

ORIGINALDecision No. 68461

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Loria J. McCorkindale)
 (doing business as J. L. McCorkindale)
 Trucking) for Relief From Minimum Rate)
 Tariff No. 10 as Amended by Fifth Re-)
 vised Page 6 Effective October 1, 1964,))
 Sub-Paragraph b.)

Application No. 47016
 (Filed Sept. 29, 1964)

Davidson, Walk, Etchason and Davidson, by W. David Etchason, for applicant.
W. A. Dillon, J. C. Kaspar and A. D. Poe, for California Trucking Association; George H. Poe, for California Portland Cement Company; Waldo Gillette, and J. T. Enright, for Monolith Cement Co., Glen Bell for Transit Mix Concrete Co.; and Harry Lowthian, for Permanente Cement Co., interested parties.
Joseph Braman and C. R. L'Ecluse, for the Commission staff.

O P I N I O N

Public hearing was held and this matter submitted before Examiner Mallory at Los Angeles on November 24, 1964. Evidence in support of the relief sought was presented by applicant and the interested shipper, Transit Mix Concrete Company. The latter company and California Portland Cement Company support the application. No one appeared in opposition to the relief sought.

Applicant holds operating authority from this Commission as a cement carrier, highway contract carrier and radial highway common carrier. Operations involved in this proceeding are conducted as a cement carrier. Applicant's prescriptive cement carrier operative right authorizes him to transport cement from

any and all origins in the State to any and all points located in ten Southern California counties, including the County of Los Angeles.^{1/}

Applicant's rates for transportation of cement in truck-load quantities are set forth in Local Freight Tariff No. 17, Cal. P.U.C. No. 21 of Western Motor Tariff Bureau, Inc., Agent. Item No. 2130 of that tariff corresponds to Item No. 65 of Minimum Rate Tariff No. 10. Said item, dealing with mixed shipments of sacked and bulk cement, provides, in part, as follows:

"(b) Except as provided in Paragraph (c) carriers will transport not to exceed five (5) sacks of cement on bulk equipment. Charges for such sacked cement shall be at the applicable rate or charge for such sacked cement, based on the total weight of the shipment."^{2/}

Applicant seeks relief from the above tariff requirement to the extent that he may transport 42 sacks of cement on bulk equipment from cement mills and other cement bulk loading facilities to specified points in Los Angeles County.

According to applicant, he has operated, for the past several years, bulk equipment which has been specially designed and constructed so as to permit the transportation of 42 sacks of cement with cement in bulk. He contends that the continued use of this specialized equipment is both feasible and desirable and is

^{1/} Destination counties within the scope of applicant's prescriptive cement carrier right are: Fresno, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, Tulare and Ventura.

^{2/} This requirement was established effective October 1, 1964, pursuant to Decision No. 67620, dated July 28, 1964, in Case No. 5440 (Petitions for Modification Nos. 20 and 21). Prior to October 1, 1964, Minimum Rate Tariff No. 10 did not contain a limitation on the number of sacks of cement that could be included in a mixed shipment of sacked and bulk cement.

necessary if he is to continue handling mixed shipments of cement for Transit Mix Concrete Co. It is alleged that, unless the sought tariff relief is granted, he will suffer an undue and unjust hardship with regard to this traffic.

Applicant testified that he operates 10 units of trucking equipment for the handling of bulk cement, each unit consisting of a tractor and two hopper trailers. On one such trailer he has placed a specially designed metal box with capacity for 42 sacks of cement. The box is so constructed as to form a ramp when the door is lowered, which permits hand-trucking of the sacks directly into the box. Applicant testified that ordinarily the sacked cement transported on bulk equipment is placed on the trailer frame or in the cab of the tractor. He stated that use of the specially constructed equipment provided safer and more convenient transportation, as the cement sacks transported on the trailer frame could fall to the roadway or, if in the cab, could inconvenience the driver.

A representative of the shipper for whom applicant performs the bulk of his transportation service testified concerning his company's requirements. He stated that the receipt of 42 sacks at one time is more convenient to the shipper for several reasons. His company operates several transit-mix facilities. At each, the storage capacity is limited; the largest storage area at any plant accommodates 70 sacks. The limited storage facilities preclude the purchase of a full-trailer load (750 sacks) at one time. If only five sacks, as permitted under current mixed shipment tariff provisions, are delivered at one time, several deliveries per day would be required. Several deliveries of sacked cement would seriously

disrupt the unloading of bulk cement at these plants. The special equipment used by applicant was devised at the shipper's request to meet its requirements.

The record is clear that the transportation of sacked cement on bulk cement trailer equipment in the specially constructed container is necessary to meet the needs of the carrier and its principal shipper and would provide a safer method of transporting limited quantities of sacked cement on bulk cement trailer equipment. In the circumstances, it appears, and the Commission finds, that applicant's proposal is reasonable and justified by transportation conditions. The application will be granted. However, as the conditions surrounding the transportation may change, the authority will be made to expire at the end of one year.

O R D E R

IT IS ORDERED that:

1. Lorin John McCorkindale is hereby authorized to publish and file, to expire one year after the effective date of this order, tariff provisions authorizing the transportation of not to exceed 42 sacks of cement on bulk equipment (other than pneumatic equipment), in connection with mixed shipments of cement in sacks and in bulk from any and all points of origin to Hollywood, Inglewood, Irwindale, Long Beach, Los Angeles, Pasadena and Sun Valley.
2. Tariff publications authorized to be made as a result of the order herein may be made effective not earlier than ten days after

the effective date of this order on not less than ten days' notice to the Commission and to the public.

3. The authority granted herein shall expire unless exercised within ninety days after the effective date of this order.

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

Dated at San Francisco, California, this 12th day of January, 1965.

Frederick B. Holdcroft
President

George G. Grover

William L. Bennett
Commissioners