

ORIGINAL

Decision No. 82592

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 relating ) Case No. 5437  
to the transportation of sand, rock, ) (OSH 213)  
gravel and related items (commod- )  
ities for which rates are provided )  
in Minimum Rate Tariff No. 7.) )

ORDER EXPANDING LIMITED REHEARING,  
SETTING HEARING, AND MODIFYING MRT 7-A

On November 30, 1973, California Trucking Association (CTA) filed a document entitled:

"Reply to Petition of California Asphalt Pavement Association for reconsideration and/or rehearing of Decision Numbers 82061 and 82062, and related matters; and Petition of California Trucking Association for reconsideration or revision of said decisions."

On January 8, 1974 we issued Decision No. 82325 granting limited rehearing of Decisions Nos. 82061 and 82062 and specifically indicating that CTA arguments, not specifically dealt with in Decision No. 82325, would be considered in a subsequent opinion. This order deals with those issues.

After considering each and every allegation in the petition of CTA and being of the opinion that good cause has been made to appear, we conclude that the rehearing granted by Decision No. 82325 should be expanded and that Items 30 and 310 in Minimum Rate Tariff 7-A should be clarified.

THEREFORE IT IS ORDERED that:

1. The limited rehearing granted by Decision No. 82325 is hereby expanded to include determination of whether (a) rates for those non-studied items of Minimum Rate Tariff 7-A not increased

by Decision No. 82061 should be increased; (b) different running speeds and distance rates in the Northern Territory in Minimum Rate Tariff 7-A should be established; and (c) different wage scales and distance rates in the Northern Territory in Minimum Rate Tariff 7-A should be established to reflect a distinction between the San Francisco Bay Area Region on the one hand and the remainder of the Northern Territory on the other hand.

2. Rehearing of Decisions Nos. 82061 and 82062 as granted in Decision No. 82325 and as expanded in Ordering Paragraph 1 hereinabove, shall be heard before Commissioner Holmes and/or Examiner Mallory on Monday, April 22, 1974 at 10:00 a.m. in the Commission Courtroom, State Office Building, 107 South Broadway, Los Angeles, California, at which time and place all interested parties may appear and be heard.

3. Minimum Rate Tariff 7-A (Appendix B of Decision No. 82061, as amended) is further amended by incorporating therein to become effective April 2, 1974, Second Revised Page 8, Second Revised Page 9, Second Revised Page 29 and Second Revised Page 30 attached hereto and by this reference made a part hereof.

4. Common carriers subject to the Public Utilities Act, to the extent that they are subject to Decision No. 82061, as amended, are hereby directed to establish in their tariffs the amendment necessary to conform with the further adjustment ordered herein.

5. Tariff publications required or authorized to be made by common carriers as a result of the order herein shall be filed not earlier than the effective date of this order and shall be made effective not earlier than April 2, 1974, on not less than one day's notice to the Commission and to the public; such tariff publications as are required shall be made effective not later than April 2, 1974; and as to tariff publications which are authorized but not required, the authority shall expire unless exercised within sixty days after the effective date of this order.

6. Common carriers, in establishing and maintaining the amendment authorized hereinabove, are hereby authorized to depart from the provisions of Section 480 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 amendment published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

7. In all other respects Decision No. 82061, as amended, shall remain in full force and effect.

8. In all other respects, rehearing, reconsideration and/or revision of Decisions Nos. 82061 and 82062 is hereby denied.

The effective date of this order shall be April 1, 1974.

Dated at San Francisco, California, this 12th day of MARCH, 1974.

Vernon L. Sturgeon  
President  
William J. Lyons Jr.  
J. P. Morris

[Signature]  
Commissioners

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

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;"><b>APPLICATION OF TARIFF--CARRIERS</b></p> <p>Rates provided in this tariff are minimum rates, established pursuant to the Highway Carriers' Act. They apply for transportation of property and other accessorial or incidental services performed prior to, during, or subsequent to said transportation by radial highway common carriers, highway contract carriers and dump truck carriers, as defined in said Highway Carriers' Act, in bulk in dump truck equipment.</p> <p>The rates and rules contained in this tariff shall apply to transportation by underlying carriers (independent-contractor subhaulers) when such transportation is performed for other carriers, as provided in Item 210.</p>	20
<p style="text-align: center;"><b>APPLICATION OF TARIFF--COMMODITIES</b></p> <p>When reference is made to this item, rates apply to the transportation of the following commodities:</p> <p><b>LIST A</b></p> <p>Base, cement treated (Moist mixture of sand, crushed rock and/or gravel and cement);  Concrete, mortar or plaster: ingredients of, in batches, in nylon-corded rubberized bags;  Containers, empty, used, viz.: empty, used nylon-corded rubberized bags, being returned from an outbound trip in which they moved containing batches of the ingredients of concrete, mortar or plaster;  (1) Earth, "including dirt, loam, silt or soil individually or in any combination. It also includes miscellaneous material such as stone, rock, tree stumps and broken concrete in combination with earth when such material does not exceed 50 percent of the total volume of the shipment.  Granite, decomposed;  Gravel;  Rock (commonly called "cobblestone" or "rip rap");  Sand, crushed stone and gravel, mixed dry, with or without cement added;  Sand, other than burnt shale;  Slag, other than expanded;  Stone, crushed, chips or waste;  Stone, natural, blocks, pieces or slabs, rough quarried;  Stone, natural, sawed, not further finished.</p> <p>(1) See Item 290 for shipments subject to Distance Rates of more than 30 miles.  See Item 310 for shipments subject to Distance Rates of 30 miles or less.</p> <p><b>LIST B</b></p> <p>Asphaltic concrete (commonly called "Hot Stuff");  Cold road oil mixture (commonly called "Plant Mix");  Asphalt, cold liquid, in containers not exceeding 5 gallons capacity per container (Subject to Note 1).</p> <p><b>NOTE 1.--</b>Cold liquid asphalt will be transported under the provisions of this tariff, at rates which apply for the transportation of asphaltic concrete, when tendered for transportation with, and as a part of, a shipment of asphaltic concrete and when the quantity so tendered does not exceed 15 gallons per shipment.</p>	230
<p>o Change        )  * Addition     )   Decision No.   <b>82592</b></p>	
<b>EFFECTIVE</b>	
<b>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,  SAN FRANCISCO, CALIFORNIA.</b>	

Correction

ITEM	SECTION 1--RULES (Continued)		
	APPLICATION OF TARIFF--COMMODITIES		
	When reference is made to this item, rates apply to the transportation of the following commodities:		
40	Barium, clay or silicate mud compounds, dry, oilwell drilling; Cement clinker; Clay, other than burnt or calcined; Cullet (glass, broken or crushed); Dolomite, dead-burned; Dolomite rock, crushed; Gypsum rock, crude, not further processed than broken or crushed;	Mill scale; Mud, dry, oilwell drilling; Perlite rock, crude, not expanded, not further processed than broken, crushed or ground; Pyrite cinders; Pyrophyllite, crude, in blocks, pieces or slabs, rough quarried; Shale, other than burnt, calcined or expanded;	Soapstone, crude, in blocks, pieces or slabs, rough quarried or not further finished than sawed or chipped on four sides; Talc, crude, in blocks, pieces or slabs, rough quarried or not further finished than sawed or chipped on four sides.
	APPLICATION OF RATES--COMMODITIES		
	When reference is made to this item, rates apply to the transportation of the following commodities:		
50	Lightweight Aggregates, viz.:		
	Ash, Volcanic; Cinders; Clay, burnt or calcined; Perlite, expanded;	Pumice; Sand, burnt shale; Scoria, Volcanic;	Shale, burnt or calcined; Shale, expanded; Slag, expanded.
No change on this page, Decision No. 82592			
EFFECTIVE			
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.			
Correction			

SECTION 2--DISTANCE RATES (Continued)  
In Cents Per Ton

ITEM

## MATERIAL, viz.:

Asphaltic Concrete (commonly called "Hot Stuff");  
Cold Road Oil Mixture (commonly called "Plant Mix");  
Cold Liquid Asphalt in containers not exceeding 5 gallons capacity per container,  
when tendered for transportation with, and as a part of, a shipment of asphaltic  
concrete, and when the quantity so tendered does not exceed 15 gallons per  
shipment.

(1) Minimum Weight 24 Tons.

MILES		(2) RATES	
Over	But Not Over	FROM: Points of Origin in:	
		Northern Territory (See Item 160)	Southern Territory (See Item 160)
50	52	287	276
52	54	295	285
54	56	304	293
56	58	313	302
58	60	321	310
60	63	334	323
63	66	347	335
66	69	360	348
69	72	373	360
72	75	386	373
75	80	407	393
80	85	428	414
85	90	449	434
90	95	470	455
95	100	491	475
100	110	533	516
110	120	575	557
120	130	617	597
130	140	659	638
140	150	701	679
(3)		42 (Concluded)	41

300

- (1) The minimum weight must be transported in one unit of dump truck equipment at one time.  
(2) Subject to Item 280.  
(3) For each additional 10 miles or fraction thereof, add to the rate for 150 miles the amount shown opposite this reference.

No change on this page, Decision No.

82592

EFFECTIVE

Correction

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

ITEM	SECTION 2--DISTANCE RATES (Continued) In Cents Per Ton			
	COMMODITIES, viz.:  Earth, "including dirt, loam, silt or soil, individually or in any combination. It also includes miscellaneous material such as stone, rock, tree stumps and broken concrete in combination with earth when such material does not exceed 50 percent of the total volume of the shipment.			
	MILES  But Not Over Over	RATES FROM: Points of Origin in:		
		Northern Territory (See Item 160)		Southern Territory (See Item 160)
		(1) (2) Minimum Weight 24 Tons		(1) (2) Minimum Weight 24 Tons
	0	1	25	22
	1	2	32	29
	2	3	39	36
	3	4	46	43
	4	5	52	50
	5	6	58	55
8310	6	7	63	60
	7	8	69	66
	8	9	74	71
	9	10	80	76
	10	11	85	81
	11	12	90	86
	12	13	96	92
	13	14	101	97
	14	15	106	102
	15	16	111	107
	16	17	116	112
	17	18	121	116
	18	19	126	121
	19	20	131	126
	20	21	135	131
	21	22	140	136
	22	23	145	140
	23	24	150	145
	24	25	155	150
	25	26	160	155
	26	27	165	159
	27	28	169	164
	28	29	174	168
	29	30	179	173
	(3)			
(1) The minimum weight must be transported in one unit of dump truck equipment at one time. (2) When dump truck equipment, other than tractor with bottom dump doubles in train, is requested by the shipper, debtor or overlying carrier, the provisions of Item 270 shall apply, including exceptions to minimum weight provisions therein. (3) For distances exceeding 30 miles the rates in Item 290 shall apply but shall not result in a lesser charge than results from the use of rates herein provided.				
Change ) Addition ) Decision No. <b>82592</b>				
EFFECTIVE				
Correction ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.				