

ORIGINAL

Decision No. 71228

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 pro-)
vided in Minimum Rate Tariffs Nos. 7)
and 17).)

Case No. 5437
(Petition for Modification
No. 132)
(Filed June 17, 1966)

OPINION AND ORDER

Minimum Rate Tariffs Nos. 7 and 17 name minimum rates for the transportation of rock, sand, gravel and related commodities in dump truck equipment by city carriers and highway carriers. The former tariff sets forth minimum statewide hourly and distance rates and zone rates between various points outside a defined area in Southern California. The latter tariff contains zone rates for transportation within the aforementioned defined area. Certain rules pertaining to boundary descriptions govern the rates in the former and latter tariffs and are respectively set forth in Minimum Rate Tariff No. 7 and Directory 1. By this petition, California Trucking Association seeks to have such rules amended.

Petitioner proposes to revise these rules by providing that, where streets, railway lines, rights of way of railway companies and water courses are used as the line or point from which

¹
The proposed amendments involve Item No. 200-B of Minimum Rate Tariff No. 7 and Rule (a) of Directory 1.

boundaries are measured, the center line of such streets, railway lines, rights of way and water courses will constitute the definite line or point from which such boundaries are measured.² Petitioner also proposes that, where such a street is divided, the center line of the dividing strip will constitute the definite boundary line or the line or point from which boundaries are measured.

Petitioner avers that the current boundary descriptions contained in Minimum Rate Tariff No. 7 and Directory I do not provide a definite line or point from which specific boundaries may be determined when they are measured from streets, railway lines, rights of way of railway companies and water courses. Petitioner alleges that this lack of definiteness is exemplified in the case of streets, where it is possible to start the measurement from the center line of the street, the edge of the pavement or the edge of the public right of way. Petitioner asserts that its proposal would correct this situation.

Copies of the verified petition were mailed to various chambers of commerce, shipper organizations, carrier representatives and other interested parties on or about June 16, 1966. The petition was listed on the Commission's Daily Calendar of June 20, 1966. No objection to the granting of the petition has been received.

In the circumstances, it appears, and the Commission finds, that petitioner's proposal is reasonable, that the resulting minimum rates will be just, reasonable and nondiscriminatory minimum rates for the transportation involved and that, to the extent that increases are involved, such increases are justified. A public hearing is not necessary. The Commission concludes that the petition should be granted.

²Under the current rules, where streets, railway lines, rights of way and water courses are used to define boundaries, the center lines of such streets, railway lines, rights of way and water courses constitute the definite boundary lines.

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 October 8, 1966, Seventh Revised Page 10-A attached hereto and by this reference made a part hereof.

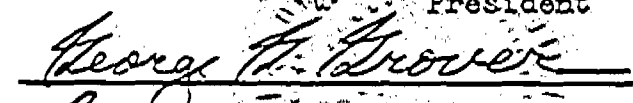
2. Directory 1 (Appendix A of Decision No. 69469, as amended) is hereby further amended by incorporating therein, to become effective October 8, 1966, First Revised Page 3 attached hereto and by this reference made a part hereof.

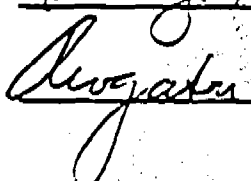
3. In all other respects Decisions Nos. 32566 and 69469, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 30th day of August, 1966.



President




Commissioners

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.

Item No.	SECTION NO. 3-RATES FROM PRODUCTION AREAS TO DELIVERY ZONES
	<p style="text-align: center;">RULES GOVERNING BOUNDARY DESCRIPTIONS</p> <p>Rules applicable to the descriptions of boundaries of Delivery Zones and Production Areas contained in this section</p> <p>Where streets, railway lines, rights of way of railway companies and water courses are used to define boundaries *or are used as the line or point from which boundaries are measured, the center line of such streets, railway lines, rights of way and water courses will constitute the definite boundary line *or the definite line or point from which boundaries are measured. *Where such a street is divided, the center line of the dividing strip will constitute the definite boundary line or the line or point from which boundaries are measured. (See Item No. 205.)</p> <p>(Applies only in connection with descriptions of Antelope Valley Production Area and Delivery Zones appearing on Pages 33-V to 33-V-22, inclusive.) Where streets and highways, in connection with Antelope Valley, are used in describing zone boundaries, the words "and extension thereof" will be considered as inherent in the description whenever appropriate for the purpose of completing closure of a zone.</p> <p>Unless otherwise noted, where a street is named as a boundary line which has an offset at any intersecting street, and carries the same name at either side of the offset, such portion of the intersecting street encompassed in the offset will become a part of such boundary line.</p> <p>The term "street" as used above will be synonymous with "avenue", "boulevard", "drive", "lane", "terrace", "road", or other designations thereof.</p> <p>Where the term "shore line" is employed as a boundary line, such boundary line shall be construed to embrace any pier or wharf extending into the adjacent body of water.</p> <p>Where the terms "north", "west", "south" and "east" are used on a course in the following descriptions, they are referenced to the true meridian and indicative of a true direction.</p> <p>The term "parallel" as used herein denotes an equidistant course with relation to the line referred to whether said line is straight or curved.</p> <p>Where section lines are employed in Southern Territory they are in each instance referenced to the San Bernardino Base and Meridian; in Northern Territory they are referenced to Mount Diablo Base and Meridian.</p> <p>At the beginning of Northern Territory boundary descriptions a name is shown for convenience in referring to the zone or area. This name may also be the name of a city, community, street or other feature; but it is not to be construed as extending the boundaries beyond those which follow the name.</p>
205	<p style="text-align: center;">APPLICATION OF ZONE RATES</p> <p>(a)(Applies only in Southern Territory.) Zone rates contained in this section will apply to all points within the described boundaries of the respective zones, provided however, that deliveries may be made to the property lines of streets used as the boundaries of delivery zones.</p> <p>(b)(Applies only in Northern Territory.) The rates in this section apply as follows:</p> <p>(1) From a commercial producing plant as defined in Items Nos. 10 and 11, located within a defined producing area, to a railhead, hot plant, batching plant, sewage disposal plant, concrete article factory or a distributing yard, as defined in Items Nos. 10 and 11, located</p>

within a defined delivery zone, subject to subparagraph (3), or

(2) (Applies only for the transportation of cold road oil mix (otherwise known as "Plant Mix".) From a hot plant, as defined in Items Nos. 10 and 11, located within a defined producing area to a distributing yard within a defined delivery zone, subject to subparagraph (3).

(3) Unloading shall be effected by dumping into a stock pile, a fixed receiving hopper or a railroad car.

(4) The rates do not apply to any location at which grading, excavating, paving or construction activity is in progress.

206
ADDITIONAL CHARGE FOR SERVICE PERFORMED ON SUNDAYS AND HOLIDAYS (Applicable only within Southern Territory)
When asphaltic concrete or cold road oil mixture is transported under the rates in this section of the tariff on Sunday, New Years Day, Memorial Day, 4th of July, Labor Day, Armistice Day, Thanksgiving Day, or Christmas Day, rates provided therefor will be increased 20 percent.

207
COMMODITIES
When reference is made to this item rates apply (subject to Item No. 205) for the transportation of the following commodities: (See Exception.)
Concrete Aggregates and other Articles, viz.:
Gravel, Stone, natural
Mix, Cold Road Oil Chips or waste,
Sand, Stone, natural,
not sawed or finished.
Exception: Rates subject to this item will not apply on the commodities described in Item No. 146.

208
ALTERNATIVE APPLICATION OF DISTANCE RATES IN SECTION NO. 2 WITH COMBINATION RATES BASED UPON ZONE RATES
For applicable provisions, see Item No. 125.

Change)
*Addition) Decision No. 71228

EFFECTIVE OCTOBER 8, 1966

Issued by the Public Utilities Commission of the State of California, San Francisco, California.
Correction No. 1194

RULES GOVERNING THE PRODUCTION AREA AND
DELIVERY ZONE BOUNDARY DESCRIPTIONS
CONTAINED IN THIS DIRECTORY

(a) Where streets, railway lines, rights of way of railway companies and water courses are used to define boundaries *or are used as the line or point from which boundaries are measured, the center line of such streets, railway lines, rights of way and water courses will constitute the definite boundary line *or the definite line or point from which boundaries are measured. *Where such a street is divided, the center line of the dividing strip will constitute the definite boundary line or the line or point from which boundaries are measured.

(b) Unless otherwise noted, where a street is named as a boundary line which has an offset at any intersecting street, and carries the same name at either side of the offset, such portion of the intersecting street encompassed in the offset will become a part of such boundary line.

(c) The term "street" as used above will be synonymous with "avenue," "boulevard," "drive," "lane," "terrace," "road," or other designations thereof.

(d) Where streets and highways are used in describing zone boundaries, the words "and extension thereof" or "the prolongation thereof" will be considered as inherent in the description whenever appropriate for the purpose of completing closure of a zone.

(e) Where the term "shore line" is employed as a boundary line, such boundary line shall be construed to embrace any pier or wharf extending into the adjacent body of water.

(f) Where the terms "north," "west," "south" and "east" are used on a course in the following descriptions, they are referenced to the true meridian and indicative of a true direction.

(g) The term "parallel" as used herein denotes an equidistant course with relation to the line referred to whether said line is straight or curved.

(h) Where section lines are employed, they are in each instance referenced to the San Bernardino Base and Meridian.

(i) Where the following abbreviations appear in descriptions of production areas and delivery zones, they shall have the same meaning as the corresponding words which they represent:

Alt. - Alternate	Fwy. - Freeway	St. - Street
Ave. - Avenue	Hwy. - Highway	Terr. - Terrace
Blyd. - Boulevard	Ln. - Lane	Wy. - Way
Ct. - Court	Pl. - Place	
Dr. - Drive	Rd. - Road	
	* * *	
E. - East	S. - South	R. - Range
N. - North	W. - West	T. - Township

§ Change)
* Addition)

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San Francisco, California.
Correction 2