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Decision No. 85068

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investiga- )  
tion for the purpose of )  
considering 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. 11  
(Filed July 18, 1975)

OPINION AND ORDER

Minimum Rate Tariff 17-A (MRT 17-A) names minimum rates for the transportation of rock, sand, gravel and related commodities by highway carriers in dump truck equipment. By this petition, California Dump Truck Owners Association seeks revision of the accessorial charge rule in Item 180 of MRT 17-A by reinstating the provisions which were previously in effect in connection with the zone rates for the transportation of rock, sand and gravel from production areas in San Diego County.<sup>1</sup>

Petitioner states that the previous rule was established in Item 310 of MRT 17 effective June 20, 1970, and provided a free time allowance of 20 minutes for deliveries from production areas in San Diego County when the transportation was performed by truck and transfer trailer and 15 minutes when the transportation was performed by other equipment. Petitioner avers that, by Decision No. 82061, dated October 30, 1973, in Order Setting Hearing No. 213 in Case No. 5437, the Commission adopted Minimum Rate Tariff 7-A, and the more extensive accessorial charge rule in that tariff applied to the transportation in question. As a result, the specific free time allowance provisions in Item 180 of MRT 17-A for the aforementioned transportation were cancelled.

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<sup>1</sup>The proposed rule revision is set forth in Appendix A attached to the petition.

Petitioner alleges that no studies of cost or performance were introduced in the above proceeding involving transportation under zone rates and the evidence adduced therein indicated that carrier operations under predominately zone rated hauling were not utilized.

Copies of the petition were mailed to various carrier and shipper organizations on or about July 16, 1975. The petition was listed on the Commission's Daily Calendar of July 22, 1975. No objection to the granting of the petition has been received.

In the circumstances, the Commission finds that the proposed revision of the accessorial charge rule is justified and will result in just, reasonable and nondiscriminatory 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:


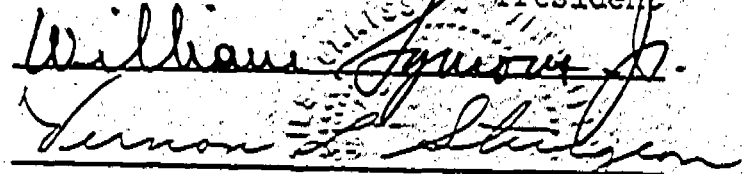
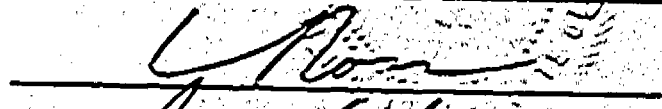

1. Minimum Rate Tariff 17-A (Appendix C to Decision No. 80578, as amended) is further amended by incorporating therein to become effective November 29, 1975, Sixth Revised Page 1-5 and Sixth Revised Page 1-6, attached hereto and by this reference made a part hereof.
2. Common carriers subject to the Public Utilities Act, to the extent that they also 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 by this decision.
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 November 29, 1975.
4. Common carriers, in establishing and maintaining the rule authorized by this order, are authorized to depart from the provisions of Section 461.5 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 rule 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 28<sup>th</sup> day of October, 1975.

  
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President  
  
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Commissioners

SECTION 1--RULES (CONTINUED)	ITEM
<p 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 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>SLAC, Blast Furnace and Open Hearth, air cooled (not expanded)</p>	75
<p align="center">APPLICATION OF TARIFF--GENERAL</p> <p>Rates in this tariff do not apply to the transportation of:</p> <p>(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 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 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 delivery 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 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 (15c) 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
No change on this page, Decision No. <b>85068</b>	
EFFECTIVE	
<p 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 align="center"><b>APPLICATION OF TARIFF--TERRITORIES</b></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 align="center"><b>APPLICATION OF OTHER MINIMUM RATE TARIFFS</b></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><b>EXCEPTION.</b>--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. For the purpose of this exception the written agreement provisions contained in Item 360 of Minimum Rate Tariff 7-A are not applicable.</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 align="center"><b>ACCESSORIAL CHARGES</b></p> <p>§In addition to the charges provided under Sections **, 11, 12, 13, 14 and 15, accessorial charges shall be assessed as provided in Item 90 of Minimum Rate Tariff 7-A.</p> <p>*In Addition to the charges provided under Section 8 (San Diego County) and when, through no fault of the carrier, the unloading and release of carrier's equipment after arrival at destination is delayed beyond the time allowance shown herein, a charge of \$1.60 per unit of carrier's equipment shall be assessed for each six (6) minutes (one-tenth of an hour) or fraction thereof:</p> <p>When transportation is performed by dump truck and transfer trailer combination equipment--20 minutes;</p> <p>When transportation is performed by dump truck equipment other than a dump truck and transfer trailer combination equipment--15 minutes.</p>
	<p>           § Change       )            * Addition    )            ◊ Increase    ) Decision No.            ** Eliminated)         </p> <p align="center"><b>85068</b></p>
	<p align="center"><b>EFFECTIVE</b></p>
Correction	<p align="center">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,          SAN FRANCISCO, CALIFORNIA.</p>