

**ORIGINAL**

Decision No. 73545

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 ) Case No. 5437  
carriers and city carriers relating ) Petition for Modification  
to the transportation of sand, rock, ) No. 152  
gravel and related items (commodities ) (Filed November 16, 1967)  
for which rates are provided in Mini- )  
mum Rate Tariff No. 7). )

OPINION AND ORDER

Minimum Rate Tariff No. 7 (MRT No. 7) provides, among other things, hourly rates for the transportation of specified commodities in bulk in dump truck equipment by city and highway carriers. By this petition California Dump Truck Owners Association seeks to include broken asphaltic or hydraulic concrete in the list of commodities, which are subject to hourly rates.<sup>1</sup>

Petitioner states that broken concrete, both asphaltic and hydraulic, is frequently transported in dump trucks in connection with excavation or other construction work resulting from the installation of storm drains and sewers in street work and the removal of parking lots, driveways and retaining walls. Petitioner alleges that, though this commodity is not specifically named as subject to hourly rates, it has by custom and practice been considered debris for which such rates are applicable. Because of recent changes in hourly rate scales, petitioner declares that questions of the application of hourly rates to broken asphalt and concrete have developed.

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<sup>1</sup>The commodities are described in Item No. 320 of the tariff and the hourly rates are set forth in Items Nos. 360, 361 and 365 thereof.

Petitioner contends that broken asphaltic or hydraulic concrete is as heavy or heavier than most of the commodities specifically named as subject to hourly rates. Petitioner asserts that broken concrete is usually and normally hauled in connection with such commodities as earth and gravel under the hourly rates. It alleges that the question of application of hourly rates to broken asphaltic or hydraulic concrete should be clarified by adding these commodities to the list of articles governed by hourly rates for heavy commodities. Petitioner avers that no change in rates is involved.

Copies of the petition were mailed to various chambers of commerce, shipper associations, carrier representatives, individual shippers and carriers on or about November 14, 1967. The petition was listed on the Commission's Daily Calendar of November 17, 1967. 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 and that the resulting minimum rates and charges will be just, reasonable and nondiscriminatory minimum rates and charges for the transportation involved. A public hearing is not necessary. The Commission concludes that the petition should be granted.

Decision No. 73544 in Case No. 5437, Petition No. 150, issued on this date, concerns revision of rates for lightweight aggregates in northern California. In order to avoid dual amendments to Item No. 320 of MRT No. 7, the tariff amendment required to be made by this order is included in Decision No. 73544.

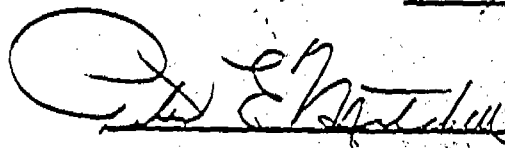
IT IS ORDERED that:

1. Minimum Rate Tariff No. 7 (Appendix "A" of Decision No. 32566, as amended) is hereby further amended by incorporating therein, to become effective January 27, 1968, Seventeenth Revised Page 41 attached to Decision No. 73544 and by this reference also made a part hereof.

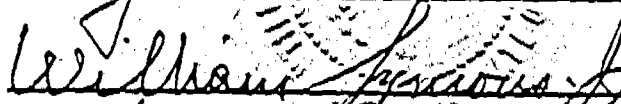
2. In all other respects Decision No. 32566, as amended, shall remain in full force and effect.

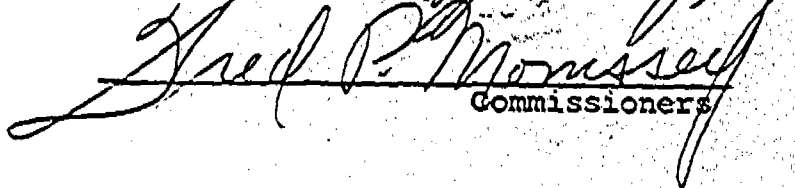
The effective date of this order shall be twenty-five days after the date hereof.

Dated at San Francisco, California, this 27<sup>th</sup> day of December, 1967.

  
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President

  
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Commissioner

  
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Commissioner

  
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Commissioners

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