

**ORIGINAL**Decision No. 71517

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  
Order Setting Hearing dated  
March 22, 1966

(Appearances As Shown In Appendix A)

INTERIM OPINION AND ORDER

This proceeding involves a general revision of the state-wide minimum mileage and hourly rates for the transportation of commodities in dump trucks, as set forth in Minimum Rate Tariff No. 7 (MRT 7).

Several days of hearing have been held before Examiner Mallory at San Francisco and Los Angeles. At the hearing on September 27, 1966, a rate expert of the Commission's Transportation Division introduced Exhibit 17, which concerns the transportation of cement treated base in dump truck equipment. The witness recommended that this commodity be added to the list of articles described in Item No. 320 of MRT 7 for which hourly rates in the tariff apply.

The testimony of the staff witness in support of this recommendation is summarized in the following statements. Cement treated base, also known in the trade as "plant-mixed cement treated base" or "stabilized base", is a moist mixture of sand, crushed rock and/or gravel and cement. The Department of Public Works,

Division of Highways specifications provide for three classes of cement treated base. The commodity stabilizes weak subsoil and is used in highway construction. The first cement treated subgrade to support a concrete pavement was constructed in 1946 and within the next year or so it became general practice throughout the State. Since 1950, all concrete pavements in California have been placed over cement treated base. This commodity is generally hauled in dump truck equipment to a job site from a mixing plant located at or near a highway construction project. On July 8, 1966, the Commission's Transportation Division issued its Informal Ruling No. 170 stating that the hourly rates in MRT 7 for concrete, premixed, wet, are applicable to cement treated base.

Representatives of California Trucking Association and California Dump Truck Owners Association supported the recommendation of the staff witness that cement treated base be added to the list of articles for which the hourly rates in MRT 7 apply. They also concurred in the motion of the staff that an interim order be issued incorporating this amendment in MRT 7 in order to clarify the application of the tariff.

The Commission finds that the addition of cement treated base to the list of commodities for which hourly dump truck rates apply in MRT 7 will result in just, reasonable and nondiscriminatory minimum rates, and concludes that MRT 7 should be amended as provided in the order herein.

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 December 17, 1966, Twelfth Revised Page 41, 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.

The effective date of this order shall be twenty days after the date hereof.

Dated at SAN FRANCISCO, California, this 9<sup>th</sup> day of NOVEMBER, 1966.

[Signature]  
President

[Signature]

[Signature]

[Signature]

[Signature]  
Commissioners

APPENDIX A

APPEARANCES IN CASE NO. 5437,  
ORDER SETTING HEARING DATED MARCH 22, 1966

Respondents

Edward L. Allen, for Heidelbaugh Transportation Co.; Dana Exum, for Miles & Sons Trucking Service; Fred Godwin, in his own behalf; Edwin F. Holland, in his own behalf; Charles F. Gagliasso, for Charles F. Gagliasso Trucking, Inc.; and Bertha Payan, for Payan Trucking Inc.

Interested Parties

E. O. Blackman, for California Dump Truck Owners Association; E. J. Dunne, by Allen Paulsen and W. J. Haener, for Shell Oil Company; Brundage & Hackler, by Daniel Feins, for Western Conference of Teamsters; G. Ralph Grago, for Associated Independent Owner-Operators, Inc.; David K. Graham, for Kaiser Cement and Gypsum Corp.; Fred Imhoff, for Southern California Rock Products Association; William R. Kinnaird, for American Transfer Co.; Frank Loughran and Edward J. Hegarty, for Tariff No. 7 Committee; Harry C. Phelan, for California Asphalt Plant Association; George H. Roe, for California Portland Cement Co.; Richard W. Smith, H. F. Kollmyer and J. C. Kaspar, for California Trucking Association; William R. Walker, for San Diego Rock Producers Association; W. F. Webster, for Rodeffer Industries, Inc.; E. J. Bertana, for Pacific Cement & Aggregates; and Arnold Arbott, for Kaiser Sand & Gravel.

Commission Staff

R. A. Lubich, Robert F. Walker, Dale R. Whitehead, and R. J. Carberry.

Item No.	SECTION NO. 4	HOURLY RATES (Continued)
<p>320</p>	COMMODITIES	
	<p>Rates in this Section apply to the transportation of the following commodities:</p>	
	<p>Ash, volcanic;                  Barium, clay or silicate                  mid compounds, dry, oil-                  well drilling;                  *Base, cement treated                  (moist mixture of sand,                  crushed rock and/or                  gravel and cement);                  Cinders;                  Clay;                  Clinker, cement;                  Concrete, asphaltic                  (commonly called "Hot                  Stuff");                  Concrete, mortar or plaster:                  ingredients of, in                  batches, in nylon-corded                  rubberized bags; (2)                  Concrete, premixed, wet;                  Containers, empty, used,                  viz.: empty, used,                  nylon-corded rubberized                  bags being returned from                  an outbound trip in which                  they moved containing                  batches of the ingredi-                  ents of concrete, mortar                  or plaster; (2)                  Cullet (glass, broken or                  crushed);                  Debris:                  From street or highway                  maintenance;                  From demolition of                  buildings and structures;                  Dolomite, dead-burned;                  Earth;                  Fodder: Chopped green                  corn and sorghum grain                  plants, including heads,                  stalks, and leaves;                  Granite, decomposed;                  Gravel;</p>	<p>Gypsum rock, crude, not                  further processed than                  broken or crushed;                  Loam;                  Mill scale;                  Mixture, cold road oil (com-                  monly called "Plant Mix");                  Mud, dry, oilwell drilling;                  Ore;                  Perlite, expanded;                  Perlite rock, crude, not further                  processed than broken, crushed                  or ground;                  Pumice;                  Pyrophyllite, crude, in blocks,                  pieces or slabs, rough                  quarried;                  Salt cake (crude sulphate of                  soda);                  Sand;                  Sand, crushed stone and gravel,                  mixed dry;                  Scoria, volcanic;                  Shale;                  Slag;                  Slurry (mixed sand, dust, crushed                  stone and/or gravel, wet); (1)                  Soapstone, crude, blocks, pieces                  or slabs, rough quarried or                  not further finished than                  sawed or chipped on four sides;                  Stone:                  Crushed, chips, waste;                  Natural, blocks, pieces or                  slabs, rough quarried, or                  sawed, not further finished;                  Talc, crude, blocks, pieces or                  slabs, rough quarried or not                  further finished than sawed                  or chipped on four sides.</p>
	<p>(1) Applies only in Northern Territory.                  (2) Subject to Column "A" rates when transportation is performed                  within or from Northern Territory and to Column "C" rates                  when transportation is performed within or from Southern                  Territory.</p>	
	<p>Change )                  * Addition.) Decision No. <b>71517</b></p>	
<p>EFFECTIVE DECEMBER 17, 1966</p>		
<p>Issued by the Public Utilities Commission of the State of California,                  Correction No. 1199 <span style="float: right;">San Francisco, California.</span></p>		