

**ORIGINAL**

Decision No. 67935

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 for Modification No. 101,  
Filed February 3, 1964)

E. O. Blackman, for petitioner, California Dump Truck Owners Association.  
R. W. Dillon, A. D. Poe and J. C. Kaspar, for California Trucking Association, interested party.  
R. Labbe and L. Diamond, for the Commission staff.

O P I N I O N

The California Dump Truck Owners Association seeks, by this petition, the modification of Minimum Rate Tariff No. 7 by the establishment of a new production area in Ventura County, with rates for the transportation of rock, sand and gravel, and asphaltic concrete from the new production area to various existing Ventura County delivery zones.

A duly noticed public hearing in this petition was held and the matter was submitted on August 5, 1964, at Los Angeles, before Examiner Malloy. No one appeared in opposition to the petition. The Commission staff assisted in the development of the record through cross-examination.

Evidence presented by petitioner's general manager in support of the relief sought is summarized in the following statements. Owl Rock Products operates an aggregate plant and the Griffith Company operates an asphaltic concrete plant in the vicinity of Moorpark. These companies ship substantial quantities of

aggregates and asphaltic concrete from these facilities and utilize the services of for-hire dump truck carriers for such transportation. Petitioner and the two producers desire the establishment of zone rates from the new production facilities to receiving points in Ventura County. The petition contains a description of the proposed production area, information used in the development of scales of proposed rates, and a statement of proposed zone rates from the new production area to various delivery zones in Ventura County. The proposed zone rates were developed by using the traverse times and mileages which form the basis for existing minimum zone rates in Ventura County, coupled with tie-in traverse times and mileages between the new production area and such existing traverse times and mileages. The proposed zone rates were computed in accordance with the existing formulae for rock, sand and gravel, and for asphaltic concrete zone rates in Ventura County.

The Commission staff took the position that one of the elements in the determination whether the proposed zone rates are reasonable is the relationship of the proposed zone rates to present zone rates in the same general area, and that the petitioner has the burden of showing that no unreasonable difference would result from the establishment of the proposed rates. Cross-examination of petitioner's witness was directed to this point. It was developed that rates to the same delivery zones over common routes from the new production area and from adjacent Production Area L vary by different amounts; where it would appear that these differences would be constant if the same time traverses and mileages were used in the development of rates from both production areas. Petitioner's witness explained that the existing time traverses are not complete, and that judgment must be exercised in the development of times and mileages to and from entry and exit points of the various delivery zones.

Also, judgment must be exercised in determining the routes of movement from production areas to delivery zones since the feasibility of different routes alters as traffic conditions and highway conditions change over the years. Petitioner's witness accounted for the rate differences between the proposed new production area and adjacent Production Area L because of development of these judgment factors at different times and by different persons. Petitioner stated that the Commission now has before it in Case No. 5437, Petition for Modification No. 48 and Order Setting Hearing dated March 27, 1959, proposals which would completely revise the production area-to-delivery zone rates in Ventura County. These proposals are related to a new system of delivery zones adopted by the Commission and are based upon current costs developed by the Commission staff and upon up-to-date traverse times and mileage studies made by petitioner jointly with the rock and asphalt shipper associations in Ventura County. If the Commission adopts these proposals, the rates currently in the tariff and the zone rates proposed herein will be replaced. In the meantime, petitioner asserts, the rates proposed in the instant proceeding reflect the same cost formulae and generally the same traverse times and mileages upon which the current Ventura County zones are bottomed.

It is clear that the establishment of zone rates as proposed would do no more than provide, from a new point of production, rates of the same kind and character as those already available from established competing points of production in the same general area. To withhold or unnecessarily delay the establishment of the requested rates would be to deprive the affected shippers of rate bases heretofore established as reasonable for competing shippers.

In the circumstances, it appears, and the Commission finds, that the resulting minimum rates will be just, reasonable and non-discriminatory minimum rates for the transportation of rock, sand and gravel, and asphaltic concrete in dump truck equipment from the proposed production area, hereinafter designated as Ventura County Production Area M, to the various Ventura County delivery zones, all as described in Minimum Rate Tariff No. 7. The petition will be granted.

O R D E R

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. Hallock  
President

George H. Brown

Stallman W. Bennett

Commissioners

-4- Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A TO DECISION NO. 67935

List of Revised Pages to Minimum Rate Tariff No. 7

Authorized by Said Decision

Twelfth Revised Page 27

Second Revised Page 36-H

Eleventh Revised Page 37

Ninth Revised Page 38-0

Second Revised Page 38-0-1

(END OF APPENDIX A LIST)

Area No.	SECTION NO. 3 - RATES FROM PRODUCTION AREAS TO DELIVERY ZONES (Continued)
	<p style="text-align: center;">APPLICATION OF TARIFF-TERRITORIAL (Continued) VENTURA COUNTY-PRODUCTION AREAS</p>
A	<p>Production facilities located in Ventura County Delivery Zone No. 35 at and adjacent to the point where the Southern Pacific Company tracks cross the Santa Clara River, on northerly bank of river, westerly of said tracks.</p>
B	<p>Production facilities within the following described area in Ventura County Delivery Zone No. 35: Beginning at the intersection of the south bank of the Santa Clara River with the northerly prolongation of Central Avenue; southeasterly along the prolongation of Central Avenue to Vineyard Avenue; southwesterly along Vineyard Avenue to Corsicana Drive; northwesterly along a direct line to a point on the south bank of the Santa Clara River one-half (<math>\frac{1}{2}</math>) mile southwesterly of the point of beginning; northeasterly along the south bank of the Santa Clara River to the point of beginning.</p>
C	<p>Production facilities within the following described area in Ventura County Delivery Zone No. 36: Beginning at the intersection of the south bank of the Santa Clara River with Los Angeles Avenue; southeasterly along Los Angeles Avenue to Vineyard Avenue; southwesterly along Vineyard Avenue to Central Avenue; northerly along a direct line to a point on the south bank of the Santa Clara River one-half (<math>\frac{1}{2}</math>) mile westerly of the point of beginning; easterly along the south bank of the Santa Clara River to the point of beginning.</p>
E	<p>Beginning at the intersection of State Route No. 126 and Ojai Street in the City of Santa Paula; easterly along State Route No. 126 to a point three-tenths (.3) mile easterly of the eastern end of the bridge over Santa Paula Creek; thence due south along a direct line to the north bank of the Santa Clara River; westerly along the north bank of the Santa Clara River to the intersection of the southerly prolongation of Ojai Street; northerly along the prolongation of Ojai Street and Ojai Street to the point of beginning.</p>
G	<p>Production facilities located adjacent to the westerly side of Ventura County Delivery Zone No. 49 within the following described area: The southeast one-quarter (<math>\frac{1}{4}</math>) of section 18 and the southwest one-quarter (<math>\frac{1}{4}</math>) of section 17, township 3 north, range 19 west, San Bernardino base and meridian.</p>
H	<p>Production facilities located adjacent to the westerly side of Ventura County Delivery Zone No. 45 within the following described area: The northeast one-quarter (<math>\frac{1}{4}</math>) of the northwest one-quarter (<math>\frac{1}{4}</math>) and lots 3 and 6 of section 28, township 3 north, range 20 west, San Bernardino base and meridian.</p>
I	<p>Production facilities within the following described area in Ventura County Delivery Zone No. 37: Beginning at the intersection of Todd Barranca (wash) and the Southern Pacific Company right-of-way; northeasterly along the Southern Pacific Company right-of-way to Briggs Road; southeasterly along the prolongation of Briggs Road to the north bank of the Santa Clara River; southwesterly along the north bank of the Santa Clara River to Todd Barranca (wash); northerly along Todd Barranca to the point of beginning.</p>

J Beginning at a point 3200 feet due north of California Highway Commission Bench Mark 2 located on the west end of the old bridge No. 52-06 crossing the Ventura River on old Highway 101; thence due west a distance of 1000 feet; thence due north a distance of 2500 feet; thence due east a distance of 1500 feet; thence due south 2500 feet; thence due west a distance of 1000 feet to the point of beginning.

K An area on the east bank of the Santa Clara River approximately 6,600 feet upstream from the Saticoy Bridge (Los Angeles Avenue) and described as Lot 82 of the Rancho Santa Pauly y Saticoy, in the County of Ventura, State of California, as per map thereof recorded in the office of the county recorder of said Ventura County in Book "A" of Miscellaneous Records, at Page 290.

L Lot 13 of parcel 500-110-01 and lot 14 of parcel 500-160-01 of the Epworth tract, Rancho Simi, Township 3 north, range 19 west, as shown on book 3, page 36 of maps of the county recorder's office of Ventura County.

\*6M The west 1/2 of the northwest 1/4 of Section 19, Township 3 north, range 19 west, San Bernardino Base and Meridian.

\* Addition )  
o Reduction ) Decision No. 67935

EFFECTIVE NOVEMBER 7, 1964

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.  
Correction No. 1029

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.							
(1) Ventura County Delivery Zones	FROM (1) Ventura County Production Areas									
	A	B	C	E	I	J	K	L	*6M	
10	108	113	122	118	133	92	128	191	187	
11	118	121	131	125	142	100	138	198	198	
12	101	104	116	109	126	85	122	183	180	
13	92	97	105	102	119	77	118	175	173	
14	84	88	96	108	108	68	108	168	166	
15	90	95	102	119	118	73	111	176	173	
16	77	84	92	109	108	67	104	165	161	
17	71	74	81	101	97	58	91	155	152	
18	68	70	74	92	88	47	83	144	142	
19	58	67	69	85	79	38	74	135	133	
20	53	64	69	80	77	30	70	131	128	
21	68	70	72	90	85	34	76	140	138	
22	71	72	80	100	95	48	88	149	147	
23	76	79	90	108	103	58	98	158	155	
24	103	107	118	100	116	86	124	174	172	
25	95	102	109	96	114	80	118	168	166	
26-A	104	109	119	92	108	91	123	166	163	
26-B	113	118	125	96	110	97	134	166	163	
27	118	118	108	75	93	105	122	152	149	
28	114	109	100	68	84	112	108	139	137	
29	100	95	85	56	68	121	96	129	127	
30	85	80	71	40	62	103	79	111	108	
31-A	50	58	66	78	74	45	70	129	127	
31-B	45	52	59	72	69	39	64	121	118	
32	46	53	62	74	69	48	64	126	123	
33	43	50	58	72	68	53	60	119	117	
34	38	47	51	69	66	47	58	112	109	
35	36	40	43	68	64	63	50	101	98	
36	48	44	37	59	56	67	35	91	88	
37	66	58	48	38	34	73	57	104	102	
38-A	71	69	65	31	46	87	69	98	96	
38-B	79	77	71	38	61	100	86	93	90	
38-C	84	78	71	38	59	100	75	78	75	
39-A	97	92	84	65	71	114	97	84	82	
39-B	93	90	79	58	68	111	89	77	74	
39-C	93	90	79	53	67	111	87	69	67	
39-D	104	101	91	68	74	122	98	78	82	
40-A	116	110	101	71	85	132	108	89	88	
40-B	122	118	108	75	91	138	115	97	94	
40-C	132	127	118	85	102	148	127	109	104	

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41-A	127	124	117	81	99	147	123	104	103
41-B	141	139	127	95	110	158	137	116	113
42	65	56	46	72	69	121	50	72	68
43	69	65	56	79	77	93	59	63	61
44	76	70	68	72	86	117	61	67	67
45	95	88	79	53	68	114	74	78	80
46	84	75	71	71	88	112	65	60	55

(1) For descriptions of Ventura County Production Areas and Delivery Zones, see Pages 22 to 27, inclusive.

/ Change )  
 \* Addition ) Decision No. **67935**  
 o Reduction )

EFFECTIVE NOVEMBER 7, 1964

Issued by the Public Utilities Commission of the State of California,  
 San Francisco, California.  
 Correction No. 1030

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Item No.	SECTION NO. 3 - RATES FROM PRODUCTION AREAS TO DELIVERY ZONES IN CENTS PER TON (Continued)								
	TO (1) Ventura County Delivery Zones	FROM (1) Ventura County Production Areas							
	A	B	C	E	I	J	K	L	*DM
MATERIAL, viz.:									
Granite, decomposed,	Stone, crushed, chips or waste,								
Gravel,	Stone, natural, blocks, pieces or slabs,								
Sand,	rough quarried,								
	Stone, natural, sawed, not further finished.								
47	71	70	67	80	84	102	60	62	56
48-A	92	84	75	88	100	119	76	43	37
48-B	85	77	71	89	97	114	70	43	40
48-C	79	72	71	95	96	111	69	54	52
49	107	102	92	68	75	126	92	59	57
50	97	92	81	84	102	133	89	38	43
51-A	88	80	71	90	102	118	76	45	45
51-B	92	85	76	99	121	126	78	48	52
51-C	102	95	86	108	125	136	88	58	58
52	101	97	90	116	119	132	89	59	66
53-A	91	86	80	107	109	122	83	54	63
53-B	91	88	85	120	116	122	89	67	74
54	96	92	92	125	123	129	97	77	83
56	113	104	95	120	129	144	101	63	68
57	125	119	109	131	142	159	111	79	84
58-A	124	117	107	129	139	154	110	74	78
58-B	134	126	118	141	148	163	120	83	89
59-A	43	44	51	76	77	72	63	108	103
59-B	46	49	57	79	79	75	61	107	101
60	37	38	46	75	70	66	57	96	92
61	48	40	40	70	68	72	50	81	77
62	68	61	58	85	88	86	62	73	70
63	64	58	58	80	76	85	54	69	66
64-A	65	58	58	84	78	86	55	81	78
64-B	69	66	66	92	88	97	63	90	87
65	61	57	56	80	76	83	54	87	82
66	56	52	58	81	77	80	54	92	88
67	48	47	52	81	77	73	53	102	98
68	58	56	64	91	88	82	73	114	110
69	58	53	59	92	88	80	69	104	100
70	61	56	66	93	89	83	76	104	100
71	70	69	71	101	96	97	71	106	102
72	70	70	71	100	95	95	69	103	99
73	71	71	71	105	101	101	74	108	105
74	75	72	76	109	105	106	80	113	109
75	78	77	79	114	109	110	83	115	113
76-A	71	69	69	95	90	97	65	78	79
76-B	77	75	72	107	102	110	78	68	78
77	69	66	65	86	80	87	57	73	71
78	72	70	70	101	96	102	71	89	85
79-A	81	80	79	114	108	113	92	99	96
79-B	95	91	90	124	120	126	95	114	108
79-C	107	103	102	138	132	138	105	123	121
79-D	120	116	116	149	145	151	120	132	129
79-E	107	103	102	138	133	142	106	103	113
80-A	90	85	84	118	113	121	88	93	92
80-B	99	93	92	127	122	131	98	97	102

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(1) For descriptions of Ventura County Production Areas and Delivery Zones, see Pages 22 to 27, inclusive.

∅ Change )  
\* Addition } Decision No. 67935  
o Reduction )

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San Francisco, California.  
Correction No. 1031

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 (1) Ventura County Delivery Zones	FROM (1) Ventura County Production Areas							*OM
		A	B	C	E	I	J	L	
	10	160	165	177	172	188	138	270	264
	11	171	176	188	183	200	148	280	278
	12	149	156	167	161	178	127	259	255
	13	137	145	157	150	167	118	248	245
	14	126	132	143	160	159	106	238	236
	15	134	140	151	173	171	113	249	246
	16	119	126	137	161	160	97	235	229
	17	107	112	124	149	143	85	222	217
	18	96	100	112	137	131	72	207	204
6285	19	85	92	102	127	121	59	195	193
	20	81	86	98	123	116	46	189	186
	21	93	98	110	135	129	55	202	198
	22	105	110	123	147	140	67	214	211
	23	116	122	134	160	152	79	225	222
	24	152	159	171	148	160	129	247	244
	25	141	150	162	143	162	122	239	236
	26-A	156	161	173	138	156	136	236	233
	26-B	164	171	181	143	160	144	236	233
	27	171	171	160	114	132	154	217	214
	28	166	162	148	103	120	165	201	197
	29	147	141	129	86	103	176	187	184
	30	129	123	109	64	82	153	163	159
	31-A	77	83	94	120	112	70	187	184
	31-B	68	75	86	111	105	62	176	173
	32	69	76	89	112	106	74	183	179
	33	66	72	85	110	104	78	174	171
	34	62	68	77	100	94	72	164	161
	35	58	64	65	94	89	92	149	146
	36	71	68	60	85	78	104	136	133
	37	91	85	72	62	56	113	154	151
	38-A	106	104	92	50	69	131	146	143
	38-B	122	119	106	60	82	147	138	135
	38-C	126	120	107	57	78	147	118	115
	39-A	144	138	126	91	111	168	127	124
	39-B	139	134	122	82	103	163	117	116

39-C	139	135	122	71	93	163	107	104
39-D	156	149	136	92	112	177	119	115
40-A	167	163	149	105	126	191	134	132
40-B	177	172	160	114	136	199	144	141
40-C	190	185	172	127	148	213	161	154
41-A	186	180	170	125	146	211	154	152
41-B	203	199	185	141	163	226	169	166
42	90	80	68	111	105	131	111	106
43	99	91	80	121	118	139	99	95
44	116	107	95	111	129	155	104	104
45	141	132	121	82	104	168	118	185
46	126	113	100	109	131	164	87	22

(1) For descriptions of Ventura County Production Areas and Delivery Zones, see Pages 22 to 27, inclusive.

∅ Change )  
 \* Addition ) Decision No. 67935  
 ∅ Reduction )

EFFECTIVE NOVEMBER 7, 1964

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 San Francisco, California.  
 Correction No. 1032

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 (1) Ventura County Delivery Zones	FROM (1) Ventura County Production Areas							
		A	B	C	E	I	J	L	*OM
6286	47	108	99	89	123	126	151	89	87
	48-A	137	126	114	131	148	174	66	59
	48-B	129	119	107	133	144	167	66	63
	48-C	122	112	100	140	143	163	84	82
	49	158	151	137	95	114	183	92	88
	50	145	138	125	126	157	192	60	68
	51-A	131	123	109	135	148	173	70	70
	51-B	137	129	116	146	153	183	75	79
	51-C	151	141	130	160	166	195	87	91
	52	149	144	135	168	173	191	87	102
	53-A	136	130	123	158	162	178	84	96
	53-B	136	131	129	175	168	177	105	114
	54	143	138	137	182	179	187	117	126
	56	164	156	140	174	181	207	97	106
	57	183	173	161	189	200	227	121	127
	58-A	180	170	158	187	191	221	113	118
	58-B	192	184	171	202	205	233	126	134
	59-A	65	63	72	116	109	111	159	153
	59-B	70	69	77	121	113	114	157	149
	60	59	59	66	114	108	102	143	137
	61	69	62	62	106	99	111	123	117
	62	90	86	82	129	122	129	113	108
	63	85	82	78	123	116	127	107	103
	64-A	84	81	77	126	120	129	123	118
	64-B	97	93	91	138	132	145	135	131
	65	83	80	75	123	116	126	131	124
	66	78	75	76	124	118	121	137	133
	67	71	69	76	125	119	113	151	145
	68	87	84	93	137	131	124	167	162
	69	83	76	85	137	132	121	154	148
	70	86	82	89	139	133	126	154	148
	71	103	99	104	149	143	144	156	151
	72	102	97	103	148	141	142	152	147
	73	108	105	109	157	149	149	159	155
	74	114	111	116	162	156	156	165	161

75	120	118	122	166	160	162	168	166
76-A	103	96	94	141	135	144	119	121
76-B	119	113	110	158	150	161	105	118
77	92	86	83	130	123	132	113	109
78	110	105	102	149	143	152	134	128
79-A	125	123	121	166	160	166	147	143
79-B	141	136	134	180	174	183	167	159
79-C	159	152	150	198	190	198	179	176
79-D	174	167	167	214	207	215	191	187
79-E	159	152	150	198	193	204	152	165
80-A	134	129	126	172	165	176	138	137
80-B	146	139	138	185	178	188	144	151

(1) For descriptions of Ventura County Production Areas and Delivery Zones, see Pages 22 to 27, inclusive.

∅ Change )  
 \* Addition ) Decision No. **67935**  
 ∅ Reduction )

EFFECTIVE NOVEMBER 7, 1964

Issued by the Public Utilities Commission of the State of California,  
 San Francisco, California.  
 Correction No. 1033