CRICINAL

Decision No. 83336

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-A and 17-A).

Petition for Modification No. 275 (Filed May 31, 1974)

OPINION AND ORDER

Petitioner, Werner Corporation, a California corporation doing business as Foster Sand and Gravel Company (Foster), is engaged in the business of producing, marketing, and distributing rock, sand, and gravel at a new commercial production plant located in Riverside County. By this petition Foster seeks to have those production facilities designated as a dump truck production area in Southern California Production Area and Delivery Zone Directory 1 (Directory 1), and zone rates established therefrom in Minimum Rate Tariff 17-A (MRT 17-A) to delivery zones in Los Angeles, Orange, Riverside, and San Bernardino counties.

The description of the proposed production area is as follows:

All that real property located within the easterly 660 feet of all of the southwest one quarter of Section 11 and the westerly 660 feet of all of the southeasterly one quarter of Section 11, Township 5 South, Range 6 West, San Bernardino B & M in Riverside County. This property is located generally 1 mile south of the intersection of State Highway 71 and Maitri Road in Mayhew Canyon in the Glen Ivy Area, 7 miles south of Corona, California.

C.5437 Pet.275 NB

At present the transportation of shipments of rock, sand, and gravel from the subject facilities by for-hire dump truck carriers is subject to distance or hourly rates in Minimum Rate
Tariff 7-A. However, the minimum rates which apply for the transportation of rock, sand, and gravel by dump truck carriers from many commercial rock products plants in southern California are zone rates which are set forth in MRT 17-A. Foster states that establishment of a new production area at its Riverside County plant and zone rates therefrom will result in rate parity with competing producers. Assertedly, this will eliminate rate discrimination now favoring those competitors.

Foster's new facility is stated to be of the same general type and character as facilities maintained by other producers for processing rock, sand and/or gravel as to size and grade. It is completely modern in design and automated. Approximately 90 percent of the loading will be performed from overhead hoppers. The scale is automated and certified and will insure fast and accurate weighing. With such modern facilities petitioner believes that the terminal end loading times will not be in excess of and probably will be less than those upon which the zone rates are based.

Appended to the application are the results of a test traverse made by Foster to determine the times and distances necessary to tie the production facilities into the traverse network, and a sketch map showing the location of the proposed production area and existing reference points. Petitioner submits that establishment of the sought zone rates should be non-controversial and that the petition can be disposed of properly by ex parte procedure.

All the real property encompassed by the area 2600 feet south, 700 feet west, 700 feet east, and 40 feet north of the Foster Sand and Gravel Company scale house located approximately 1 mile south of the intersection of State Highway 71 and Maitri Road in Mayhew Canyon, Riverside County.

The staff advice of participation is included in the file in this proceeding as Exhibit 1.

The staff has prepared a traverse map section showing the proposed production area and the tie-in data to the traverse network. The traverse map section is attached hereto as Appendix A. The staff also has prepared a runout of round trip times, one-way miles, costs, and resulting zone rates. These data are included in the file in this petition as Exhibit 2.

Copies of the verified petition were served on known carrier and shipper organizations on or about May 31, 1974. The petition was listed on the Commission's Daily Calendar of June 6, 1974. 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 MRT 17-A which apply from other production areas in Riverside County. In the circumstances the

Commission finds that the designation of Foster's Riverside County plant area as a production area (as described in Exhibit 1) and the establishment of zone rates therefrom as hereinafter provided will result in just, reasonable, and nondiscriminatory minimum rates for the transportation to which the rates would apply. The production area and rates therefrom should be established. The petition should be granted. A public hearing is not necessary.

IT IS ORDERED that:

- 1. Directory 1 (Appendix A of Decision No. 69469, as amended) and Minimum Rate Tariff 17-A (Appendix C of Decision No. 80578, as amended) are further amended by incorporating therein, to become effective September 1, 1974, the revised pages attached hereto in Appendix B and by this reference 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 authorized to be made by common carriers as a result of this order shall be filed not earlier than the effective date of this order and may be made effective not earlier than the tenth day after the effective date of this order, and may be made effective on not less than ten days' notice to the Commission and to the public if filed not later than sixty days after the effective date of the minimum rate tariff pages incorporated in this order.
- 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

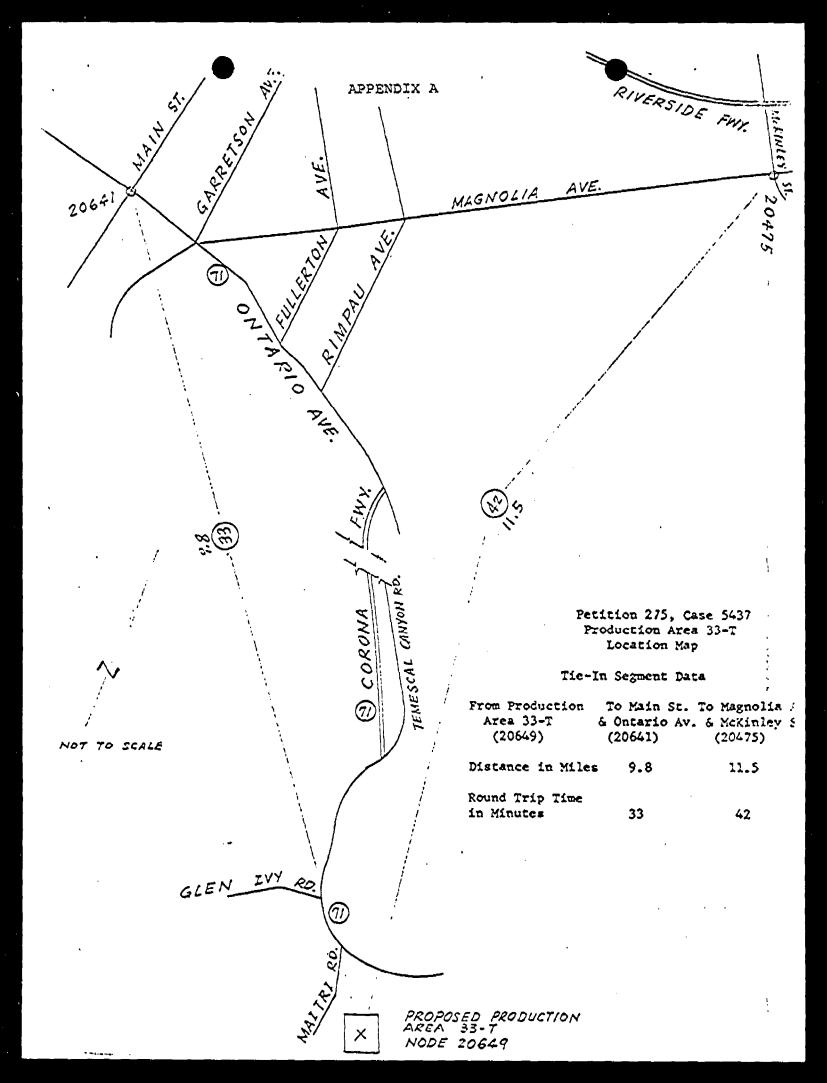
under this authority shall make reference to the prior orders
authorizing long- and short-haul departures and to this order.

5. In all other respects Decisions Nos. 69469 and 80578
shall remain in full force and effect.

The effective date of this order is the date hereof.
Dated at San Francisco, California, this 2047
day of AUGUST, 1974.

Augustus Commissioners

Thurway...



APPENDIX B

LIST OF REVISED PAGES TO DIRECTORY 1

FOURTH REVISED PAGE 183
FOURTH REVISED PAGE 184

LIST OF REVISED PAGES TO MINIMUM RATE TARIFF 17-A

ORIGINAL PAGE 6-T-1
ORIGINAL PAGE 6-T-2

(END OF APPENDIX B)

FOURTH REVISED PAGE.. CANCELS THIRD REVISED PAGE....183 DIRECTORY SECTION 4 Descriptions of Production Areas and Delivery Zones Located in Riverside County 83336 No change on this page, Decision No. EFFECTIVE

Correction

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

SECTION 4RIVERSI	DE COUNTY	PRODUCTION	areas and	DELIVERY ZO	nes

RIVERSIDE COUNTY PRODUCTION AREAS 圆 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. 33-C 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 33-F beginning. 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 33-G 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. 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 33-0 along said line to the point of beginning. Deginning at a point on Cajalco Street (a private road) 1,800 feet southeasterly of Magnolia Avenue; thence northeast 4/10ths of a mile; thence southeast 2,000 feet; thence southwest to Cajalco Street; thence northwestorly along Cajalco Street to the point of 33-R beginning. (Portions of 32, T.3S., R.6W., SBBM.) (Portions of Lots 3, 4 and 5 of Cajalco Tract No. 1 located within Section Beginning at the bridge numbered 7.1 on the Elsinore Branch Line of The Atchison, Topeka and Santa Fe Railway Company; thence southerly along the railroad right-of-way to Temescal Canyon Road; southeasterly along Temescal Canyon Road to the private road loading to Rancho El Hermosa; northeasterly along said private road to the east bank of Temescal Wash; northerly along the east bank of Temescal Wash to Clay Road; westerly along Clay Road to the west bank of Temescal Wash; northerly along the west bank of Temescal Wash to a point directly west from point of beginning; thence directly east 33-S along an imaginary line to point of beginning. All the real property encompassed by the area 2600 feet south, 700 feet west, 700 feet east and 40 feet north of the Foster Sand and Gravel Company scale house located approximately 1 mile south of the intersection of State Highway 71 and Maitri Road in *33-T

* Addition, Decision No.

Mayhew Canyon, Riverside County.

EFFECTIVE

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

SECTION 6 - ZONE RATES IN CENTS PER TON

COMMODITIES AS DESCRIBED IN ITEM 60

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

ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE
19001	366	19051	368	19101	305	19151	295	19201	312	19251	326	19314	291
19002	363	19052	359	19102	298	19152	307	19202	300	19252	314	19315	288
19003	353	19053	352	19103	301	19153	310	19203	314	19253	333	19316	275
19004	352	19054	345	19104	301	19154	326	19204	297	19254	322	19317	280
19005	357	19083	337	19105	297	19155	312	19205	276	19255	313	19318	259
19006	361	19056	331	19106	289	19156	320	19206	263	19256	301	19319	255
19007	348	19057	325	19107	303	19157	334	19207	248	19257	296	19320	245
19008	350	19058	312	19108	322	19158	332	19208	246	19238	285	19321	235
19009	358	19059	308	19109	318	19139	339	19209	257	19239	275	19322	224
19010	370	19060	328	19110	324	19160	352	19210	257 270	19260	272	19323	. 222
19011	402	19051	317	19111	318	19161	367	19211	290	19261	262	19324	213
19012	386	19062	330	19112	326	19162	380	19212	300	19262	255	19325	205
19013	382	19063	317	19113	329	19163	395	19213	294	19263	254	19326	196
19014	372	19064	324	19114	333	19164	404	19214	299	19284	263	19327	189
19015	363	19065	314	19115	375	19165	416	19215	297	19265	272	19325	184
19016	350	19066	313	19116	341	19166	314	19216	298	19266	283	19329	179
19017	340	19067	305	19117	339	19167	306	19217	286	19267	282	19330	176
19018	340	19068	305	19118	336	19168	314	19218	286	19268	285	19331	176
19019	336	19069	322	19119	334	19169	301	19219	274	19269	305	19332	182
19020	331	19070	314	19120	328	19170	292	19220	272	19270	314	19333	192
19021	343	19071	320	19121	328	19171	284	19221	250	19271	322	19334	200
19022	340	19072	320 334	19122	316	19171 19172 19173	282	19221 19222	244	19272	316	19335	209
19023	346	19073	335	19123	316 307	19173	277	19223	251	19273	342	19336	209
19024	356	19074	343	19124	282	19174	262	19224	260	19274	325	19337	232
19025	351	19075	347	19125	282	19175	270	19223	267	19275	343	19338	244
19026	343	19076	360	19126	289	19176	265	19226	272	19276	330	19339	253
19027	342	19077	368	19127	294	19177	265	19227	280	19277	328	19340	253 251 279
19028	341	19078	377	19129	293	19178	267	19228	292	19278	321	19341	279
19029	33N	19079	407	19120	299	19179	272	19229	296	19279	320	19342	282
19030	336	19080	395	19130	291	19180	279	19230	281	19280	311	19343	268
19031	324	19081	381	19131	292	19181	285	10031	272	19281	305·	19344	257
19032	316	19082	373	19132	285	19182	294	19231 19232	257	19282	299	19345	244
19033	321	19083	374	19133	273	19183	295	19233	254	19283	298	19346	245
19034	330	19084	364	19134	285	19184	301	19234	249	19284	290	19347	238
19035	330	19085	358	19133	293	19183	310	19235	236	19285	287	19348	224
19036	332	19086	353	19135	320	19186	319	19236	241	19286	294	19349	214
19037	338	19087	349	19137	337	19187	329	19237	233	19287	334	19350	199
19038	335	19088	344	19138	347	19188	319	19238	262	19301	311	19351	188
19039	325	19089	337	19139	321	19189	307	19239	279	19302	299	19352	164
19040	325	19090	324	19140	326	19190	290	19240	299	19303	291	19353	161
19041	330	19091	315	19141	305	19191	279	19241	289	19304	307	19354	166
19042	343	19092	306	19142	297	19192	247	19242	277	19305	298	19355	153
19043	352	19093	304	19143	285	19193	263	19243	280	19306	290	19356	156
19044	363	19094	301	19144	285	19194	278	19244	265	19307	284	19357	145
19045	370	19095	297	19145	281	19195	284	19245	254	19308	275	19358	143
19046	380	19096	309	19146	270	19196	294	19246	248	19309	272	19359	154
19047	385	19097	302	19147	280	19197	304	19247	272	19310	260	19360	160
19048	393	19098	303	19148	275	19198	303	19248	283	19311	267	19361	161
19049	385	19099	306	19149	276	19199	311	19249	288	19312	276	19362	196
	378	19100	305	19130	281	19200	319	19230	331	19313	284	19363	201
19050													

CHANGE, DECISION NO. 83336 EFFECTIVE

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

SECTION 6 - ZONE RATES IN CENTS PER TON

COMMODITIES AS DESCRIBED IN ITEM 60

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

		~											
ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE
19364	200	19426	194	19606	342	19753	424	30041	198	30099	213	33043	131
19365	205	19427	187	19607	351	19754	441	30042	190	30100	224	33044	116
19366	211	19428	194	19608	375	19755	460	30043	184	30101	234	33045	102
19367	224	19429	211	19609	365	19756	481	30044	175	30102	246	33046	
19368	229	19430	223	19610	377	19757	492	30045	173				94
		15.00		23020	Ψ.,	19101	732	300-53	113	30103	258	33047	87
19369 19370	237	19431	216	19700	360	19758	505	30046	167	30116	254	33048	82
	246	19432	220	19701	367	19759	332	30047	161	30117	266	33049	90
19371	263	19433	233	19702	380	19760	367	30048	166	30118	268	33050	84
19372	254	19434	225	19703	394	19761	387	30049	180	33001	229	33051	131
19373	274	19435	235	19704	407	19762	410	30050	170	33002	226	33052	141
19374	260	19436	215	19705	420	30001	145	30051	165	33003	214	33053	157
19375	258	19437	210	19706	395	30002	154	30052	178	33004	219	33054	
19376	249	19438	206	19707	400	30003	163						157
19377	252	19439						30053	187	33005	132	33055	212
			185	19708	399	30004	175	30054	187	33006	129	33056	196
19378	250	19440	191	19709	404	30005	180	30055	189	33007	139	33057	194
19379	253	19441	196	19710	386	30006	190	30056	199	33008	138	33058	185
19380	236	19442	209	19711	392	30007	185	30057	211	33009	144	33059	175
19381	228	19443	224	19712	382	30008	173	30058	217	33010	128	33060	
19382	228	19444	236	19713	373	30009	168						166
19383	224							30059	222	33011	118	33061	162
19000	224	19445	232	19714	367	30010	144	30060	217	33012	128	33062	152
19384	208	19446	228	19715	369	30011	139	30061	208	33013	131	33063	82
19385	213	19447	229	19716	385	30012	158	30062	197	33014	137	33064	82
19397	174	19448	217	19717	382	30013	168	30063	192	33015	127	33065	171
19398	167	19449	217	19726	348	30014	169	30064	177	33016	124		
19399	160	19450	206							1	_	33066	180
13033	100	19450	200	19727	363	30015	180	30063	174	33017	174	33067	222
19401	209	19451	196	1972H	375	30016	191	30066	185	33018	164	33068	227
19402	200	19452	187	19729	387	30017	201	30067	208	33019	157	33069	230
19403	190	19453	207	19730	400	3001N	194	30068	197	33020	114	33070	236
19404	169	19454	216	19731	416	30019	187	30069	203	33021	115	33071	250
19405	180	19455	223	19732	430	30020	177	30070	202	33022	113	33072	248
4				ļ	~~~	30020	• • • • • • • • • • • • • • • • • • • •	300.0	204	30022	113	33072	2/10
19406	186	19456	229	19733	447	30021	168	30071	194	33023	109	33073	237
19407	192	19457	240	19734	466	30022	155	30072	192	33024	106	33074	230
19408	193	19458	235	19735	485	30023	148	30073	181	33025	119	33075	196
19409	213	19459	230	19736	503	30024	142	30074	190	33026	124	33076	189
19410	207	19460	230	19737	527	30025	130	30075	200	33027	111	33077	180
19411	217	19461	219	19734	552	20006	167	20056	~	22000			101
19412	219					30026		30076	208	33028	108	33078	194
		19462	214	19739	573	30027	163	30077	213	33029	105	33079	191
19413	229	19463	221	19740	591	3002N	152	30078	205	33030	95	33080	192
19414	244	19464	229	19741	609	30029	155	30079	205	33031	100	33061	192
19415	243	19463	242	19742	630	30030	160	30080	203	33032	88	33062	205
19416	246	19466	246	19743	653	30031	167	30081	189	33033	0.4	33083	Ara
19417	254	19467	223	19744	671						94		258
						30032	174	30090	209	33034	104	33084	247
19418	251	19468	221	19745	689	30033	186	30091	222	33035	111	33085	233
19419	241	19469	210	19746	713	30034	198	30092	214	33036	153	33086	221
19420	239	19600	346	19747	435	30035	204	30093	214	33037	158	33087	211
19421	232	19601	346	19748	436	30036	212	30094	224	33038	168	33088	203
19422	230	19602	354	19749	478	30037	216	30095	233	33039	178	33089	
19423	217	19603	359	19750		30038			220				196
19424	212	19604			490		205	30096		33040	164	33090	196
19425			314	19731	395	30039	216	30097	241	33041	147	33091	204
15-00	202	19605	326	19752	408	30040	202	30098	249	33042	141	33092	203
)						1		}		1	
				<u> </u>		L		<u></u>		1		ì	

CHANGE, DECISION NO. 83336

EFFECTIVE . .

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

SECTION 6 - ZONE RATES IN CENTS PER TON

COMMODITIES AS DESCRIBED IN ITEM 60

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

ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RAT
											· · · · · · · · · · · · · · · · · · ·	<u></u> _	
33093	211	36039	161	36089	120	1		[l			
33094	220	36040	171	36090	129	1				1			
33095	227	36041	167	36091	128					l		Į.	
33096	238	36042	153	36092	118	ì		1					
33097	224	36043		36301				i					
33091	227	30045	151	30301	202	}		}					
33098	215	36044	148	36302	217	}		1				}	
33099	208	36045	149	36303	232							1	
33100	216	36046	156	36304	248	ļ				}		ł	
33101	215	36047	159	36305	266	1				}		ì	
								Į.		\		}	
33102	221	36048	162	36306	284]						,	
33103	230	36049	153	36307	298	1							
33104	212	36050	149	36308	309	1				l			
36001	196	36051	148	36309	318	1				1		i .	
36002	184	36052	138	36310	303					1		1	
						1		}		1		1	
36003	188	36053	135	36311	299			l		1			
36004	186	36054	134	36312	311								
36005	186	36055	144	36313	325	ł		}		1		1	
36006	182	36056	132	36314	339	l							
36007	173	36057	163	36315	353	ļ		1		1		ì	
36008													
30000	173	36058	153	36316	365			1				1	
36009	181	36059	150	36317	378							-	
36010	186	36060	144	36318	389	Ì							
36011	181	36061	155	36319	400			1					
36012	167	36062	167	36320	412	1		}				1	
										1			
36013	167	36063	178	36321	419			1					
36014	171	36064	184	36322	417					1		1	
36015	175	36065	191	36323	405	1		í		ĺ			
36016	180	36066	197	36324	391	1		1		1		1	
36017	171	36067	203	36325	378	1		1		1		1	
36018	166	36068	212	36326	285					1			
						Ì				1			
36019	160	36069	214	36327	268					ļ		1	
36020	155	36070	208	36328	252			1		1		1	
36021	161	36071	193	36329	239					1		ì	
36022	160	36072	164	36330	223	1		Į.		1		1	
36023	169	36073	136	36331	207								
	.—												
36024	177	36074	136	36332	193	1		1		1		1	
36023	168	36075	146	1				ľ		1		1	
36026	167	36076	137	1						1		Į.	
36027	162	36077	128	}		1		1					
36028	173	36078	126							 		}	
36029	181	36079	131							1		}	
				1		1	,	1				1	
36030	189	36080	136					1		1			
36031	170	36081	142	1		1		1		1			
36032	173	36082	146	1		1		ŀ		1		1	
36033	189	36083	137										
36034	178	36084	134	1						1		1	
36035	166	36085	128			1		1				1	
36036		36086		1		1		1		1		1	
	157		123	1		1		1				ľ	
36037	154	36087	117	1		1.		1		1		ì	
				1		1		1		1		1	
36038	158	36088	115	l								1	

CHANGE, DECISION NO.

53336

EFFECTIVE

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