

Decision No. 84668**ORIGINAL**

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 and highway carriers relating to the transportation of sand, rock, gravel and related items (commodities for which rates are provided in Minimum Rate Tariffs 7-A, 17-A and 20).

Case No. 5437
Petition for Modification
No. 283
(Filed November 8, 1974;
amended November 19, 1974)

O P I N I O N

By this petition, as amended, California Trucking Association seeks revisions of Items 260 and 410 of Minimum Rate Tariff 7-A (MRT 7-A) which pertain to premium pay for service performed on Saturdays, Sundays, and holidays.

Petitioner alleges that under prevailing AGC wage provisions applicable to public works construction projects Admission Day is not a holiday and carrier employees are not paid premium pay for work performed on Admission Day. Petitioner further alleges that current wage agreements require premium payments to employees for work performed on the Friday after Thanksgiving Day and that it is not included in Item 260 and it only applies to work performed under Item 410 to work performed under hourly rates in the northern territory.

Petitioner proposes amendments to Items 260 and 410 which would eliminate Admission Day as a holiday on shipments transported to or from a public works project located in the Northern Territory and add the Friday immediately following Thanksgiving Day as a listed holiday for all work performed pursuant to those items.

The petition was protested by the California Asphalt Pavement Association, Associated Independent Owner Operators, and the Associated General Contractors of California. By letter dated May 12, 1975 California Asphalt Pavement Association advised it would withdraw its protest if Admission Day were eliminated as a holiday only for earth transported to or from a public works construction project. By letter dated May 15, 1975 petitioner agreed to the change proposed. Upon acceptance of the change the other protestants withdrew their protests.

In the circumstances, the Commission finds that petitioner's proposal, as modified, is reasonable. A public hearing is not necessary. The Commission concludes that the petition should be granted.

O R D E R

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 August 16, 1975, Fifth Revised Page 23, Fifth Revised Page 24, and Second Revised Page 42 attached hereto and by this reference made a part hereof.

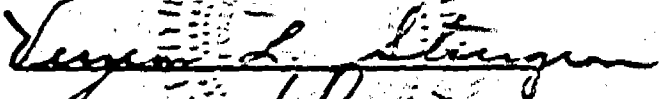
2. Tariff publications authorized to be made by common carriers as a result of this order shall be filed not earlier than the effective date of this order and may be made effective not earlier than the tenth day after the effective date of this order, and may be made effective on not less than ten days' 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. 82061, 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 15th day of JULY, 1975.


President






Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

SECTION 2--DISTANCE RATES (Continued)				ITEM	
APPLICATION OF DISTANCE RATES--GENERAL					
The distance rates in this section shall apply to all shipments, except as provided in Section 3 - Hourly Rates and Section 4 - Production Areas to Delivery Zones Rates and as indicated below:					
1. In connection with transportation from Los Angeles County Production Areas 19-LL and 19-MM to points which are intermediate to Los Angeles County Delivery Zone 19703 and which lie along the route Soledad Canyon Road to State Sign Route 14 to Los Angeles County Delivery Zone 19703 or Soledad Canyon Road to Sand Canyon Road to Los Angeles County Delivery Zone 19703, the rates to be assessed under this section shall not exceed the rates in Section 4 of Minimum Rate Tariff 17-A.					
2. In connection with transportation from Orange County Production Area 30-Q to points which lie along Santiago Canyon Road or El Toro Road and which are intermediate to Orange County Delivery Zone 30026 or 30069, the rates to be assessed under this section shall not exceed the rates in Section 5 of Minimum Rate Tariff 17-A for like transportation from Orange County Production Area 30-Q to Delivery Zone 30026 or 30069 as the case may be.				250	
3. In connection with transportation of commodities as described in Item 30 of this tariff from a production area, as defined in Directory 1, to a point of destination 10 or more miles, by route of movement, beyond a system of delivery zones, as so defined in Minimum Rate Tariff 17-A the charge under the rates in this section shall not be less than that accruing under the rates in Minimum Rate Tariff 17-A for the transportation of a like shipment from the same point of origin along the same route of movement to a point of destination just under 10 miles from the system of delivery zones.					
ADDITIONAL CHARGE FOR SERVICE PERFORMED ON SATURDAYS, SUNDAYS AND HOLIDAYS					
When commodities for which rates are provided in this section, and specifically referred to herein, are picked up at point of origin and transported on Saturday, Sunday and/or the day legally observed as New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, *the Friday immediately following Thanksgiving Day, Christmas Day, (1) Washington's Birthday, (1) Admission Day *o(subject to Note) and (2) Veteran's Day, rates provided therefor in this section shall be increased by the percent shown below:					
Rates in Item:	Northern Territory (See Item 160)		Southern Territory (See Item 160)		260
	Saturday	Sunday and Holiday	Saturday	Sunday and Holiday	
290, 300, 310 and 320-----	18	28	18	38	
(1) Applies when point of origin is within Northern Territory.					
(2) Applies when point of origin is within Southern Territory.					
*NOTE.--Will not apply on shipments of earth transported to or from a Public Works Construction Project. For purposes of applying provisions of this item, a Public Works Construction Project means a project embracing all fixed works constructed for public use or protection on which bids are let by or on behalf of the State, any county or municipal government, or any political subdivision or district thereof.					
INTERTERRITORIAL MOVEMENTS					
When a shipment originates in one territory and terminates in another, the rates applicable in the originating territory will apply.				265	
o Change) * Addition) o Increase) o Reduction)					
Decision No. 84668					
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Correction					

ITEM

SECTION 2--DISTANCE RATES (Continued)

APPLICATION OF RATES FOR USE OF EQUIPMENT OTHER THAN
TRACTOR WITH BOTTOM DUMP DOUBLES IN TRAIN

The provisions of this item do not apply to rates contained in Items 300, 330, 340 and 350.

(a) When the unloading condition at the point of destination requires the use of a dump truck with transfer type end dump pull trailer, the rates in this section shall be increased as follows, subject to a minimum weight of 23 tons transported in one unit of equipment at one time:

	Rate in Cents Per Ton	
	Northern Territory (See Item 160)	Southern Territory (See Item 160)
Commodities, other than Asphaltic Concrete and Cold Road Oil Mixture.....	25	27

(b) When transportation service is requested to be performed by two or three-axle truck without trailing equipment the rates in this section shall be increased by the following percentages: subject to the minimum charge for 12 tons (Item 200) transported in one truck at one time:

<u>Miles</u>		<u>Percent Increase (1) (2)</u>
<u>Over</u>	<u>But Not Over</u>	
0	5	70
5	35	65
35	-	60

(c) When the unloading condition at the point of destination requires the use of dump truck equipment other than described in paragraphs (a) and (b) above and other than tractors with bottom dump doubles in train, the rates in this section shall be increased, subject to a minimum weight of 23 tons transported in one unit of equipment at one time, as follows: (See Exception.)

<u>Miles</u>		<u>Rate in Cents Per Ton (2)</u>
<u>Over</u>	<u>But Not Over</u>	
0	5	10
5	10	10
10	15	10
15	20	9
20	30	8
30	40	7
40	50	6
50	60	5
60	70	4
70	-	3

(1) In computing a rate based on a multiple or proportion of another rate, the following will govern in the disposition of fractions:

Fractions of less than $\frac{1}{4}$ or .50 of a cent, omit.

Fractions of $\frac{1}{4}$ or .50 of a cent or greater, increase to next whole figure.

(2) Commodities, other than Asphaltic Concrete and Cold Road Oil Mixture.

EXCEPTION: The minimum weight for shipment transported by a 2-axle tractor with semi-trailer shall be 10 tons.

No change on this page, Decision No.

84668

EFFECTIVE

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

Correction

SECTION 3--HOURLY RATES (Concluded)	ITEM
<p style="text-align: center;">EXPLANATION OF COLUMN LETTERS USED IN ITEMS 390 and 400</p> <p>COLUMN "M" rates apply on all days except the days on which the Column "O" or Column "P" rates apply.</p> <p>COLUMN "O" rates apply on every Sunday and on the day legally observed as New Year's Day, (1) Washington's Birthday, Memorial Day, Independence Day, Labor Day, (3) Admission Day *ø(subject to Note), (2) Veteran's Day, Thanksgiving Day, ** the Friday immediately following Thanksgiving Day, and Christmas Day.</p> <p>COLUMN "P" rates apply on every Saturday, except as provided in Column "O".</p> <p>(1) Applicable only to rates from points of origin in Northern Territory. (2) Applicable only to rates from points of origin in Southern Territory. (3) Applicable only to rates in Item 390 and from points of origin in Northern Territory.</p> <p>*NOTE.--Will not apply on shipments of earth transported to or from a Public Works Construction Project. For purposes of applying provisions of this item, a Public Works Construction Project means a project embracing all fixed works constructed for public use or protection on which bids are let by or on behalf of the State, any county or municipal government, or any political subdivision or district thereof.</p>	ø410
<p>ø Change) * Addition) ø Reduction) ** Eliminated)</p> <p style="text-align: right;">Decision No. 84668</p>	
EFFECTIVE	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	
Correction	