

Decision No. 77024

ORIGINAL

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 Tariffs Nos. 7 and 17).

Case No. 5437
Petition for Modification
No. 197
(Filed January 12, 1970)

OPINION AND ORDER

By this petition the California Dump Truck Owners Association (CDTOA) seek adjustments in the hourly rates in Minimum Rate Tariffs Nos. 7 and 17 (MRT 7 and 17) to compensate for increases in operating costs since the rates were last revised.

The hourly rates prescribed in MRT 7 and 17 are predicated upon dump truck driver wages and allied wage costs contained in labor agreements negotiated between the Teamsters, Associated General Contractors and other employer organizations. The current agreements are for three-year periods with wage increases occurring at stated intervals during the life of the existing labor contracts. The hourly rates in MRT 7 and 17 were last revised pursuant to Decisions Nos. 75388 and 75589, respectively, dated April 22, 1969, in Case No. 5437, Petition No. 173, et al., and the increased hourly rates thus established became effective June 1, 1969. The current hourly rates reflect wage costs in effect as of May 1, 1969 and allied labor costs as of July 1, 1969 in Southern Territory and Lower Northern District.

Said existing hourly rates for Upper Northern District reflect basic wage rates and allied fringe benefits, effective as of June 1, 1969 and November 1, 1969, respectively.^{1/}

In Southern Territory and Lower Northern District basic wage rates will be increased 20 cents per hour, effective May 1, 1970, plus an additional 25 cents per hour increase for allied fringe benefits, effective July 1, 1970. In Upper Northern District, a wage increase of 46 cents per hour will become effective on June 1, 1970.

The CDTOA requests that the straight time minimum dump truck hourly rates in MRT 7 and 17 for Southern Territory and Lower Northern District be increased 48 cents per hour. With respect to the Upper Northern District straight time hourly rates contained in MRT 7, petitioner requests that such rates be increased 49 cents per hour. The CDTOA rate proposal is designed to offset in the minimum hourly rates the dollar amount of increase in the underlying basic wage costs and allied fringe benefits expanded by a profit factor of 7 percent which was previously utilized by the Commission. Petitioner also requests that the proposed increase of 48 and 49 cents per hour in straight time hourly rates be reflected in the appropriate minimum overtime hourly rates under established procedures. Finally, the CDTOA requests that the sought increases in MRT 7 and 17 hourly rates be made subject to a common effective date of June 1, 1970.

Petitioner contends that the requested wage offset increase is a noncontroversial matter. It is noted that the cost increases

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- 1/ Southern Territory includes the Counties of Santa Barbara, Ventura, Los Angeles, Orange, San Diego, Imperial, Riverside, San Bernardino, Inyo and Mono. All other counties comprise the Northern Territory which is, in turn, subdivided into two districts (Item 315 of MRT 7) as follows:
- (a) Upper Northern District -Includes all of the Northern Territory except Kern and San Luis Obispo Counties; and
 - (b) Lower Northern District -Kern and San Luis Obispo Counties.

involved herein are a matter of record in prior proceedings before the Commission. In order to afford carriers and shippers adequate advance knowledge of the proper rates applicable in future quotations and bids, it is requested that the sought relief be granted ex parte at the earliest possible date.

The certificate of service shows that a copy of Petition No. 197 was served on various interested shippers as well as the California Trucking Association. Said petition was also listed on the Commission's Daily Calendar of January 13, 1970. No objections to the granting of the sought ex parte increase in hourly rates have been received.

The Commission finds that:

1. Effective May 1, June 1 and July 1, 1970, for-hire carriers of property in dump truck equipment will experience further increases in their labor costs.
2. No provision is made for said increased operating costs in the current minimum hourly dump truck rates contained in Minimum Rate Tariffs Nos. 7 and 17.
3. The petitioner's proposed wage offset increase in hourly dump truck rates have been shown to be justified.
4. The hourly dump truck rates resulting from the adoption of petitioner's rate proposal will be just, reasonable, and non-discriminatory minimum rates for the dump truck transportation of property governed thereby.

We conclude that Petition for Modification No. 197 should be granted and Minimum Rate Tariffs Nos. 7 and 17 should be amended in accordance with the findings herein, subject to a common effective date of June 1, 1970. A public hearing is not necessary.

In order to avoid duplication of tariff distribution, Minimum Rate Tariff No. 7 will be amended by the order herein and Minimum Rate No. 17 will be amended by a separate order.

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 June 1, 1970, the revised pages attached hereto and listed in Appendix A also attached hereto, which pages and appendix by this reference are 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-four days after the date hereof.

Dated at San Francisco, California, this 31st day of MARCH, 1970.

William S. Brown
President

[Signature]

[Signature]

Vernon L. Sturgeon
Commissioners

APPENDIX A TO DECISION NO. 77024

LIST OF REVISED PAGES TO MINIMUM RATE TARIFF 7

AUTHORIZED BY SAID DECISION

Sixth Revised Page 1
Twenty-Ninth Revised Page 42
Twenty-Second Revised Page 42-A
Twenty-Fourth Revised Page 42-C
Eighth Revised Page 42-D
Sixth Revised Page 42-E
Fifth Revised Page 42-F

(END OF APPENDIX A LIST)

CORRECTION NUMBER CHECKING SHEET

This tariff is issued in loose leaf form. Correction numbers appearing on all added and revised pages will be numbered consecutively in the lower left-hand corner. These correction numbers should be checked below on this checking sheet before pages are filed in the tariff.

CORRECTION NUMBERS

1321	1361	1401	1441	1481
1322	1362	1402	1442	1482
1323	1363	1403	1443	1483
1324	1364	1404	1444	1484
1325	1365	1405	1445	1485
1326	1366	1406	1446	1486
1327	1367	1407	1447	1487
1328	1368	1408	1448	1488
1329	1369	1409	1449	1489
1330	1370	1410	1450	1490
1331	1371	1411	1451	1491
1332	1372	1412	1452	1492
1333	1373	1413	1453	1493
1334	1374	1414	1454	1494
1335	1375	1415	1455	1495
1336	1376	1416	1456	1496
1337	1377	1417	1457	1497
1338	1378	1418	1458	1498
1339	1379	1419	1459	1499
1340	1380	1420	1460	1500
1341	1381	1421	1461	1501
1342	1382	1422	1462	1502
1343	1383	1423	1463	1503
1344	1384	1424	1464	1504
1345	1385	1425	1465	1505
1346	1386	1426	1466	1506
1347	1387	1427	1467	1507
1348	1388	1428	1468	1508
1349	1389	1429	1469	1509
1350	1390	1430	1470	1510
1351	1391	1431	1471	1511
1352	1392	1432	1472	1512
1353	1393	1433	1473	1513
1354	1394	1434	1474	1514
1355	1395	1435	1475	1515
1356	1396	1436	1476	1516
1357	1397	1437	1477	1517
1358	1398	1438	1478	1518
1359	1399	1439	1479	1519
1360	1400	1440	1480	1520

EFFECTIVE

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,
SAN FRANCISCO, CALIFORNIA.

Correction 1318

MINIMUM RATE TARIFF 7

SECTION 4--HOURLY RATES (Continued)							ITEM
COMMODITIES, as described in Item 320 (Items 360 and 361) (For Application of Rates see Item 362)							
Number of Axles Per Unit of Equipment	NORTHERN TERRITORY (See Item 110) (1) Rates in Cents per Hour (See Item 300)						
	Upper Northern District (See Item 315)						
	Column A			Column C			
	M	O	P	M	O	P	
2	1350	1974	1661	1287	1911	1598	0360
3	1480	2132	1805	1404	2057	1730	
4	1605	2241	1923	1505	2141	1823	
5 (2)	1727	2386	2056	1614	2273	1943	
5 or more (3)	1780	2439	2109	1658	2317	1987	
(1) Minimum charge shall be the rate for one hour. (2) Applies to units of equipment not meeting with the legal requirements for the maximum allowed load. (3) Applies to units of equipment meeting with the legal requirements for the maximum allowed load. (Continued in Item 361)							
♦ Increase, Decision No. 77024							
EFFECTIVE							
Correction 1319 <div>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</div>							

MINIMUM RATE TARIFF 7

SECTION 4--HOURLY RATES (Continued)							ITEM
COMMODITIES, as described in Item 320 (Items 360 and 361). (For Application of Rates see Item 362.)							
Number of Axles Per Unit of Equipment	NORTHERN TERRITORY (See Item 110) (1) Rates in Cents per Hour (See Item 300)						0361
	Lower Northern District (See Item 315)						
	Column A			Column C			
	M	O	P	M	O	P	
2	1282	1822	1551	1213	1751	1482	
3	1392	1938	1664	1311	1858	1584	
4	1524	2056	1787	1411	1947	1679	
5 (2)	1652	2219	1935	1521	2089	1805	
5 or more (3)	1703	2272	1988	1565	2132	1848	
(1) Minimum charge shall be the rate for one hour. (2) Applies to units of equipment not meeting with the legal requirements for the maximum allowed load. (3) Applies to units of equipment meeting with the legal requirements for the maximum allowed load.							
◇ Increase, Decision No. 77024							
EFFECTIVE							
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.							
Correction 1320							

SECTION 4--HOURLY RATES (Continued)				ITEM
COMMODITIES, as described in Items 320 and 322. (For Application of Rates see Item 366.)				0365
Number of Axles Per Unit of Equipment	SOUTHERN TERRITORY (See Item 100) (1) Rates in Cents Per Hour (See Item 300) (See Note 1 in Item 366)			
	Column A	Column C	Column D	
2	1202	1166	952	
3	1300	1250	1019	
4	1433	1376	1120	
5 (2)	1552	1482	1204	
5 or more (3)	1633	1563	1269	
(1) Minimum charge shall be the rate for one hour, except as otherwise provided in this tariff. (2) Applies to units of equipment not complying with the legal requirements for the maximum allowed load. (3) Applies to units of equipment complying with the legal requirements for the maximum allowed load.				
◇ Increase, Decision No. 77024				
EFFECTIVE				
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA				
Correction 1321				

SECTION 4--HOURLY RATES (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF RATES NAMED IN ITEM 365</p> <p>COLUMN "A" rates apply where the loading is performed by power loading device, excepting processed sand, gravel or crushed stone in stock piles at a commercial producing plant, at point of consumption or at intermediate point of transfer. A hopper chute or bunker shall not be deemed to be a power loading device.</p> <p>COLUMN "C" rates apply where transportation or loading is under conditions other than described under application of Column "A" rates.</p> <p>COLUMN "D" rates apply only when specific reference is made hereto (See Item 98).</p> <p>NOTE 1.--</p> <p>(a) For transportation service furnished under this item on Sundays and/or New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day, add to the applicable hourly rate shown above: \$7.02 per hour.</p> <p>(b) Except as otherwise provided in paragraph (a) of this note and in the Exception set forth below, for transportation service furnished under this item on Saturdays or during periods in excess of 8 hours in any one shift, add to the applicable hourly rate shown above: \$4.09 per hour. Subject to Paragraph 3 of Item 300, "periods in excess of 8 hours in any one shift" means the time which exceeds 8 hours from the time the driver with dump truck equipment reports for service, during which time said driver is continuously engaged by one shipper or overlying carrier, irrespective of the number of loads transported within the period.</p> <p>EXCEPTION.--The additional rates set forth in paragraph (b) shall not apply to transportation service performed on days, other than Saturdays, except when service is performed by one driver with dump truck equipment for a period in excess of 8 hours in any one shift.</p>	0366
<p>Change) Increase) Decision No. 77024</p>	
EFFECTIVE	
<div style="display: flex; justify-content: space-between;"> Correction 1322 ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA. </div>	

SECTION 4--HOURLY RATES (Continued)										ITEM
COMMODITIES, as described in Item 321 (For Application of Rates see Item 368)										367
Level Capacity of Dump Truck Body in Cubic Yards (See Note 1 in Item 368)		(1) Rates in Cents per Hour (See Item 300)								
		NORTHERN TERRITORY (See Item 110)						SOUTHERN TERRITORY (See Item 100) (See Note 2 in Item 368)		
		Upper Northern District (See Item 315)			Lower Northern District (See Item 315)					
Over	But Not Over	M	O	P	M	O	P			
0	6	1219	1815	1516	1173	1705	1438	1104		
6	7	1291	1908	1598	1224	1756	1489	1147		
7	8	1334	1951	1641	1272	1804	1537	1196		
8	9	1410	2052	1730	1323	1860	1591	1239		
9	10	1454	2096	1774	1367	1904	1635	1277		
10	11	1495	2137	1815	1408	1945	1676	1315		
11	12	1534	2176	1854	1447	1984	1715	1363		
12	13	1574	2220	1897	1490	2035	1762	1406		
13	14	1605	2251	1928	1521	2066	1793	1433		
14	15	1634	2280	1957	1548	2093	1820	1460		
15	16	1660	2306	1983	1576	2112	1848	1498		
16	17	1697	2356	2026	1622	2189	1905	1525		
17	18	1727	2386	2056	1652	2219	1935	1552		
18	19	1746	2405	2075	1671	2238	1954	1579		
19	20	1763	2422	2092	1686	2255	1971	1606		
20	21	1780	2439	2109	1703	2272	1988	1633		
21	22	1797	2456	2126	1720	2289	2005	1660		
22	23	1814	2473	2143	1737	2306	2022	1687		
23	24	1831	2490	2164	1754	2323	2039	1714		
24	25	1848	2507	2177	1771	2340	2056	1741		
25	26	1865	2524	2194	1811	2403	2108	1791		
26	(2)	o 17	o 17	o 17	o 17	o 17	o 17	o 27		
(1) Minimum charge shall be the rate for one hour. (2) Add to the rate for 26 cubic yard capacity, the amount shown opposite this reference mark for each additional cubic yard or fraction thereof.										
◇ Increase, except as noted } Decision No. 77024 o No change }										
EFFECTIVE										
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.										
Correction 1323										

SECTION 4--HOURLY RATES (Concluded)	ITEM
<p style="text-align: center;">APPLICATION OF RATES NAMED IN ITEM 367</p> <p>SUBCOLUMN "M" rates apply on all days except the days on which the Subcolumn "O" or "P" rates apply.</p> <p>SUBCOLUMN "O" rates apply on every Sunday and on January 1, February 22, May 30, July 4, (1) November 11, December 25, the day each year proclaimed by the President of the United States to be celebrated as Labor Day and the day so proclaimed as Thanksgiving Day and the Friday immediately following such Thanksgiving Day.</p> <p>(1) Applies within Lower Northern District only. (See Item 315)</p> <p>SUBCOLUMN "P" rates apply on every Saturday except as provided in Subcolumn "O". (See Note 3)</p> <p>NOTE 1.--Level capacity of Dump Truck body means the cubical content of the body (including the bodies of all trailers, or semitrailers in the unit of equipment) in cubic yards calculated by multiplying the inside length by the average inside width and the average inside height of the sides of the body, including temporary side boards and end boards, if such boards are used, with no allowance for the crown of the load or for low headboard or low tailgate.</p> <p>In the case of a Dump Truck body not constructed for use of a tailgate (such as the so-called "rock body"), the inside length shall be deemed to mean the average of the measurement along the top of the sides from the inside of the headboard to the point of the angle where the sides are diverted downward to meet the floor, and the measurement along the floor from the inside of the headboard to the end of the body.</p> <p>NOTE 2.--</p> <p>(a) For transportation service furnished under this item on Sundays and/or New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day, add to the applicable hourly rate shown above: \$7.02 per hour when the level capacity is less than 25 cubic yards; \$7.48 per hour when the level capacity is 25 cubic yards or more.</p> <p>(b) Except as otherwise provided in paragraph (a) of this note and in the Exception set forth below, for transportation service furnished under this item on Saturdays or during periods in excess of 8 hours in any one shift, add to the applicable hourly rate shown above: \$4.09 per hour when the level capacity is less than 25 cubic yards; or \$4.44 per hour when the level capacity is 25 cubic yards or more. Subject to Paragraph 3 of Item 300, "periods in excess of 8 hours in any one shift" means the time which exceeds 8 hours from the time the driver with dump truck equipment reports for service, during which time said driver is continuously engaged by one shipper or overlying carrier, irrespective of the number of loads transported within the period.</p> <p>EXCEPTION.--The additional rates set forth in paragraph (b) shall not apply to transportation service performed on days, other than Saturdays, except when service is performed by one driver with dump truck equipment for a period in excess of 8 hours in any one shift.</p> <p>NOTE 3.--In Del Norte, Humboldt, Lassen, Modoc, Shasta, Siskiyou, Tehama and Trinity Counties, Subcolumn "P" rates shall also apply for all time, except that provided for in Subcolumn "O", during which one driver with one unit of equipment is engaged for service for one shipper in excess of 8 hours in any one shift.</p>	<p>368</p>
<div> <div> <div>Change</div> <div>Increase</div> </div> <div>)</div> <div>Decision No.</div> </div>	<p>77024</p>
EFFECTIVE	
<div> <div>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA</div> <div>Correction 1324</div> </div>	