefore, the application states, the transportation would be subject to the rates in Minimum Rate Tariff No. 2 which rates,

¹ The verified application, as amended, states that applicant holds a permit from this Commission as a radial highway common carrier. The Commission's records indicate that the applicant herein has never been issued such a permit.

it is asserted, were not designed for applicant's type of operation and are substantially higher than reasonable for that type of operation. Applicant further states that its equipment is comparable to dump-truck equipment except that it is incapable of being unloaded in the manner provided in Minimum Rate Tariff No. 7 for dump-truck equipment.

The application shows that among its equipment applicant operates 20 sets of specially constructed bodies mounted on trailers, used in the transportation of rocks and boulders. It is asserted that the commodities transported by applicant in such equipment are rocks and boulders of abnormal size, or normal riprap weighing up to 30,000 pounds and that the equipment is utilized primarily in conjunction with the construction of breakwaters, river levees, or dams. Applicant states that so far as it knows it is the only for-hire carrier in California operating this type of equipment. Applicant further states that it is not in a position to propose that a minimum rate apply to any particular movement between any two points on behalf of any particular shipper, because with its large fleet of this particular type of equipment it is called upon from time to time to perform this type of transportation with this equipment at various points and places and that such service on behalf of any one shipper may last from a few days to many months, depending upon the size and complexity of the construction.

No objection to the granting of this application, as amended, has been received. The application and amendment show that copies thereof were served on California Trucking Associations, Inc., and California Dump Truck Owners Association. The amendment shows that each has no objection to the application, as amended, being given ex parte consideration by the Commission.

In the circumstances, it appears, and the Commission finds, that the proposed rates are reasonable. A public hearing is not necessary. The application will be granted. However, as the conditions surrounding the transportation may change, the authority will be limited to one year.

Good cause appearing,

IT IS ORDERED that:

1. W, K & L Trucking, a corporation, is hereby authorized, as a highway permit carrier, to assess rates no lower in volume or effect than the rates in Item No. 130 series of Minimum Rate Tariff No. 7, including all surcharges applicable thereto, and reissues thereof, prevailing at the time of shipment, for the transportation of rocks and boulders of abnormal size, or riprap, transported in motor vehicle equipment from which the load is discharged by lifting or tilting the body of such equipment by mechanical means that are not a part of the vehicle.

2. The authority herein granted shall expire with August 27, 1963, unless sooner canceled, changed or extended by order of the Commission.

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

Dated at San Francisco, California, this 14th day of August, 1962.

George H. Brewer
President
John M. Hill
Fredrick B. Holcomb

Commissioners

C. Lyn Fox