

ORIGINAL

Decision No. 82170

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-A).

Case No. 5437
Petition for Modification
No. 252
(Filed October 2, 1973;
amended November 1, 1973)

OPINION AND ORDER

Minimum Rate Tariff 17-A (MRT 17-A) names rates for the transportation of rock, sand, and gravel by dump truck carriers. The rates are mainly zone rates which apply from defined production areas to designated delivery zones. Area-to-point rates, applicable from defined production areas to specified delivery points, are also provided. The area-to-point rates are 3 cents per ton less than the otherwise applicable zone rates. Section 3 of MRT 17-A contains listings of the specific delivery points (plant sites) to which the area-to-point rates are applicable.

Petitioner, Southern California Rock Products Association, is a nonprofit organization whose members produce and ship a considerable portion of the rock, sand, and gravel used in the Los Angeles Metropolitan Area. According to the petition, Association members hire dump truck carriers to perform their transportation services under rates and rules set forth in MRT 17-A.

Petitioner seeks the modification of the listing of delivery points in Section 3 of MRT 17-A:

- (a) By deleting certain listed firms, addresses, and delivery zone numbers;
- (b) By correcting the name, street, post office, or city address of certain listings set forth in Section 3; and
- (c) By adding firms and/or addresses and delivery zone numbers.

The specific revisions sought by petitioner are set forth in detail in Appendix A to the petition.

In support of the relief sought, the petition states as follows:

The modifications sought by petitioner are deletions of points that have been abandoned, the correction of certain point descriptions to reflect current ownership or changes in corporate name, or to reflect revised street numbering and changes in names of streets and places. Additionally, petitioner seeks the inclusion of additional plant sites as named delivery points. These proposed delivery points are comparable to, or surpass in facilities, equipment and area of many of the delivery points currently listed in Section 3

of the tariff. Such plants come within the general classification, or so-called criteria, previously established as a basis for the area-to-point rates (Decision No. 57675 dated December 2, 1958 in Case No. 5437).^{1/}

The petition contends that if unloading services at said plants are performed under substantially the same favorable conditions as the plant sites now listed as delivery points in Section 3, equal reductions from the established zone rates should apply; otherwise, unreasonable discrimination will continue to exist to the benefit of the plant sites listed in Section 3 and to the detriment of those sites listed in Appendix A of the subject petition; and, therefore, if those plant sites to be listed as set forth in Appendix A are added to those already listed in Section 3, nondiscriminatory minimum rates for the same type of transportation would be provided.

^{1/} The following criteria were established by the Commission in Decision No. 57675 as the basis for application of the area-to-point rates:

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 stockpiling of rock and/or sand in quantities of at least 50 tons at one time; and
5. Average loading and unloading time for dump truck-and-trailer combination does not exceed, in total, 30 minutes per 24 tons.

An original signed affidavit for each of the proposed new delivery points to be listed in Section 3 is attached as Appendix B to the petition. The affidavits are offered in support of petitioner's allegations and to establish that all proposed points come within the purview and application of Item 3000 of MRT 17-A.

The certificate of service for Petition No. 252 shows that a copy of the petition was served on all parties known by petitioner to have an interest in the subject matter, including those entities whose plant locations are sought to be deleted from Section 3 of MRT 17-A. The petition was also listed on the Commission's Daily Calendar.

The petition states the facts set forth therein and the relief sought are noncontroversial in nature and that no useful purpose would be served by a public hearing; therefore, petitioner seeks an ex parte order amending MRT 17-A as requested in the petition. The Commission staff and other parties have indicated they have no objection to ex parte consideration of the petition.

Upon consideration of petitioner's representations, the Commission finds that:

1. The sought deletions of listings in Section 3 of MRT 17-A are for firms that no longer conduct business under the name or at the location shown in the tariff.
2. The sought correction of listings in Section 3 of MRT 17-A is for the purpose of showing current ownership and/or business addresses of the firms involved.
3. In connection with the additional listings sought in the petition the circumstances in which rock, sand, and gravel are delivered to the plant sites involved substantially conform to the transportation conditions which constitute the criteria underlying the area-to-point rates named in MRT 17-A. In addition, the sought extension of the area-to-point system of rates in MRT 17-A to the additional plant sites has been shown to be just and reasonable.

We conclude that Petition for Modification No. 252 should be granted and MRT 17-A should be amended accordingly. A public hearing is not necessary.

IT IS ORDERED that:

1. Minimum Rate Tariff 17-A (Appendix C to Decision No. 80578, as amended) is hereby further amended by incorporating therein, to become effective December 28, 1973, the revised pages attached hereto and listed on Appendix A also attached hereto which pages and appendix are made a part hereof.

2. Common carriers subject to the Public Utilities Act, to the extent that they are subject to Decision No. 80578, as amended, are directed to establish in their tariffs the amendments necessary to conform with the further adjustments ordered herein.

3. Tariff publications required to be made by common carriers as a result of the order herein shall be made effective December 28, 1973, on not less than ten days' notice to the Commission and to the public, and tariff publications which are authorized but not required to be made by common carriers as a result of the order herein may be made effective not earlier than December 28, 1973, and may be made effective on not less than ten days' notice to the Commission and to the public if filed not later than December 28, 1973.

4. Common carriers, in establishing and maintaining the amendments authorized hereinabove, are hereby authorized to depart from the provisions of Section 460 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; such outstanding authorizations are hereby modified only to the extent necessary to comply with this order; and schedules containing the amendments published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

C. 5437, Pet. 252 ek

5. In all other respects Decision No. 80578, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 27th
day of NOVEMBER, 1973.

Vernon L. Stenger
President
William J. Sykes
W. J. Sykes
W. J. Sykes
W. J. Sykes
Commissioners

APPENDIX A

LIST OF REVISED PAGES TO
MINIMUM RATE TARIFF 17-A

SECOND REVISED PAGE 3-1
SECOND REVISED PAGE 3-2
FIRST REVISED PAGE 3-3
FIRST REVISED PAGE 3-4
SECOND REVISED PAGE 3-5
SECOND REVISED PAGE 3-6

(END OF APPENDIX A)

SECTION 3--AREA-TO-POINT RATES		ITEM
APPLICATION OF AREA-TO-POINT RATES		
Area-to-Point Rates are the rates set forth in Item 3020 and apply to the Delivery Points listed in this section from Production Areas located in Los Angeles County (except Antelope Valley/Mojave Desert portion thereof), Orange County, Riverside County, San Bernardino County (except Antelope Valley/Mojave Desert portion thereof) and Ventura County for the commodities described in Item 60 only.		3000
Unless otherwise specifically provided within this section, there is no applicable Area-to-Point Rate to a Delivery Point if no zone rate is provided within this tariff.		
AREA-TO-POINT RATES		
The Area-to-Point Rates described in Item 3000 shall be 3 cents per ton less than the otherwise applicable zone rates to the appropriate Delivery Zone.		3020
LIST OF DELIVERY POINTS		
Delivery Point	Delivery Zone	
A & A Ready Mixed Concrete 134 West Redondo Beach Blvd., Gardena (P.O.)-----	19925	
All American Asphalt 14490 Edwards Street, Westminster-----	30041	
American Pipe & Construction Co. 4650 East Mason, South Gate-----	19207	
Arrow Building Material 19650 East Arrow Highway, Covina (P.O.)-----	19334	
Artesia Ready-Mix Concrete 13134 East South Street, Cerritos-----	19453	
Asphalt Service (A & L Asphalt Company, dba) Lawrence Canyon 1/4 mile East of Hill Street, Oceanside-----	38	
Azusa-Western, Inc. *942 Azusa Avenue, City of Industry----- *2901 San Joaquin Road, Costa Mesa----- *9961 Valencia, El Toro----- 4221 East Bandini Boulevard, Los Angeles----- 1347 1/2 West 208th Street, Los Angeles (Torrance P.O.)----- *1501 W. Taft Avenue, Orange----- 1310 East Grand Avenue, Pomona----- *114 Rincon Court, San Clemente----- 4401 West MacArthur Boulevard, Santa Ana----- 12222 East Florence Boulevard, Santa Fe Springs----- 14528 Edwards Street, Westminster----- *13522 Hoover Street, Westminster-----	19408 30081 30070 19419 19231 30024 19355 30117 30063 19438 30041 30042	
Berlin Brothers Ready Mix Concrete 2457 North Ventura Avenue, Ventura-----	56048	
Blacktop Materials Co. 9120 Norris Avenue, Sun Valley-----	19040	
* Addition, Decision No. 82170		
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Correction		

SECTION 3--AREA-TO-POINT RATES (CONTINUED)

LIST OF DELIVERY POINTS (Continued)

Delivery Point	Delivery Zone
Carlson Building Materials Co. 1432 Thousand Oaks Boulevard, Thousand Oaks-----	56113
Chamber-Mix Concrete, Inc. 10732 South Rose Street, Stanton----- 11236 Western Avenue, Stanton-----	30034 30034
Chandler's Palos Verdes Sand & Gravel Co. 385 Walnut Street, Cardena (P.O.)----- 26311 Narbonne Avenue, Rolling Hills Estates----- 25701 South Cronshaw Boulevard, Torrance-----	19225 19248 19249
Claremont Transit Mixed Concrete Co. 925 East Maryland Avenue, Claremont-----	19329
*Conrock Co. Porphry & Quarry Streets, Corona----- 3200 San Fernando Road, Los Angeles----- Lawrence Canyon, 1/4 mile east of Hill Street, Oceanside----- Spruce Street, Riverside----- 32302 Pasco Adelanto, San Juan Capistrano----- 4115 West MacArthur, Santa Ana----- 25183 Cottonwood Avenue, Sunny Mead-----	33047 19125 38 33005 30101 30063 33038
Consolidated Rock Products Co. 136 North Brea Boulevard, Brea----- 7001 Deering Avenue, Canoga Park----- ** Ellwood Station Road at Southern Pacific Company right-of-way, Ellwood- 339 South Aviation Boulevard, El Segundo----- 2009 East Pacific Coast Highway, Long Beach----- ** ** 750 East Los Angeles Avenue, Moorpark----- 11511 South Prospect Avenue, Orange (P.O.)----- 552 South Raymond Avenue, Pasadena----- ** ** 3 South Salsipuedes Street, Santa Barbara----- 13949 East Stage Road, Santa Fe Springs----- 6029 Vineyard Avenue, Satcoy----- 7621 Katella Avenue, Stanton----- 11401 Tuxford Street, Sun Valley----- ** 2730 South Alameda Street, Vernon----- ** 11122 West Pico Boulevard, West Los Angeles----- 1020 Blinn Street, Wilmington-----	30003 19051 42032 19215 19464 56076 30028 19315 42015 19440 56059 30034 19040 19177 19184 19245
Copp Paving Co., Inc. 11927 South Greenstone Avenue, Santa Fe Springs-----	19438
Dewey & Bobs Ready-Mixed Concrete 1650 East Spring Street, Signal Hill-----	19465

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SECTION 3--AREA-TO-POINT RATES (CONTINUED)

LIST OF DELIVERY POINTS (Continued)

Delivery Point	Delivery Zone
Diamond H Transit-Mixed Concrete 856 Richmond Avenue, Oxnard-----	56104
Downey Building Materials *9645 East Washburn Road, Downey-----	19443
11432 South Paramount Boulevard, Downey-----	19443
Flintkote Company, The: ØConcrete Materials, Los Angeles	
6969 Deering Avenue, Canoga Park-----	19051
9505 Jefferson Boulevard, Culver City-----	19189
17706 South Main Street, Cardona (P.O.)-----	19224
*1245 East Arrow Hwy., Irwindale-----	19337
1650 South Alameda Street, Los Angeles-----	19176
Ø980 North Hewes Avenue, Orange-----	30028
*408 West Kensington Place, Pasadena-----	19314
Ø4127 West MacArthur Boulevard, Santa Ana-----	30063
12976 East Firestone Boulevard, Santa Fe Springs-----	19441
8001 Fair Avenue, Sun Valley-----	19057
*Pomona - Associated Division	
1150 South Rancho Avenue, Colton-----	36059
10420 Belle Grove, Mira Loma-----	33012
15th Street & Benson Avenue, Upland-----	36017
20903 Currier Road, Walnut-----	19405
Foster Sand & Gravel Co. 201 Commercial Street, Anaheim-----	30013
135 North Brea Boulevard, Brea-----	30003
12792 Soule Street, at end of Joy Street, Garden Grove-----	30043
French & Sons, Inc., E. W. 12421 South Ramona Avenue, Hawthorne-----	19213
G & E Ready Mixed Concrete 2521 East Artesia Boulevard, Long Beach-----	19447
1385 Orizaba Avenue, Long Beach-----	19464
Glendale Ready Mixed Concrete 4549 Brazil Street, Los Angeles-----	19106
Greene's Ready Mixed Concrete Co. 19030 South Normandie Avenue, Torrance-----	19232
Griffith Company 1601 Alameda Street, Wilmington-----	19245
Groty Ready-Mix 34212 Santa Fe Avenue, Capistrano Beach-----	30102
Huntington Beach Ready Mix Concrete Co. 7391 Talbert Avenue, Huntington Beach-----	30061
Hurst Concrete Products Company 332 East Haley Street, Santa Barbara-----	42016
Hydro Conduit Corp. 5555 North Irwindale Avenue, Irwindale-----	19336

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SECTION 3--AREA-TO-POINT RATES (CONTINUED)

LIST OF DELIVERY POINTS (Continued)

Delivery Point	Delivery Zone
Industrial Asphalt	
7971 Newkirk Road, Anaheim-----	30023
24702 Wilmington Avenue, Carson-----	19245
337 South Aviation Boulevard, El Segundo-----	19215
12052 Arrow Highway, Etiwanda-----	36043
2715 East Washington Boulevard, Los Angeles-----	19418
4701 Huntington Drive, Montclair-----	36048
1401 East Warner Avenue, Santa Ana-----	30052
13050 East Imperial Highway, Santa Fe Springs-----	19441
8182 Katella Avenue, Stanton-----	30034
Kennedy Ready Mixed Concrete Co., Inc.	
**	
900 South Idaho, La Habra-----	30005
Livingston-Graham, a division of Brown Company	
21815 Marilla Avenue, Chatsworth-----	19046
18030 Washington Street, Fountain Valley-----	30054
6956 Cherry Avenue, Long Beach-----	19447
*750 Commercial Avenue, Oxnard-----	56104
2901 182nd Street, Redondo Beach-----	19227
*29261 Rosenbaum Road, San Juan Capistrano-----	30100
1620 19th Street, Santa Monica-----	19166
*1368 Mission Road, Santa Paula-----	56043
8122 Katella Avenue, Stanton-----	30034
11720 Wicks Street, Sun Valley-----	19040
2822 South Soto Street, Vernon-----	19418
12033 East Whittier Boulevard, Whittier-----	19423
2801 East Grant, Wilmington-----	19246
Long Beach Department of Public Service, Street Maintenance Yard	
1725 San Francisco Avenue, Long Beach-----	19466
Los Angeles Municipal Asphalt Plant No. 1	
2484 East Olympic Boulevard, Los Angeles-----	19176
Lyman's Ready Mixed Concrete, Inc.	
**	
7277 East Rosecrans Avenue, Paramount-----	19445
Midway Building Material	
4531 Holt Boulevard, Montclair-----	36049
Mission Ready Mix Concrete	
840 South Cucamonga Avenue, Ontario-----	36051
Owl Rock Products Co.	
505 Railroad Place, Inglewood-----	19202
*16662 Construction Way, Irvine-----	30073
**	
*1420 North Lincoln Avenue, Pasadena-----	19305
1120 East Washington Street, Santa Ana-----	30046
*3365 East 26th Street, Vernon-----	19418

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* Addition)

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SECTION 3--AREA-TO-POINT RATES (CONTINUED)

LIST OF DELIVERY POINTS (Continued)

Delivery Point	Delivery Zone
Owl Service Rock Company Aqua Mansa Road and Riverside Avenue, near Bloomington-----	36075
Pacific Rock & Gravel Co. 24700 Wilmington Avenue, Carson-----	19245
Pacific Western Industries, Inc. ** 9614 South Santa Fe Springs Road, Santa Fe Springs-----	19429
Pearman & Sons 14105 South Normandie Avenue, Gardena-----	19219
Pomona Block Co., Inc. 4791 Arrow Highway, Montclair-----	36048
**	
Puente Ready Mix, Inc. 209 North California Avenue, City of Industry-----	19385
Richardson Mill & Lumber Co. 9613 East Whittier Boulevard, Pico-Rivera-----	19422
**	
San Dimas Ready Mix Concrete Co. 536 Arrow Highway, San Dimas-----	19332
Santa Ana Ready Mix 312 North Townsend Street, Santa Ana-----	30045
Skyline Concrete Sales Co. 2070 Randolph Street, Huntington Park-----	19193
Southern Pacific Milling Co. 50 South Kellogg Avenue, Colton-----	42030
Spragues' Rock & Sand Co. 235 East Live Oak Avenue, Irwindale-----	19337
Standard Ready Mix 2130 South Grand, Santa Ana-----	30052
7591 Hazard, Westminster-----	30042
Sully-Miller Contracting Co. 7221 Ellis Avenue, Huntington Beach-----	30061
441 Railroad Place, Inglewood-----	19202
32nd Street at Walnut Avenue, Long Beach-----	19465
**	
2818 Barranca Road, Santa Ana-----	30073
5625 Southern Avenue, South Gate-----	19444
20900 South Normandie Avenue, Torrance (P.O.)-----	19232

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SECTION 3--AREA-TO-POINT RATES (CONCLUDED)

LIST OF DELIVERY POINTS (Concluded)

Delivery Point	Delivery Zone
Transit Mixed Concrete Co.	
435 North Eucalyptus Avenue, Inglewood-----	19202
2400 East South Street, Long Beach (P.O.)-----	19456
625 Lamar Street, Los Angeles-----	19374
1000 North La Brea Avenue, Los Angeles-----	19141
144 North Halstead Street, Pasadena-----	19311
8960 Bradley Avenue, Sun Valley-----	19040
**	
Tri-City Concrete	
238 East 2nd Street, Parris-----	33077
8203 Alabama Street, Redlands-----	36031
7747 Evans Street, Riverside-----	33045
1910 West 7th Street, San Bernardino-----	36026
2006 North Campus, Upland-----	36018
United Ready Mixed Concrete Co.	
11725 Artesia Boulevard, Artesia-----	19450
4988 Firestone Boulevard, South Gate-----	19207
Upland Concrete Products Co.	
1237 Bowen, Upland-----	36046
Valley Ready-Mix	
505 South Benson Avenue, Ontario-----	36050
Valley Wide Ready Mixed Concrete Corp.	
13950 East Los Angeles Avenue, Moorpark-----	56076
Vernon Asphalt Materials Co.	
345 Walnut Avenue, Gardena-----	19225
501 Railroad Place, Inglewood-----	19202
3100 Bandini Boulevard, Vernon-----	19418
**	
Western Rock Co.	
4952 Arrow Highway, Montclair-----	36048
Williway, Inc., J.	
8555 East Whittier Boulevard, Pico-Rivera-----	19422

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