

Decision No. 80276

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 Nos. 7 and 17).

Case No. 5437

Petition for Modification
No. 222

(Filed April 6, 1972)

OPINION AND ORDER

Petitioner, All American Asphalt, doing business as Corona Rock, is engaged in the business of producing, marketing and distributing rock, sand and gravel. It has recently established a plant for the production of said materials at a location near Corona.

At present the transportation of petitioner's shipments of rock, sand and gravel by for-hire highway carriers operating dump truck equipment is subject to distance and hourly rates in Minimum Rate Tariff 7. However, the minimum rates which apply for the transportation of rock, sand and gravel by for-hire dump truck carriers from most commercial rock products plants in and about the Los Angeles metropolitan area, Orange County and portions of Riverside, San Bernardino and Ventura Counties are zone rates which are set forth in Minimum Rate Tariff 17 (MRT 17). By this petition, petitioner seeks to have zone rates made applicable to its shipments also.

In its verified petition, petitioner states that its new plant is of the same general type and character as plants of other producers of processed rock, sand and gravel; that said plant is completely modern in design and is fully automated, with approximately 95 percent of the loading being performed from overhead hoppers, and that with such facilities the times required for the loading of its shipments into carriers' equipment will not be in excess of, and will be probably less than, the loading times which the Commission has used in the development of zone rates in MRT 17. Petitioner asserts that in these circumstances zone rates as sought should be established from its new plant in order to eliminate now existing rate discrimination in favor of competing producers and to establish rate parity with said producers.

The petition contains a description of the area which encompasses the production facilities involved. In requesting the establishment of zone rates from its new plant, petitioner also requests that the plant area be designated as a production area for purposes of applying the zone rates, and that a description of the area be included in Southern California Production Area and Delivery Zone Directory 1. The petition also sets forth tie-in times and mileages from the proposed production area to the existing traverse network, and it specifies the delivery zones to which rates are requested.^{1/}

^{1/} Since the filing of its petition, petitioner has amended the description of its proposed production area, and has filed supplementary tie-in data. The amended description is included in the file in this petition as Exhibit No. 1 and the supplementary tie-in data are included as Exhibit 2.

Copies of the verified petition were served on various known interested parties on or about April 5, 1972. The petition was listed on the Commission's Daily Calendar of April 11, 1972. An exhibit which was prepared by the Commission's Transportation Division to show the zone rates that would be established if this petition is granted has been served upon various known interested parties.^{2/} No objection to the granting of the petition has been received.

It is clear that the establishment of the zone rates which are sought by petitioner would provide rates for the transportation of petitioner's shipments which are the same, in kind and character, as the zone rates in MRF 17 which apply from numerous other production areas to delivery zones in and about the Los Angeles general area and nearby areas. In the circumstances the Commission finds that the designation of petitioner's plant area as a production area and the establishment of zone rates therefrom as hereinafter provided will result in just, reasonable and nondiscriminatory minimum rates for the transportation to which said rates would apply. Said production area and rates therefrom should be established. The petition should be granted. A public hearing thereon is not necessary.

^{2/} The exhibit also sets forth the time, distance and cost data upon which the rates were calculated. Said exhibit has been incorporated into the record in this matter as Exhibit No. 3. Minor corrections have been made in the exhibit to give effect to supplementary traverse data which were developed with respect to Delivery Zones Nos. 33050, 33063 and 33064.

A map which was also prepared by the Commission's Transportation Division to show the roundtrip traverse times and one-way distances between the proposed production area, adjacent zones and traverse network is attached hereto as Appendix A.

IT IS ORDERED that Directory 1 (Appendix A of Decision No. 69469, as amended) and Minimum Rate Tariff 17 (Appendix B of Decision No. 69469, as amended) are further amended by incorporating therein, to become effective July 29, 1972, Second Revised Page 183 and Second Revised Page 184 to Directory 1 and Original Page 6-R and Original Page 6-R-1 to Minimum Rate Tariff 17, attached hereto and by this reference made a part hereof. ✓

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

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

Dated at Los Angeles, California, this 18th day of JULY, 1972.

Yvonne L. Stinson
President
William J. Brown
John E. Brown
Robert L. Brown
Edna L. Brown
Commissioners

APPENDIX A

SECOND REVISED PAGE....183
CANCELS
FIRST REVISED PAGE.....183

DIRECTORY 1

SECTION 4

Descriptions of Production Areas
and Delivery Zones Located in
Riverside County

No change on this page, Decision No.

80276

EFFECTIVE

Correction

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

SECTION 4--RIVERSIDE COUNTY PRODUCTION AREAS AND DELIVERY ZONES

RIVERSIDE COUNTY PRODUCTION AREAS	AREA
<p>Beginning at the intersection of 26th Street and Bloomington Boulevard easterly along 26th Street and its easterly prolongation to the west bank of the Santa Ana River; northerly along the west bank of the Santa Ana River to Crestmore Avenue; westerly along Crestmore Avenue to Agua Mansa Road; northeasterly along Agua Mansa Road to Wilson Drive; westerly along the westerly prolongation of Wilson Drive to Bloomington Boulevard; southerly along Bloomington Boulevard to the point of beginning.</p>	33-C
<p>Beginning at the intersection of Milliken Avenue and Patton Road; east along Patton Road to Wineville Avenue; south along Wineville Avenue to Highway U.S. 60; northwesterly along Highway U.S. 60 to Milliken Avenue; north along Milliken Avenue to the point of beginning.</p>	33-F
<p>Beginning at the intersection of the north prolongation of Rimpau Avenue and the main line of The Atchison, Topeka and Santa Fe Railway Company; easterly along said main line to its intersection with the Temescal Branch Line of The Atchison, Topeka and Santa Fe Railway Company; southerly along said branch line to 6th Street; west along 6th Street to Rimpau Avenue; north along Rimpau Avenue and its prolongation to the point of beginning.</p>	33-G
<p>Beginning at the intersection of the Riverside-San Bernardino County Line with the northerly boundary line of Section 19, Township 3 South, Range 7 West; easterly along the northerly boundary line of Section 19, Township 3 South, Range 7 West to State Highway 71; southerly along State Highway 71 to the southerly boundary line of Section 19, Township 3 South, Range 7 West; westerly along the southerly boundary of Section 19, Township 3 South, Range 7 West to the Riverside-San Bernardino County Line; northerly along said line to the point of beginning.</p>	33-O
<p>Beginning at a point on Cajalco Street (a private road) 1,800 feet southeasterly of Magnolia Avenue; thence northeast $\frac{4}{10}$ths of a mile; thence southeast 2,000 feet; thence southwest to Cajalco Street; thence northwesterly along Cajalco Street to the point of beginning. (Portions of Lots 3, 4 and 5 of Cajalco Tract No. 1 located within Section 32, T.3S., R.6W., SBBM.)</p>	*35-R
<p>* Addition, Decision No. 80276</p>	
EFFECTIVE	
<p>Correction ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA</p>	

* SECTION - 6 - ZONE RATES IN CENTS PER TON (CONTINUED)

COMMODITIES AS DESCRIBED IN ITEM 65

FROM RIVERSIDE COUNTY PRODUCTION AREA 33-R
TO THE DELIVERY ZONES SET FORTH BELOW

ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE
19327	138	19431	165	30017	152	30052	132	30095	181
19328	133	19437	161	30018	146	30053	140	30096	169
19329	130	19438	156	30019	139	30054	140	30097	188
19330	127	19439	138	30020	131	30055	142	30098	194
19331	127	19440	144	30021	123	30056	150	30099	163
19332	133	19441	148	30022	111	30057	161	30100	173
19352	116	19442	159	30023	106	30058	167	30101	182
19353	114	19450	157	30024	100	30059	171	30102	192
19354	119	19451	148	30025	89	30060	167	30103	203
19355	109	19452	140	30026	122	30061	158	30116	200
19356	110	19453	157	30027	118	30062	149	30117	210
19357	100	19454	165	30028	109	30063	144	30118	212
19358	99	19460	179	30029	111	30064	132	33010	83
19359	108	19461	169	30030	116	30065	129	33011	75
19360	113	19462	165	30031	122	30066	138	33012	80
19361	114	19463	170	30032	128	30067	159	33013	80
19397	125	19467	172	30033	139	30068	149	33014	87
19398	120	19468	170	30034	150	30069	154	33015	77
19399	113	19469	161	30035	155	30070	153	33016	75
19401	157	30001	103	30036	162	30071	146	33020	66
19402	148	30002	111	30037	166	30072	144	33021	67
19403	140	30003	119	30038	157	30073	135	33022	65
19404	121	30004	129	30039	166	30074	143	33023	61
19405	131	30005	134	30040	153	30075	152	33024	59
19406	137	30006	143	30041	150	30076	158	33025	70
19407	141	30007	138	30042	143	30077	163	33026	76
19408	142	30008	127	30043	138	30078	156	33027	68
19423	166	30009	123	30044	130	30079	156	33028	65
19424	162	30010	102	30045	129	30080	154	33029	63
19425	153	30011	98	30046	122	30081	141	33030	54
19426	146	30012	114	30047	117	30090	159	33031	58
19427	140	30013	123	30048	121	30091	170	33032	49
19428	146	30014	124	30049	134	30092	163	33033	48
19429	161	30015	134	30050	125	30093	163	33034	57
19430	171	30016	143	30051	121	30094	171	33035	63

* CHANGE

EFFECTIVE

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

* SECTION - 6 - ZONE RATES IN CENTS PER TON (CONTINUED)

COMMODITIES AS DESCRIBED IN ITEM 65

FROM RIVERSIDE COUNTY PRODUCTION AREA 33-R
TO THE DELIVERY ZONES SET FORTH BELOW

ZONE	RATE	ZONE	RATE
33041	94	36054	89
33042	89	36055	98
33043	80	36056	104
33044	67	36076	92
33045	55	36077	84
33046	48	36078	81
33047	32	36079	86
33048	43	36080	92
33049	49	36081	97
33050	36	36082	101
33063	43	36083	93
33064	50	36084	90
36012	117	36085	86
36013	117	36086	79
36014	121	36087	74
36015	124	36088	72
36016	129	36089	78
36017	121	36090	86
36018	117	36091	85
36019	111	36092	76
36020	107		
36021	112		
36022	112		
36042	105		
36043	103		
36044	101		
36045	101		
36046	108		
36047	111		
36048	114		
36049	107		
36050	103		
36051	102		
36052	92		
36053	90		

* CHANGE

EFFECTIVE

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