

Decision No. 80191

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 Tariff No. 7). )

Case No. 5437  
Petition for Modification  
No. 224  
(Filed May 19, 1972)

OPINION AND ORDER

Pacific Ready Mix, Inc., is engaged in the production and sale of ready-mix concrete at various locations in northern California. By this petition it seeks to have Contra Costa County Delivery Zone No. 2 in Minimum Rate Tariff 7 (MRT 7) enlarged by including therein the location of its concrete mixing plant at Martinez. Under the proposal, the lower zone rates to Contra Costa Delivery Zone No. 2 would apply to petitioner's Martinez plant.

Petitioner states that its mixing plant lies just outside of the existing boundary of Contra Costa County Delivery Zone No. 2 and is in the close vicinity of two other mixing plants which are located within such delivery zone.<sup>1</sup> Petitioner alleges that concrete aggregates are transported from points in certain Alameda County Production Areas to the three mixing plants along the same route but that the times and distances involved in performing said transportation are greater for the other two plants than for its Martinez plant. Petitioner avers that it receives in excess of 12,000 tons of concrete aggregates per month by for-hire carriers from Alameda County Production Areas and that it is in direct competition with the other two

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<sup>1</sup>The other mixing plants are Gallagher and Burk located on Solano Way north of Arnold Industrial Highway and Rhodes and Jamieson Limited located north of Arnold Industrial Highway. Contra Costa Delivery Zone No. 2 is described in detail on First Revised Page 33-O of MRT 7.

mixing plants. Petitioner contends that the zone rates for the involved transportation to the plants of its competitors should also apply to its Martinez plant.

The verified petition shows that copies thereof were mailed to interested parties on May 5, 1972. The petition was listed on the Commission's Daily Calendar of May 22, 1972. No objection to the granting of the petition has been received.

Commission staff analysis of the petition indicates that petitioner's Martinez plant is in the same general area as the two competing plants, along the route from points in the Alameda County Production Areas to said two plants and less distant from the involved production areas than the competing plants. The proposal will result in reductions as the lower zone rates to petitioner's competing plants will also apply to petitioner's Martinez plant. The staff recommends that the petition be granted by ex parte order.

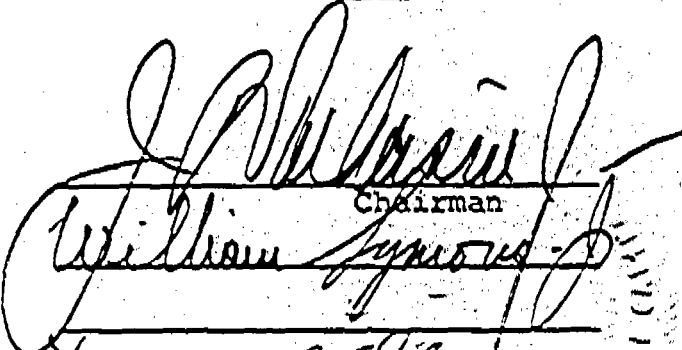

In the circumstances, it appears, and the Commission finds, that the sought enlargement of Contra Costa County Delivery Zone No. 2 in Minimum Rate Tariff 7 will result in just, reasonable and nondiscriminatory minimum rates for the transportation in question. A public hearing is not necessary. The Commission concludes that the petition should be granted.

IT IS ORDERED that Minimum Rate Tariff 7 (Appendix A of Decision No. 32566, as amended) is hereby further amended by incorporating therein, to become effective July 22, 1972, Second Revised Page 33-0, attached hereto and by this reference made a part hereof.

In all other respects Decision No. 32566, 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 27<sup>th</sup> day of June, 1972.

  
Chairman  
  
Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.

## MINIMUM RATE TARIFF 7

SECTION 3--RATES FROM PRODUCTION AREAS TO DELIVERY ZONES (Continued)	ZONE
<p style="text-align: center;">APPLICATION OF TARIFF--TERRITORIAL (Continued) CONTRA COSTA COUNTY--DELIVERY ZONES</p> <p>WALNUT: Beginning at the intersection of Mount Diablo Boulevard and Main Street, easterly along Mount Diablo Boulevard to San Miguel Drive, southerly along San Miguel Drive to Blackwood Drive, southerly along Blackwood Drive to Murwood Drive, southwesterly along Murwood Drive and its prolongation to Danville Highway (State Highway 21), northerly along Danville Highway to its intersection with Main Street, and return northerly along Main Street to the point of beginning.</p> <p>CONCORD: Beginning at the intersection of Port Chicago Highway and Arnold Industrial Highway, southerly along Port Chicago Highway to Salvio Street, northeasterly along Salvio Street to Sixth Street, southeasterly along Sixth Street to Willow Pass Road, northeasterly along Willow Pass Road to Farm Bureau Road, southeasterly along Farm Bureau Road to Clayton Road, easterly along Clayton Road to Treat Lane, southwesterly along Treat Lane to Oak Grove Road, northwesterly along Oak Grove Road and Meadow Lane and its prolongation to Walnut Creek, northerly along Walnut Creek to Arnold Industrial Highway, and return easterly along Arnold Industrial Highway to point of beginning. Also the plant of Gallagher and Burk located on Solano Way, just north of Arnold Industrial Highway and the plant of Rhodes and Jamieson Limited located just north of Arnold Industrial Highway, and the plant of Pacific Ready Mix on Imhoff Drive just north of Arnold Industrial Highway (State Highway 4).</p>	<p style="text-align: center;">1</p> <p style="text-align: center;">#2</p>
<p style="text-align: center;">CONTRA COSTA COUNTY--PRODUCTION AREAS</p> <p>CLAYTON: A radius of 2 miles from the intersection of Clayton Road, Ygnacio Valley Road and Kirker Pass Road.</p>	<p style="text-align: center;">AREA</p> <p style="text-align: center;">A</p>
<p>Change ) Addition ) Decision No. <b>80191</b></p>	
EFFECTIVE	
<p>Correction</p> <p style="text-align: right;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA</p>	