

Decision No. 83872

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investiga-)
tion into the rates, rules, reg-)
ulations, charges, allowances)
and practices of all common car-)
riers, highway carriers and city)
carriers relating to the trans-)
portation of sand, rock, gravel)
and related items (commodities)
for which rates are provided in)
in Minimum Rate Tariff No. 7-A)

Case No. 5437

And Related Matters)

Case No. 9819

Case No. 9820

Case No. 6008

SUPPLEMENTAL OPINION AND ORDER

Minimum Rate Tariffs 7-A, 17-A and 20 (MRT 7-A, 17-A and 20) name minimum rates for the transportation of property in dump truck equipment by highway carriers between points in California and Minimum Rate Tariff 13 (MRT 13) provides rates and rules governing the highway transportation of property in vacuum or pump-type tank vehicles.

The California Legislature recently amended Section 7262¹ of the Government Code relating to relocation assistance. Among other things, the amendment: (1) provides that the cost of moving a displaced person borne by a public entity shall be exempt from regulation by the Public Utilities Commission; (2) authorizes the public entity to solicit competitive bids from qualified bidders for performance of the work; and (3) exempts from regulation by the Public Utilities Commission bids submitted in response to such solicitations.

¹Assembly Bill No. 4342 was approved by the Governor September 18, 1974 and filed with the Secretary of State on the same date.

In the circumstances, the Commission finds that the aforementioned provisions of Section 7262 of the Government Code should be reflected in MRT 7-A, 17-A, 20 and 13. A public hearing is not necessary. The Commission concludes that MRT 7-A, 17-A, 20 and 13 should be amended accordingly.

IT IS ORDERED that:

1. Minimum Rate Tariff 7-A (Appendix B to Decision No. 82061, as amended) is further amended by incorporating therein, to become effective January 1, 1975, Third Revised Pages 10 and 11, attached hereto and by this reference made a part hereof.

2. Minimum Rate Tariff 17-A (Appendix C to Decision No. 80578, as amended) is further amended by incorporating therein, to become effective January 1, 1975, Fourth Revised Pages 1-5 and 1-6, attached hereto and by this reference made a part hereof.

3. Minimum Rate Tariff 20 (Appendix A to Decision No. 81799, as amended) is further amended by incorporating therein, to become effective January 1, 1975, Second Revised Pages 1-3 and 1-4, attached hereto and by this reference made a part hereof.

4. Minimum Rate Tariff 13 (Appendix B to Decision No. 55584, as amended) is further amended by incorporating therein, to become effective January 1, 1975, Seventh Revised Page 6, attached hereto and by this reference made a part hereof.

5. Common carriers subject to the Public Utilities Act, to the extent they are subject also to Decisions Nos. 82061, 80578, 81799, and 55584, as amended, are hereby authorized to establish in their tariffs the amendments necessary to conform with the further adjustments ordered herein.

6. Tariff publications 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 may be made effective on not less than one day's notice to the Commission and to the public if filed not later than sixty days after the effective date of the

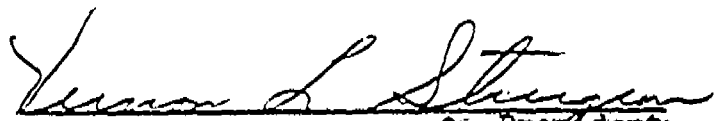
minimum rate tariff page incorporated in this order.

7. 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.


8. In all other respects Decisions Nos. 82061, 80578, 81799, and 55584, as amended, shall remain in full force and effect.

The effective date of this order shall be December 27, 1974.


Dated at San Francisco, California, this 17th day of December, 1974.




President



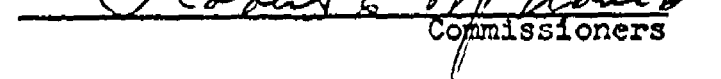
Commissioner



Commissioner



Commissioner



Commissioners

SECTION 1--RULES (Continued)	ITEM
APPLICATION OF RATES--COMMODITIES	
When reference is made to this item, rates apply to the transportation of the following commodities:	
<ul style="list-style-type: none"> Barium, clay or silicate mud compounds, dry, oilwell drilling; Clay, other than burnt or calcined; Clinker, cement; Concrete, broken, asphaltic or hydraulic; Concrete, mortar or plaster, ingredients of, in batches, in nylon corded rubberized bags; Concrete, premixed, wet; Containers, empty, used, viz.: empty, used, nylon-corded rubberized bags being returned from an outbound trip in which they moved containing batches of ingredients of concrete, mortar or plaster; Cullet (glass, broken or crushed); Debris: From street or highway maintenance, including ice, mud, and slush; also debris from drainage or flood control construction and/or maintenance projects; Dolomite, dead-burned; Dolomite rock, crushed; Fodder: Chopped green corn and sorghum grain plants, including heads, stalks, and leaves; Gypsum, rock, crude, not further processed than broken or crushed; 	<ul style="list-style-type: none"> Mill scale; Mud, dry, oilwell drilling; Ore; Perlite rock, crude, not expanded, not further processed than broken, crushed or ground; Pyrite cinders; Pyrophyllite, crude, in blocks, pieces or slabs, rough quarried; Rock (commonly called "Cobblestone" or "rip rap"); Salt cake (crude sulphate of soda); Shale, other than burnt, calcined or expanded; Slag, other than expanded; Slurry (mixed sand, dust, crushed stone and/or gravel, wet); Soapstone, crude, blocks, pieces or slabs, rough quarried, or not further finished than sawed or chipped on four sides; Stone, natural, blocks, pieces, or slabs, rough quarried; Stone, natural, sawed, not further finished; Talc, crude, blocks, pieces or slabs, rough quarried or not further finished than sawed or chipped on four sides.
No change on this page, Decision No. 83872	
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ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	

Correction

ITEM	SECTION 1--RULES (Continued)												
670	<p style="text-align: center;">APPLICATION OF TARIFF--GENERAL</p> <p>Rates in this tariff do not apply to the transportation of:</p> <p>Δ(a) Disaster Supplies, i.e., those commodities which are allocated to provide relief during a state of extreme emergency or state of disaster; and those commodities which are transported for a civil defense or disaster organization established and functioning in accordance with the California Disaster Act to ultimate point of storage or use prior to or during a state of disaster or state of extreme emergency.</p> <p>Δ(b) Property of the United States or property transported under an agreement whereby the United States contracted for the carrier's service.</p> <p>(c) Property for which rates are provided in Minimum Rate Tariffs 17-A or 20 when said property is transported under the provisions of such tariffs.</p> <p>* (d) Property transported for a displaced person when the cost thereof is borne by a public entity as provided in Section 7262 of the Government Code.</p> <p>For rates for the transportation of commodities in dump truck equipment, other than as provided in this tariff, see Minimum Rate Tariffs 1-B, 2, 9-B, 17-A, 19, or 20, as the case may be.</p>												
80	<p style="text-align: center;">APPLICATION OF TARIFF--TERRITORIAL</p> <p>Rates in this tariff apply for transportation between all points within the State of California.</p>												
90	<p style="text-align: center;">ACCESSORIAL CHARGES</p> <p>In addition to the charges under the rates in Sections 2, and 4, and when, through no fault of the carrier, the unloading and release of carrier's equipment at destination is delayed beyond the time allowances shown herein, the following accessorial charges shall be assessed:</p> <table border="0" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;"></th> <th style="width: 10%; text-align: center;"><u>a</u></th> <th style="width: 10%; text-align: center;"><u>b</u></th> <th style="width: 10%; text-align: center;"><u>c</u></th> </tr> </thead> <tbody> <tr> <td>Charge per unit of carrier's equipment for delay beyond the time allowance shown below. Charge applies for each six(6) minutes (one-tenth of an hour) or fraction thereof</td> <td style="text-align: center;">150</td> <td style="text-align: center;">150</td> <td style="text-align: center;">150</td> </tr> <tr> <td>Time allowance in minutes, per unit of carrier's equipment (See Note)</td> <td style="text-align: center;">30</td> <td style="text-align: center;">45</td> <td style="text-align: center;">30</td> </tr> </tbody> </table> <p>a. Applies when transportation is performed by truck without trailing equipment.</p> <p>b. Applies when transportation is performed by truck with transfer type trailer.</p> <p>c. Applies when transportation is performed by truck with other than transfer type pull trailers, tractors with semitrailers or tractors with semitrailers and pull trailers operating in train.</p> <p>NOTE:--In computing the time allowances under this rule, time shall commence when the carrier arrives at point of destination.</p>		<u>a</u>	<u>b</u>	<u>c</u>	Charge per unit of carrier's equipment for delay beyond the time allowance shown below. Charge applies for each six(6) minutes (one-tenth of an hour) or fraction thereof	150	150	150	Time allowance in minutes, per unit of carrier's equipment (See Note)	30	45	30
	<u>a</u>	<u>b</u>	<u>c</u>										
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Time allowance in minutes, per unit of carrier's equipment (See Note)	30	45	30										
	<p>∅ Change) * Addition) Decision No. 83872 Δ Change, neither) increase nor reduction)</p>												
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SECTION 1--RULES (CONTINUED)	ITEM
<p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES</p> <p>Rates in this tariff making specific reference to this item apply for the transportation of the following commodity:</p> <p>Decomposed Granite</p>	70
<p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES</p> <p>Rates in this tariff making specific reference to this item apply for the transportation of:</p> <p>SLAG, Blast Furnace and Open Hearth, air cooled (not expanded)</p>	75
<p style="text-align: center;">APPLICATION OF TARIFF--GENERAL</p> <p>Rates in this tariff do not apply to the transportation of:</p> <p>Δ(a) Disaster Supplies, i.e., those commodities which are allocated to provide relief during a state of extreme emergency or state of disaster; and those commodities which are transported for a civil defense or disaster organization established and functioning in accordance with the California Disaster Act to ultimate point of storage or use prior to or during a state of disaster or state of extreme emergency.</p> <p>Δ(b) Property of the United States or property transported under an agreement whereby the United States contracted for the carrier's service.</p> <p>* (c) Property transported for a displaced person when the cost thereof is borne by a public entity as provided in Section 7262 of the Government Code.</p>	80
<p style="text-align: center;">APPLICATION OF TARIFF--RATES</p> <p>Except as otherwise provided, the rates in this tariff are zone rates and area-to-point rates. The rates apply from all points of origin within the designated production areas to all points of destination within the designated delivery zones, and to specifically named delivery points.</p> <p>If any portion of a shipment is physically delivered into or beyond more than one delivery zone, the minimum rate for the entire shipment shall be that rate from point of origin to the highest rated point where physical delivery is made. (See Exception)</p> <p>EXCEPTION.--When any portion of a shipment is delivered into more than one zone, and when no portion of such shipment is physically delivered beyond the boundaries of streets which are the boundaries between the zones involved, the minimum rate for the entire shipment shall be the lower or the lowest of the applicable rates between point of origin and the zones into which delivery is made.</p>	100
<p style="text-align: center;">APPLICATION OF TARIFF--RATES--SAN DIEGO COUNTY ORIGINS</p> <p>When the transportation service is performed by 2-axle or 3-axle truck with transfer type pull trailer the rate shall be fifteen (15¢) cents per ton more than the rate provided for transportation which is performed at the rates in Section 8 in this tariff or at rates which are combined with Section 8 rates.</p>	120
<p> ♂ Change) * Addition) Δ Change, neither) increase nor reduction) </p> <p style="text-align: right;">Decision No. 83872</p>	
EFFECTIVE	
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	

ITEM	SECTION 1--RULES (CONTINUED)
140	<p style="text-align: center;">APPLICATION OF TARIFF--TERRITORIES</p> <p>Rates in this tariff apply for transportation from all points within the production areas to all points within the delivery zones described in Southern California Production Area and Delivery Zone Directory 1, and to specifically named delivery points as provided in Section 3 of this tariff. They apply also, to the extent specified elsewhere herein, for transportation from all points within said production areas to points outside of said delivery zones.</p>
160	<p style="text-align: center;">APPLICATION OF OTHER MINIMUM RATE TARIFFS</p> <p>Except as otherwise provided, the rates in this tariff supersede, and apply to the exclusion of, rates applicable to the same transportation under other minimum rate tariffs of the Commission. (See Exception)</p> <p>EXCEPTION.--The transportation charges for commodities described in Item 65, when transported in trucks with trailing equipment or tractors with trailers, shall be performed at the hourly rates and rules in Minimum Rate Tariff 7-A.</p> <p>For rates for the transportation of commodities in dump truck equipment, other than as provided in this tariff, see Minimum Rate Tariff 2, 7-A or 9-B as the case may be.</p>
180	<p style="text-align: center;">ACCESSORIAL CHARGES</p> <p>In addition to the charges provided under Sections 8, 11, 12, 13, 14 and 15, accessorial charges shall be assessed as provided in Item 90 of Minimum Rate Tariff 7-A.</p>
<p style="text-align: center;">No change on this page, Decision No. 83872</p>	
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Correction

SECTION 1--RULES (CONTINUED)	ITEM				
<p style="text-align: center;">APPLICATION OF TARIFF--CARRIERS</p> <p>Rates provided in this tariff are minimum rates, established pursuant to the Highway Carriers' Act. They apply for transportation of property by 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 subhauler) when such transportation is performed for other carriers as provided in Item 460.</p>	40				
<p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES</p> <p>Rates in this tariff apply for the transportation of the following commodities:</p> <p style="padding-left: 40px;">Rock, natural, crushed, chips, waste or dust (Subject to Notes 1 and 2),</p> <p style="padding-left: 40px;">Sand,</p> <p style="padding-left: 40px;">Gravel.</p> <p>NOTE 1.--The term "rock", as used herein, includes stone.</p> <p>NOTE 2.--The term "rock", as used herein, includes any rock or rocks that passes through a 6-inch screen as used in the industry.</p>	60				
<p style="text-align: center;">APPLICATION OF TARIFF--GENERAL</p> <p>Rates in this tariff do not apply to the transportation of:</p> <p>Δ(a) Disaster Supplies, i.e., those commodities which are allocated to provide relief during a state of extreme emergency or state of disaster; and those commodities which are transported for a civil defense or disaster organization established and functioning in accordance with the California Disaster Act to ultimate point of storage or use prior to or during a state of disaster or state of extreme emergency.</p> <p>Δ(b) Property of the United States or property transported under an agreement whereby the United States contracted for the carrier's service.</p> <p>* (c) Property transported for a displaced person when the cost thereof is borne by a public entity as provided in Section 7262 of the Government Code.</p>	680				
<table style="width: 100%; border: none;"> <tr> <td style="width: 30%; border: none;"> ∅ Change * Addition Δ Change, neither increase nor reduction </td> <td style="width: 5%; border: none; text-align: center;">)))) </td> <td style="width: 30%; border: none;"> Decision No. </td> <td style="width: 35%; border: none; text-align: center; font-size: 1.2em;"> 83872 </td> </tr> </table>		∅ Change * Addition Δ Change, neither increase nor reduction))))	Decision No.	83872
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ITEM	SECTION 1--RULES (CONTINUED)
100	<p style="text-align: center;">APPLICATION OF TARIFF--RATES</p> <p>Except as otherwise provided, the rates in this tariff are zone rates and include bridge tolls. The rates apply from all points of origin within the designated production areas to all points of destination within the designated delivery zones.</p> <p>If any portion of a shipment is physically delivered into or beyond more than one delivery zone, the minimum rate for the entire shipment shall be that rate from point of origin to the highest rated point where physical delivery is made. (See Exception)</p> <p>EXCEPTION.--When any portion of a shipment is delivered into more than one zone, and when no portion of such shipment is physically delivered beyond the boundaries of streets which are the boundaries between the zones involved, the minimum rate for the entire shipment shall be the lower or the lowest of the applicable rates between point of origin and the zones into which delivery is made.</p>
120	<p style="text-align: center;">APPLICATION OF TARIFF--TERRITORIES</p> <p>Rates in this tariff apply for transportation from all points within the production areas to all points within the delivery zones described in Northern California Production Area and Delivery Zone Directory 2. They apply also, to the extent specified elsewhere herein, for transportation from all points within said production areas to points outside of said delivery zones.</p>
140	<p style="text-align: center;">APPLICATION OF TARIFF--TYPES OF EQUIPMENT</p> <p>(a) Rates in the tariff apply to transportation of rock, sand and gravel in four- and five-axle dump truck equipment (truck tractor or dump truck with dump-type trailing equipment).</p> <p>(b) When the shipper, debtor or overlying carrier requests transportation service to be performed by a two- or three-axle truck with transfer-type pull trailer, the rate shall be 15 cents per ton more than the otherwise applicable rate.</p> <p>(c) Rates in this tariff do not apply to transportation of rock, sand and gravel in two- or three-axle dump trucks without trailing equipment. When such equipment is utilized rates set forth in Minimum Rate Tariff 7-A shall apply.</p>
160	<p style="text-align: center;">APPLICATION OF OTHER MINIMUM RATE TARIFFS</p> <p>Except as otherwise provide, the rates in this tariff supersede, and apply to the exclusion of, rates applicable to the same transportation under other minimum rate tariffs of the Commission.</p> <p>For rates for the transportation of commodities in dump truck equipment, other than as provided in this tariff, see Minimum Rate Tariff 1-B, 2, 7-A or 19 as the case may be.</p>
<p>No change on this page, Decision No. 83872</p>	
<p>EFFECTIVE</p>	
Correction	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM				
<p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES</p> <p>Rates in this tariff apply for the transportation of the following commodities:</p> <p>Commodities in semi-plastic form; Commodities in suspension in liquids; and, Liquids;</p> <p>when such transportation is incidental to the construction, operation or maintenance of oil or gas wells, oil pipe lines or oil storage facilities (See Exceptions).</p> <p>EXCEPTIONS.--The rates in this tariff do not apply to the following:</p> <p>Δ (a) Disaster Supplies, i.e., those commodities which are allocated to provide relief during a state of extreme emergency or state of disaster; and those commodities which are transported for a civil defense or disaster organization established and functioning in accordance with the California Disaster Act to ultimate point of storage or use prior to or during a state of disaster or state of extreme emergency.</p> <p>* (b) Property transported for a displaced person when the cost thereof is borne by a public entity as provided in Section 7262 of the Government Code.</p> <p>Δ (c) Transportation for which rates are provided in Minimum Rate Tariff 6-A.</p> <p>Δ (d) Transportation of property for the United States or property transferred under an agreement whereby the United States contracted for the carrier's services.</p>	640				
<p style="text-align: center;">APPLICATION OF RATES</p> <p>Rates include the services of the vehicle and driver only. For charges for helpers, see Item 60.</p> <p>Charges shall be based upon the capacity of equipment ordered, except that if a carrier is unable to furnish the capacity ordered and substitutes larger equipment, charges shall be for the capacity of the equipment ordered or for equipment of capacity corresponding to the barrels of property transported, whichever is the greater.</p> <p>When the transportation performed extends between two territories, the higher rated territory in or through which any service is performed shall determine the applicable hourly rate.</p> <p>See Item 300 for application of rates in Volume Tender Service.</p>	50				
<table style="width: 100%; border: none;"> <tr> <td style="width: 30%;"> ∅ Change * Addition Δ Change, neither increase nor reduction </td> <td style="width: 10%; border-left: 1px solid black; border-right: 1px solid black; vertical-align: middle;">)))) </td> <td style="width: 30%; vertical-align: middle;">Decision No.</td> <td style="width: 30%; text-align: center; vertical-align: middle; font-size: 1.2em;">83872</td> </tr> </table>		∅ Change * Addition Δ Change, neither increase nor reduction))))	Decision No.	83872
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