

Decision No. 83967

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of 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. 7A and 17-A).

Case No. 5437

Petition for Modification

No. 282

(Filed October 29, 1974)

O P I N I O N

Minimum Rate Tariff 17-A (MRT 17-A) names rates for the transportation of certain property 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 provided in Section 3 of the tariff for certain designated transportation of rock, sand, and gravel. The area-to-point rates are three cents per ton less than the otherwise applicable zone rates.

Petitioner, Wagnild Ready Mixed Concrete Co. (Wagnild), operates a plant located at 15203 Oxnard Street, Van Nuys for the production of asphaltic concrete.^{1/} This plant receives and utilizes substantial quantities of rock products. The movement of rock products to petitioner's plant is currently subject to the zone rates named in MRT 17-A. By this petition Wagnild requests that its plant be designated as a delivery point for shipments of rock products subject to the lower MRT 17-A area-to-point rates.

^{1/} Petitioner's asphaltic concrete plant is located in Los Angeles County Delivery Zone 19072, as described in Southern California Production Area and Delivery Zone Directory 1.

The circumstances under which the transportation of rock products to petitioner's plant is performed are set forth in an affidavit attached to and made a part of the petition. According to the affidavit all materials that come into the plant are dumped into underground bunkers where they are stockpiled. There are four underground bunkers side by side, each served by a separate lane. A belt carries the material from the underground bunkers to eight elevated bunkers above the hatch plant. All of the bunkers plus two additional bins provide a storage capacity on the premises in excess of 450 tons. Transferring of at least four trailer bodies may be accomplished within 100 feet of the underground bunkers. In 1973 more than 1,000 tons of materials were used at the plant. There is someone on duty at the plant from 6 A.M. to 5:30 P.M. to sign delivery tickets and to handle the receipt of shipments. On October 1, 1974 a total of five trucks, two bottom dump units, and three trucks and trailers (transfer type) arrived at the plant. Average time from arrival at the gate to departure from the gate after unloading was 5.25 minutes for the bottom dump units and 16.10 minutes for the transfer trucks and trailers.

Petitioner contends that, since the transportation of rock products to its plant is performed under substantially the same favorable conditions as transportation now subject to the sought area-to-point rates, the movement of rock products to

its plant should also be made subject to those rates.^{2/} Petitioner further contends that its plant is similar to plants of two competitors located in nearby Delivery Zone 19040 and which are served under area-to-point rates. Petitioner therefore argues that its plant also should have the benefit of the area-to-point rates in order to avoid being subjected to undue discrimination.

Copies of the verified petition were served on known interested organizations and other parties on or about October 22, 1974. The petition was also listed on the Commission's Daily Calendar of October 31, 1974. No objection to the sought amendment of MRT 17-A has been received. The staff recommends that the petition be granted.

Upon consideration of petitioner's representations, the Commission finds that the circumstances in which rock, sand and gravel are delivered to petitioner's plant site involved herein 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 petitioner's plant site has been shown to be just and reasonable.

^{2/} Criteria which are a basis of the area-to-point rates are as follows: (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 shipments; (4) consignee's facilities include space for bunker reception or stock piling of rock and/or sand in quantities of at least 50 tons at one time; and (5) average loading and unloading time per dump truck-and-trailer combination does not exceed, in total, 30 minutes per 24 tons. (Decisions Nos. 57675 (1958), 76331 (1969), 76943 (1970), 78241 (1971), 79641 (1972), 80810 (1972), and 82170 (1973)).

We conclude that Petition for Modification No. 282 should be granted and MRT 17-A should be amended accordingly. A public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. Minimum Rate Tariff 17-A (Appendix C of Decision No. 80578, as amended) is further amended by incorporating therein, to become effective February 7, 1975, Third Revised Page 3-5 and Third Revised Page 3-6, attached hereto and by this reference made a part hereof.

2. 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.

3. In all other respects said 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 7th
day of JANUARY, 1975.

Vernon L. Sturgeon
President
William J. Moore Jr.
Edo

Commissioners

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

No change on this page, Decision No.

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EFFECTIVE

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

Correction

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----- 2400 East South Street, Long Beach (P.O.)----- 625 Lamar Street, Los Angeles----- 1000 North La Brea Avenue, Los Angeles----- 144 North Halstead Street, Pasadena----- 8960 Bradley Avenue, Sun Valley-----	19202 19456 19374 19141 19311 19040
Tri-City Concrete 238 East 2nd Street, Perris----- 8203 Alabama Street, Redlands----- 7747 Evans Street, Riverside----- 1910 West 7th Street, San Bernardino----- 2006 North Campus, Upland-----	33077 36031 33045 36026 36018
United Ready Mixed Concrete Co. 11725 Artesia Boulevard, Artesia----- 4988 Firestone Boulevard, South Gate-----	19450 19207
Upland Concrete Products Co. 1337 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----- 501 Railroad Place, Inglewood----- 3100 Bandini Boulevard, Vernon-----	19225 19202 19418
*Wagnild Ready Mixed Concrete Co. 15203 Oxnard Street, Van Nuys-----	19072
Western Rock Co. 4952 Arrow Highway, Montclair-----	36048
Williway, Inc., J. 8555 East Whittier Boulevard, Pico-Rivera-----	19422

* Addition, Decision No.

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