

ORIGINALDecision No. 84307

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investiga-)
 tion for the purpose of consid-)
 ering and determining revisions)
 in or reissues of Minimum Rate)
 Tariff 17-A and Southern)
 California Production Area and)
 Delivery Zone Directory 1.)

Case No. 9819
 Petition for Modification
 No. 2
 (Filed January 13, 1975)

OPINION AND ORDER

Minimum Rate Tariff 17-A (MRT 17-A) names minimum rates and rules for the transportation of property in dump truck equipment by highway carriers. These rates are zone rates which apply from defined production areas to designated delivery zones. By this petition, California Dump Truck Owners Association seeks to amend MRT 17-A by increasing the minimum tonnage factor of the minimum charge per shipment from 8 to 10 tons in connection with the transportation of asphaltic concrete or cold road oil mixture (asphaltic concrete) in two-axle dump trucks in Southern California.¹

Petitioner states that a number of two-axle units could not legally haul 9- or 10-ton payloads at the time the asphaltic concrete zone rates were established but that the two-axle trucking equipment in service has changed and, to the best of its knowledge, all for-hire trucking equipment handling this commodity can legally haul 10 tons or more. Petitioner alleges that Minimum Rate Tariff 7-A sets forth minimum charges per shipment based on a tonnage

¹The minimum charge provisions are set forth in detail in Item 440 of MRT 17-A. The minimum charge per shipment is determined by multiplying the minimum tonnage factor by the applicable tonnage rate.

factor of 10 tons for the transportation of all commodities (including asphaltic concrete and excepting lightweight aggregates) in two-axle trucks in other areas of the State. Petitioner avers that three-axle equipment is less expensive to operate per ton than two-axle units and the rates in MRT 17-A governing the transportation of asphaltic concrete are premised on costs of a three-axle truck hauling more than 14 tons.

Copies of the verified petition were served on various known interested organizations and parties on or about January 13, 1975. The petition was listed on the Commission's Daily Calendar of January 14, 1975. No objection to the granting of the petition has been received.

In the circumstances, the Commission finds that the proposed minimum charges will result in just, reasonable and non-discriminatory minimum charges for the transportation involved. A public hearing is not necessary. The Commission concludes that the petition should be granted.

IT IS ORDERED that:

1. Minimum Rate Tariff 17-A (Appendix C to Decision No. 80578, as amended) is further amended by incorporating therein, to become effective May 3, 1975, Second Revised Page 1-17 and Second Revised Page 1-18, attached hereto 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 hereby 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 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 on not less than ten days' notice to the Commission and to the public and shall be made effective not later than May 3, 1975.

4. Common carriers, in establishing and maintaining the minimum charges authorized hereinabove, are hereby authorized to depart from the provisions of Section 450 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 minimum charges 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 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 8th day of April, 1975.

Vernon L. Stevenson
President
William Lyons
Donald Ross

Commissioners

Commissioner ROBERT BATENOVICH

Present but not participating.

SECTION 1--RULES (CONTINUED)	ITEM
<p style="text-align: center;">METHOD OF DETERMINING WEIGHT OF SHIPMENT</p> <p>Actual weight of the shipment shall be used when furnished by the shipper or when obtained by the carrier at the shipper's direction and expense.</p> <p>Otherwise, charges for commodities listed in:</p> <p>a. Items 60, 70 and 75 shall be computed upon the basis of 2,800 pounds per cubic yard when loaded in dump truck equipment.</p> <p>b. Item 65 shall be computed on the basis of 3,200 pounds per cubic yard when loaded in dump truck equipment.</p> <p>EXCEPTION.--When rail rates are used under the provisions of Items 200 and 220 of this tariff, actual, estimated or agreed weights shall be used to compute charges in accordance with the provisions of the governing rail tariff.</p>	420
<p style="text-align: center;">MINIMUM CHARGE</p> <p>The minimum charge per shipment shall be the charge for:</p> <p>a. 14 tons at the applicable rate for commodities described in Item 60.</p> <p>b. 12 tons at the applicable rate for commodities described in Items 65 and 70. (See Exception)</p> <p>c. 13 tons at the applicable rate for commodities described in Item 75.</p> <p>EXCEPTION.--When a shipment of asphaltic concrete or cold road oil mixture (also cold liquid asphalt in containers) is transported in a two-axle dump truck, and when the freight bill is so noted and the truck is identified on the freight bill, the minimum charge for the transportation of the shipment shall be the charge for transporting, 10 tons at the applicable rate.</p>	6440
<p> ✕ Change) ✕ Increase) Decision No. 84397 </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)
460	<p style="text-align: center;">PAYMENTS TO UNDERLYING CARRIERS</p> <p>Charges paid by any overlying carrier to an underlying carrier and collected by the latter carrier from the former for the service of said underlying carrier shall be not less than 95 percent of the charges applicable under the minimum rates prescribed in this tariff, less the gross revenue tax applicable and required to be paid by an overlying carrier in connection with said charges. (See Notes 1 and 2)</p> <p>Charges paid by an underlying carrier (a subhauler) to another underlying carrier (a sub-subhauler), and collected by the latter for services performed for the former, shall be not less than 95 percent of the charges received by the former from the overlying carrier (exclusive of allowances for liquidated debts of the subhauler to the overlying carrier) under the minimum rates prescribed in this tariff.</p> <p>NOTE 1.--As used in this item the term gross revenue tax means the fees payable to the California Public Utilities Commission under the Transportation Rate Fund Act.</p> <p>NOTE 2.--Nothing herein contained shall prevent an overlying carrier, in paying such charges, from deducting therefrom such liquidated amounts as may be due from the underlying carrier to the overlying carrier, providing such deductions have been authorized in writing by the underlying carrier. Any overlying carrier electing to employ this procedure shall itemize such amounts and maintain for the Commission's inspection all documents involved in the transaction.</p>
480	<p style="text-align: center;">RATES FOR DRY MIXTURES OF ROCK, SAND AND GRAVEL (WITH OR WITHOUT CEMENT) IN BATCHES</p> <p>Rates for the transportation of dry mixtures of two or more of the commodities listed in Item 60, in batches, shall be 15 cents per ton more than the rates otherwise provided in this tariff for the transportation of rock, sand and gravel between the same points.</p>
500	<p style="text-align: center;">REFERENCES TO ITEMS, OTHER TARIFFS AND GENERAL ORDERS</p> <p>Unless otherwise provided, references herein to item numbers in this or other tariffs include references to such numbers with letter suffix, and references to other tariffs or publications include references to amendments and successive issues of such other tariffs or publications and references to general orders include references to amendments or successive issues of such general orders.</p>
<p>No change on this page, Decision No. 84307</p>	
EFFECTIVE	
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