

ORIGINAL

Decision No. 78241

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 dump truck carriers as defined in the Highway Carriers Act relating to the transportation of sand, rock, gravel and related items (commodities for which rates are provided in Minimum Rate Tariff No. 17.)

Case No. 5437

Petition for Modification No. 206

(Filed November 4, 1970)

Scott J. Wilcott, Attorney at Law, for Consolidated Rock Products Co., petitioner.

Arlo D. Poe, R. W. Smith, Attorneys at Law, and E. F. Kollmyer, for California Trucking Association, interested party.

E. O. Blackman, for California Dump Truck Owners Association, interested party.

G. Ralph Grago and James R. Foote, for Associated Independent Owner-Operators, Inc., interested party.

Fred Imhof, for Industrial Asphalt, Inc., interested party.

Harry Phelan, by Fred Imhof, for California Asphalt Pavement Association, interested party.

Ernest E. Gallego, for Southern California Rock Products Association, interested party.

Norman B. Haley, for the Commission's staff.

O P I N I O N

Minimum Rate Tariff 17 sets forth zone rates for the transportation of rock, sand, gravel and other specified commodities in dump truck equipment by for-hire carriers from

defined production areas to designated delivery zones within certain areas of southern California. It also sets forth rates from the production areas to designated points within the delivery zones. Said rates (which are denominated as area-to-point rates) are three cents per ton less than the zone rates. The lower area-to-point rates are designed to reflect circumstances which permit the unloading of shipments at the specified points in lesser times than the delivery times for which provision is made in the zone rates.

Consolidated Rock Products, petitioner herein, seeks to have a ready-mixed concrete plant which it is constructing at 750 East Los Angeles Avenue, Moorpark, included among the points which are eligible for the area-to-point rates.

Public hearing on the petition was held before Examiner C. S. Abernathy at Los Angeles on December 21, 1970, and the matter was taken under submission for decision.

Evidence was presented by petitioner's sales manager for the district in which Moorpark is located. The sales manager testified in considerable detail concerning the physical aspects of the plant, particularly those having a bearing on the receipt of incoming loads of rock, sand and gravel. Salient features of the receiving facilities are a "grizzly", or pit, of 30-ton capacity, over which carriers' vehicles are driven, and into which the shipments of rock, sand and gravel are dumped;<sup>1/</sup> a conveyor belt capable of emptying the grizzly at the rate of 1,000 tons per hour; bin storage of 300 tons' capacity; a nearby

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<sup>1/</sup> The amount of rock, sand and/or gravel per load is about 24 tons.

(within 150 feet of grizzly) parking area where the transfer of trailer bodies to dump trucks can be made, and sufficient roadways. The sales manager said that shipments can be received both in truck and transfer-trailer equipment and in bottom dump equipment. However, bottom dump equipment will be mainly employed. Checks which he has made indicate that such equipment can be unloaded in about four minutes or less, and can be loaded in about 12 minutes. Personnel for the receipt of shipments will be available during the anticipated hours of operation of the plant. Expected usage of rock, sand and gravel by the plant is about 76,000 tons a year.

By reason of the foregoing facilities or circumstances, petitioner's plant assertedly meets the criteria upon which the area-to-point rates are based;<sup>2/</sup> moreover, it is similar to a plant of a competitor which is in the same delivery zone and which is served under area-to-point rates. Petitioner therefore argues that its plant should also have the benefit of the area-to-point rates in order to avoid being subjected to undue discrimination.

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<sup>2/</sup> Criteria which are a basis of the area-to-point rates are as follows: (1) The consignee's facilities permit receipt of shipments transported by dump truck-and-trailer units; adequate space for transfer of trailer bodies to dump trucks is available within 150 feet of dumping point of shipment; (2) consignee has received, or expects to receive, at least 1,000 tons of rock products per year; (3) consignee maintains personnel on duty, while transportation is being furnished, for purpose of signing delivery tickets and other operations necessary to the receipt of the shipments; (4) consignee's facilities include space for bunker reception or stock piling of rock and/or sand in quantities of at least 50 tons at one time; and (5) average loading and unloading time per dump truck-and-trailer combination does not exceed, in total, 30 minutes per 24 tons. (Decision No. 57675, dated December 2, 1958, Case No. 5437.)

Petitioner expects that its plant will be completed and be in operation by the latter part of January, 1971. It asks that its request herein be granted and made effective at an early date, so that the area-to-point rates may be applied to incoming shipments of rock, sand and gravel from the outset of the plant's operations.

The granting of the petition was supported by the California Dump Truck Owners Association, the Associated Independent Owner-Operators, Inc., the Southern California Rock Products Association, and the California Asphalt Pavement Association. The California Trucking Association did not affirmatively advocate the granting of the petition, but expressed the view, nevertheless, that it appears sufficiently certain that shipments of rock, sand and gravel to petitioner's new plant will be transported in circumstances which conform to the criteria for area-to-point rates. Hence, extension of the area-to-point rates to include said plant appears warranted.

Upon consideration of the record in this matter the Commission finds that the circumstances in which rock, sand and gravel will be delivered to petitioner's plant at 750 East Los Angeles Avenue, Moorpark, by for-hire carriers operating dump truck equipment will substantially conform to, or surpass, the circumstances which constitute the criteria for the area-to-point rates in Minimum Rate Tariff 17. The Commission further finds that extension of the area-to-point system of rates in Minimum Rate Tariff 17 to apply to deliveries of rock, sand and gravel to the aforesaid plant of petitioner is reasonable. The petition should be granted.

O R D E R

IT IS ORDERED that:

1. Minimum Rate Tariff 17 (Appendix B to Decision No. 69469 as amended) is hereby further amended by incorporating therein, to become effective March 1, 1971, Forty-Seventh Revised Page 1-2 and Third Revised Page 2-4, which pages are attached hereto and by this reference made a part hereof.

2. In all other respects Decision No. 69469, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 2nd ~~\_\_\_\_\_~~ day of FEBRUARY, 1971.

[Signature]  
Chairman

[Signature]  
Vernon L. Sturgeon

Commissioners

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

SECTION 1--RULES (CONTINUED)

\*TARIFF PAGES CHECK SHEET

ORIGINAL AND REVISED PAGES AS NAMED BELOW AND SUPPLEMENT 8 CONTAIN ALL CHANGES FROM THE ORIGINAL TARIFF IN EFFECT ON THE DATES SHOWN THEREON. DECISION NUMBERS AND DATES ARE NOT SHOWN OPPOSITE PAGE REVISIONS BELOW WHICH WERE IN EFFECT PRIOR TO APRIL 20, 1968. THE DECISION NUMBERS AND DATES WILL BE SHOWN ON FURTHER REVISIONS OF SUCH PAGES.

PAGE NUMBER	REVISION NUMBER	DECISION NUMBER	DATE SIGNED	PAGE NUMBER	REVISION NUMBER	DECISION NUMBER	DATE SIGNED
TITLE	4TH ORIGINAL	76369	11/4/69	1-20	ORIGINAL		
1	ORIGINAL			1-21	5TH	75249	1/28/69
1-1	7TH	77522	7/21/70	1-22	3RD	75249	1/28/69
1-2	*47TH			1-23	1ST	73653	1/23/68
1-2.1	11TH	77522	7/21/70	2	2ND		
1-2.2	9TH	77522	7/21/70	2-1	2ND	76331	10/28/69
1-2.3	5TH	77295	7/21/70	2-2	1ST	75317	2/11/69
1-2.4	12TH	77522	7/21/70	2-3	2ND	75317	2/11/69
1-3	6TH	77204	5/12/70	2-4	*3RD		
1-3.1	6TH	77204	5/12/70	2-5	2ND	76331	10/28/69
1-4	4TH	77204	5/12/70	2-6	3RD	76943	3/17/70
1-4.1	2ND	75249	1/28/69	2-7	2ND	76331	10/28/69
1-5	4TH	76369	11/4/69	2-8	2ND	76331	10/28/69
1-6	5TH	74755	10/1/68	2-9	2ND	76331	10/28/69
1-7	4TH	75249	1/28/69	2-10	3RD	76943	3/17/70
1-8	6TH	76369	11/4/69	2-11	1ST	75317	2/11/69
1-8.1	1ST	74999	11/26/68	3	ORIGINAL		
1-9	3RD	77204	5/12/70	4	2ND		
1-10	2ND	77204	5/12/70	4-A	7TH	77522	7/21/70
1-11	1ST	77668	8/25/70	4-A-1	7TH	77522	7/21/70
1-11.1	ORIGINAL	77668	8/25/70				
1-12	ORIGINAL			4-A-2	8TH	77522	7/21/70
1-13	1ST	74755	10/1/68	4-B	7TH	77522	7/21/70
1-13.1	ORIGINAL	73999	4/16/68	4-B-1	7TH	77522	7/21/70
1-13.2	ORIGINAL	73999	4/16/68	4-B-2	8TH	77522	7/21/70
1-14	5TH	77204	5/12/70	4-CC	7TH	77522	7/21/70
1-14.1	ORIGINAL			4-CC-1	7TH	77522	7/21/70
1-15	5TH	77204	5/12/70	4-E	7TH	77522	7/21/70
1-15.1	2ND	77204	5/12/70	4-E-1	7TH	77522	7/21/70
1-15.2	ORIGINAL	77204	5/12/70	4-E-2	8TH	77522	7/21/70
1-16	4TH			4-F	7TH	77522	7/21/70
1-17	ORIGINAL			4-F-1	7TH	77522	7/21/70
1-18	1ST	77497	8/22/70	4-F-2	8TH	77522	7/21/70
1-19	ORIGINAL						

\* CHANGE

EFFECTIVE

CORRECTION 1690

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

SECTION 2--AREA-TO-POINT RATES (Continued)

COMMODITIES as described in Item 60

List of Delivery Points to Which Area-to-Point Rates  
 Are Applicable Under Item 120 (Continued)

Delivery Point	Delivery Zone
<b>Consolidated Rock Products Co.</b>	
136 North Brea Boulevard, Brea-----	30003
7001 Deering Avenue, Canoga Park-----	19051
9645 East Washburn Road, Downey-----	19443
Ellwood Station Road at Southern Pacific Company right-of-way, Ellwood----	42032
339 South Aviation Boulevard, El Segundo-----	19215
2009 East Pacific Coast Highway, Long Beach-----	19464
3220 San Fernando Road, Los Angeles-----	19125
505 South Greenwood Avenue, Montebello-----	19421
*750 East Los Angeles Avenue, Moorpark-----	56076
11511 South Prospect Avenue, Orange (P.O.)-----	30028
552 South Raymond Avenue, Pasadena-----	19315
32008 Del Obispo, San Juan Capistrano-----	30101
4115 West Talbert Avenue, Santa Ana-----	30063
3 South Salsipuedes Street, Santa Barbara-----	42015
13949 East Stage Road, Santa Fe Springs-----	19440
6029 Vineyard Avenue, Saticoy-----	56059
7621 Katella Avenue, Stanton-----	30034
11401 Tuxford Street, Sun Valley-----	19040
22432 South Vermont Avenue, Torrance (P.O.)-----	19238
2730 South Alameda Street, Vernon-----	19177
8633 Melrose Avenue, West Hollywood-----	19153
11122 West Pico Boulevard, West Los Angeles-----	19184
1020 Blinn Street, Wilmington-----	19245

\* ADDITION

EFFECTIVE

CORRECTION 1691

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