

ORIGINAL

Decision No. 67934

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 relat-)
ing 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 for Modification
No. 106
Filed July 31, 1964

OPINION AND ORDER

California Dump Truck Owners Association, Inc., is a non-profit corporation of the State of California, with approximately 700 permitted carriers as members. By this petition, it seeks modification of Minimum Rate Tariff No. 7 by the elimination of San Diego County Delivery Zones Nos. 1 through 28, inclusive, and San Diego County Production Areas A, B, C and D of said Minimum Rate Tariff No. 7, and cancellation of zone rates from said production areas to said delivery zones for the commodities for which zone rates are applicable in Minimum Rate Tariff No. 7.

Petitioner avers that the zone rates from said production areas to said delivery zones have been in effect for many years and are no longer reflective of the circumstances surrounding the transportation by for-hire carriers of the commodities for which zone rates are provided in Minimum Rate Tariff No. 7. The petition states that it is petitioner's understanding after investigation among carriers operating within San Diego County Delivery Zones Nos. 1 through 28, inclusive, that the zone rates proposed to be canceled are not used in transporting materials by for-hire carriers,

and that petitioner is advised that the San Diego County Rock Producers Association and the principal asphalt producers within the San Diego area support this petition.

The petition states that neither the carriers nor shippers within the areas affected by said production areas and said delivery zones desire the continuation of the zones and the zone rates proposed to be canceled; that the shippers and carriers look forward to a redefinition of production areas and delivery zones which would be meaningful and as a result of which realistic zone rates for said portion of San Diego County could be promulgated, and that until such time it is not believed that the present zone rates would be used and the forced use of such rates would be discriminatory to shippers and carriers alike.

Petitioner states that pursuant to Order Setting Hearing, dated April 21, 1964 in Case No. 5437, the Commission staff has introduced in hearings held in that proceeding proposed regulations governing the application of hourly rates. Petitioner agrees substantially with said proposed regulations. However, petitioner states that the imposition of such proposed regulations, including the nonalternation of hourly and zone rates, would be discriminatory to carriers operating within the production areas and delivery zones referred to herein, unless the current zone rates in San Diego are canceled.

In view of the pending hearings relating to Order Setting Hearing, dated April 21, 1964 in Case No. 5437, petitioner requests that this petition be granted ex parte. The petition shows that petitioner has transmitted a copy of this petition to all known for-hire carriers and rock and sand and asphaltic concrete producers within the Southern San Diego County area. No objection to the petition has been received. By a letter to the Commission dated

August 14, 1964, the San Diego County Rock Producers Association urges that the petition be granted.

In the circumstances, it appears, and the Commission finds, that petitioner's proposal is reasonable and that the resulting minimum rates and charges will be just, reasonable and nondiscriminatory minimum rates and charges for the transportation of property under the provisions of Minimum Rate Tariff No. 7. A public hearing is not necessary. The petition will be granted.

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 November 7, 1964, the revised pages attached hereto and listed in Appendix A also attached hereto and by this reference made a part hereof.

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

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

Dated at Los Angeles, California, this 30th day of SEPTEMBER, 1964.

Fredrick B. Halaloff
President

John E. [Signature]

George L. Crow

William W. [Signature]

Commissioners

Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A TO DECISION NO. 67934

List of Revised Pages to Minimum Rate Tariff No. 7
Authorized by Said Decision

First Revised Page 33-B

Second Revised Page 33-C

First Revised Page 33-D

First Revised Page 33-E

Second Revised Page 33-F

Second Revised Page 33-G

Fifth Revised Page 33-L

Sixth Revised Page 38-A

Fifteenth Revised Page 38-B

Second Revised Page 38-R

(End of Appendix A List)

First Revised Page33-B

 Cancels

Original Page 33-B

MINIMUM RATE TARIFF NO. 7

SECTION NO. 3 - RATES FROM PRODUCTION AREAS TO
DELIVERY ZONES (Continued)

♦ San Diego County Area Delivery
Zones Nos. 1, 2, 3 and 4
eliminated.

♦ Increase, Decision No. 67934

EFFECTIVE NOVEMBER 7, 1964

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.

Correction No. 1019

SECTION NO. 3 - RATES FROM PRODUCTION AREAS
TO DELIVERY ZONES (Continued)

♦ San Diego County Area Delivery
Zones Nos. 5, 6, 7, 8 and 9
eliminated.

♦ Increase, Decision No. 67934

EFFECTIVE NOVEMBER 7, 1964

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 1020

First Revised Page 33-D

 Cancels

Original Page..... 33-D

MINIMUM RATE TARIFF NO. 7

SECTION NO. 3 - RATES FROM PRODUCTION AREAS TO
DELIVERY ZONES (Continued)

◊ San Diego County Area Delivery
Zones Nos. 10, 11, 12 and 13
eliminated.

◊ Increase, Decision No. 67934

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Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 1021

First Revised Page 33-E

 Cancels

Original Page 33-E

MINIMUM RATE TARIFF NO. 7

SECTION NO. 3 - RATES FROM PRODUCTION AREAS
TO DELIVERY ZONES (Continued)

◊ San Diego County Area Delivery
Zones Nos. 14, 15, 16, 17 and 18
eliminated.

◊ Increase, Decision No. 67934

EFFECTIVE NOVEMBER 7, 1964

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.

Correction No. 1022

Second Revised Page 33-F
Cancels
First Revised Page 33-F

MINIMUM RATE TARIFF NO. 7

SECTION NO. 3 - RATES FROM PRODUCTION AREAS TO DELIVERY
ZONES (Continued)

◇ San Diego County Area Delivery Zones
Nos. 19, 20, 21, 22, 23, 24 and 25
eliminated.

◇ Increase, Decision No. 67934

EFFECTIVE NOVEMBER 7, 1964

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.

Correction No. 1023

Zone No.	SECTION NO. 3 - RATES FROM PRODUCTION AREAS TO DELIVERY ZONES (Continued)
	APPLICATION OF TARIFF - TERRITORIAL (Continued) SAN DIEGO COUNTY AREA - DELIVERY ZONES (Continued)
026	Description eliminated.
027	Description eliminated.
028	Description eliminated.
29	Beginning at the intersection of the northwesterly San Diego County boundary line and the Pacific Ocean (in the vicinity of San Clemente) thence northerly along said boundary line to its intersection with a line one-fourth mile northeast of and parallel to U.S. Highway 101; thence southeasterly along said parallel line to its intersection with the line perpendicular to U.S. Highway 101 to its intersection with the road entering Camp Joseph H. Pendleton Recreational Center, thence southwesterly along said perpendicular line to its intersection with the shore line of the Pacific Ocean, thence northwesterly along said shore line to the point of beginning.
30	Beginning at the intersection of a line perpendicular to U.S. Highway 101 at its intersection with the road entering Camp Joseph H. Pendleton Recreational Center and the shore line of the Pacific Ocean, thence northeasterly along said perpendicular line to its intersection with a line one-fourth mile northeast of and parallel to U.S. Highway 101; thence southeasterly along said parallel line to its intersection with Horno Canyon; thence southwesterly along said Horno Canyon to its intersection with the shore line of the Pacific Ocean; thence northwesterly along said shore line to the point of beginning.
31	Beginning at the intersection of Horno Canyon and the shore line of the Pacific Ocean, thence northeasterly along said Horno Canyon to an intersection with a line parallel to and one-fourth mile northeasterly of U.S. Highway 101; thence southeasterly along said line to its intersection with Los Flores Creek; thence southwesterly along said creek to its intersection with the shore line of the Pacific Ocean, thence northwesterly along said shore line to the point of beginning.
32	Beginning at the intersection of Los Flores Creek and the Pacific Ocean, thence northeasterly along said creek to its intersection with a line parallel to and one-fourth mile northeasterly of U.S. Highway 101; thence southeasterly along said line to its intersection with a line perpendicular to U.S. Highway 101 at Stuart Station on the Santa Fe Railroad, thence southwesterly along said perpendicular line to its intersection with the shore line of the Pacific Ocean, thence northwesterly along said shore line to the point of beginning.
◇ Increase, Decision No. 67934	
EFFECTIVE NOVEMBER 7, 1964	
Issued by the Public Utilities Commission of the State of California, San Francisco, California.	
Correction No. 1024	

Area No.	SECTION NO. 3 - RATES FROM PRODUCTION AREAS TO DELIVERY ZONES (Continued)
APPLICATION OF TARIFF - TERRITORIAL (Concluded) SAN DIEGO COUNTY - PRODUCTION AREAS	
OA	Description eliminated.
OB	Description eliminated.
OC	Description eliminated.
OD	Description eliminated.
I	Beginning at the intersection of Cabrillo Highway (U.S. No. 101) and the south bank of the San Luis Rey River; easterly along the south bank of the San Luis Rey River to its intersection with the northerly prolongation of McNeil Street; southerly along said prolongation and along McNeil Street to its intersection with Cabrillo Highway (U.S. No. 101); northwesterly along said Highway to the point of beginning.
J	Beginning at Washington Avenue and Quince Street, within the City of Escondido; thence southerly along Quince Street to its intersection with Grand Avenue; thence westerly along Grand Avenue to its intersection with Tulip Street; thence northwesterly along Tulip Street to its intersection with Hale Avenue; thence northeasterly along Hale Avenue to its intersection with Washington Avenue; thence easterly along Washington Avenue to the point of beginning.
K	Lot "J" of Rancho Hedionda of City of Carlsbad, County of San Diego, State of California, according to patent of said Rancho recorded in Book 1, Page 150 of Patents.
♦ Increase, Decision No. 67934	
EFFECTIVE NOVEMBER 7, 1964	
Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 1025	

Cancels

Item No.	SECTION NO. 3-RATES FROM PRODUCTION AREAS TO DELIVERY ZONES IN CENTS PER TON (Continued)			
	MATERIAL, viz.: Granite, decomposed, Gravel, Sand, Stone, crushed, chips or waste, Stone, natural, blocks, pieces or slabs, rough quarried, Stone, natural, sawed, not further finished.			
	TO San Diego County Area Delivery Zones	FROM San Diego County Production Areas		
		A	B	C
0260	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	Rates Canceled.		
♦ Increase, Decision No. 67934				
EFFECTIVE NOVEMBER 7, 1964				
Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 1026				

Item No.	SECTION NO. 3-RATES FROM PRODUCTION AREAS TO DELIVERY ZONES IN CENTS PER TON (Continued)	
	MATERIAL, viz.: Dry Mixture of Sand, Crushed Stone and Gravel in batches.	
◊ 268	BETWEEN	RATE
	Points in Southern Territory Production Areas and points in Southern Territory Delivery Zones (see Pages 11 to 33-L, inclusive).	Rates in Items Nos. 210 to 255 inclusive, plus 15 cents per ton.

◊ Increase, Decision No. 67934

EFFECTIVE NOVEMBER 7, 1964

Issued by the Public Utilities Commission of the State of California,
 San Francisco, California.
 Correction No. 1027

Cancel

Item No.	SECTION NO. 3-RATES FROM PRODUCTION AREAS TO DELIVERY ZONES IN CENTS PER TON (Continued)				
	MATERIAL, viz.: Asphaltic Concrete (commonly called "Hot Stuff"), Cold Road Oil Mixture (commonly called "Plant Mix").				
	TO San Diego County Area Delivery Zones	FROM San Diego County Production Areas			
		A	B	C	D
	1				
	2				
	3				
	4				
	5				
	6				
	7				
	8				
	9				
♦ 292	10				Rates Canceled.
	11				
	12				
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♦ Increase, Decision No. 67934

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Issued by the Public Utilities Commission of the State of California,
 San Francisco, California.

Correction No. 1028