

ORIGINAL

Decision No. 85093

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investiga- )  
tion into the rates, rules, regu- )  
lations, charges, allowances, and )  
practices of all common carriers )  
and highway carriers relating to )  
the transportation of cement and )  
related products (commodities for )  
which rates are provided in Mini- )  
mum Rate Tariff 10). )

Case No. 5440  
Petition for Modification No. 100  
(Filed July 31, 1975)

OPINION AND ORDER

Minimum Rate Tariff 10 (MRT 10) names minimum rates and rules for the transportation of cement and related commodities within California by highway carriers. By this petition, California Trucking Association seeks to have MRT 10 amended by: (1) providing a charge of \$18.50 per hour in lieu of the charge of \$100.00 for furnishing, establishing and removing each transfer storage facility at a construction job site and (2) establishing a charge of \$15.00 for the service of securing each permit and a charge equal to the fee, if any, assessed by the governmental agency for issuing such permit.<sup>1</sup>

Petitioner states that the aforementioned tariff provisions have been in effect without change since October 18, 1966, and it has become apparent, with experience and use, that the current tariff provisions for this service are no longer responsive to the needs of the affected parties due to changes in the construction industry and the economy. Petitioner alleges that its proposal will enable the carriers to achieve maximum utilization of equipment and meet the highly seasonal and varying demands of the construction industry.

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<sup>1</sup> The present provisions are contained in Item No. 118 of MRT 10. The proposed provisions are set forth in detail in Exhibit A attached to the petition.

Copies of the petition were mailed to various interested parties. The petition was listed on the Commission's Daily Calendar of August 1, 1975. No objection to the granting of the petition has been received.

In the circumstances, the Commission finds that petitioner's proposal is justified and will result in just, reasonable and non-discriminatory rates and 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 10 (Appendix A to Decision No. 44633, as amended) is further amended by incorporating therein, to become effective December 13, 1975, Twenty-second Revised Page 5 and First Revised Page 6-B, 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. 44633, as amended, are hereby directed to establish in their tariffs the amendments necessary to conform with the further adjustments ordered herein.



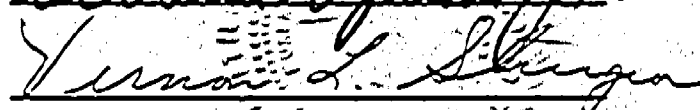

3. Tariff publications required or authorized to be made by common carriers as a result of this order shall be filed not earlier than the effective date of this order and may be made effective not earlier than the tenth day after the effective date of this order, on not less than ten days' notice to the Commission and to the public; such tariff publications as are required shall be made effective not later than December 13, 1975; and as to tariff publications which are authorized but not required, the authority shall expire unless exercised within sixty days after the effective date of this order.

4. Common carriers, in establishing and maintaining the rates 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 rates 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. 44633, as amended, shall remain in full force and effect.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 12<sup>th</sup> day of November, 1975.

  
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President  
  
  
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Commissioners

Commissioner Robert Batimovich, being necessarily absent, did not participate in the disposition of this proceeding.

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;"><b>APPLICATION OF RATES</b></p> <p>Rates provided in this tariff apply for the transportation of shipments from point of origin to point of destination, and include the services of the driver only for loading into and unloading from carrier's motor vehicle. (See Note)</p> <p>NOTE.--Rates do not apply to the transportation of:</p> <ul style="list-style-type: none"> <li>(a) Disaster Supplies, i.e., those 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.</li> <li>(b) Property of the United States or property transported under an agreement whereby the United States contracted for the carrier's services.</li> <li>(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.</li> </ul>	20
<p style="text-align: center;"><b>APPLICATION OF TARIFF--CARRIERS</b></p> <p>Rates provided in this tariff are minimum rates, established pursuant to the Highway Carriers' Act. They apply for the transportation of property by radial highway common carriers, highway contract carriers and cement contract carriers, as defined in said Highway Carriers' Act.</p> <p>When property in continuous through movement is transported by two or more such carriers, the rates (including minimum charges) provided herein shall be the minimum rates for the combined transportation.</p>	30
<p style="text-align: center;"><b>APPLICATION OF TARIFF--COMMODITIES</b></p> <ol style="list-style-type: none"> <li>1. Rates in this tariff apply for the transportation of Cement, hydraulic, masonry, natural or Portland, in bulk or in packages. (Subject to Item 65)</li> <li>2. Rates in this tariff also apply to the following commodities when shipped in mixed shipments with not less than fifty percent (50%), by weight, of cement in packages: <ul style="list-style-type: none"> <li>Lime, common, including magnesium lime, hydrated or hydraulic, quick or slaked, in packages;</li> <li>Cement flue dust, in packages; and/or</li> <li>Limestone, powdered, in packages.</li> </ul> </li> <li>3. Rates in this tariff also apply for the furnishing and/or transportation of transfer storage facilities when used for the temporary storage of commodities named in this item and when such commodities are transported by the same carrier. (See Item 118)</li> </ol> <p>Except as otherwise provided in Item 220, rates in this tariff do not apply to shipments of empty pallets.</p>	40
<p style="text-align: center;"><b>COMPUTATION OF DISTANCES</b></p> <p>Subject to the exceptions provided in Items 55, 56 and 58, distances to be used in connection with distance rates named herein shall be the shortest resulting mileage via any public highway route computed in accordance with the method provided in the Distance Table.</p>	50
<div style="display: flex; justify-content: space-between; align-items: center;"> <div>             * Change )              * Addition ) </div> <div>             Decision No. <b>85093</b> </div> </div>	
<b>EFFECTIVE</b>	
<div style="display: flex; justify-content: space-between;"> <div>Correction</div> <div>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</div> </div>	

SECTION 1--RULES AND REGULATIONS (Continued)	ITEM
<p style="text-align: center;">FURNISHING OF TRANSFER STORAGE FACILITIES</p> <p>§ Upon receipt of written request from the consignor or consignee, the carrier may furnish and/or transport to construction job sites, transfer storage facilities with a capacity not exceeding 64,500 cubic feet, subject to the following conditions and charges:</p> <p>(1) A suitable site shall be provided without cost to the carrier for the transfer storage facility with ready access accommodating the type of equipment operated by the carrier; and carrier must be provided 24-hour access for unloading.</p> <p>(a) The transfer storage facility, when placed at a job site, will for the duration of such job, be considered part of consignee's storage facilities and withdrawing or transferring cement from the transfer storage facilities will be the responsibility of the consignee. The rates provided in this tariff do not include carrier operation of such facility. If carrier provides personnel to operate such transfer facilities, charges provided in Item 100 must be assessed; and</p> <p>(b) Any fuel required to operate transfer facilities must be furnished by consignee.</p> <p>§ (2) **Any cement remaining in the transfer storage facility at completion of project must be disposed of by the consignee.</p> <p>§ (3) The use of a carrier furnished transfer storage facility will be limited to the temporary storage of cement transported subject to the rates provided in Section 2 of this tariff. **</p> <p>§ (4) The following charges shall be **paid by the party requesting the services provided in this item:</p> <p>§(a) For transporting, establishing and removing each transfer storage facility, an hourly charge of \$6518.50 will be assessed and computed on a portal to portal basis.</p> <p>§(b) Applies only to carrier furnished transfer storage facilities:</p> <p>1) For each week, or fraction thereof, beginning with the first delivery of cement to the facility or the date on which the carrier is instructed in the consignee's written request to place the transfer facility at the job site, whichever is first, and ending with delivery of the last load, or the date on which carrier is instructed by the consignee to remove storage facility, whichever is later, a charge of \$135.00; and</p> <p>2) For each calendar day in which cement is physically transferred from the storage facility, a charge of \$5.00 per day.</p> <p>*(c) A charge of \$15.00 shall be made for the service of securing each permit, and a charge shall be made equal to the fee, if any, assessed by the governmental agency for issuing each permit.</p>	<p>\$118</p>
<p>§ Change ) * Addition ) o Increase ) Decision No. o Reduction ) ** Eliminated )</p>	<p>85093</p>
EFFECTIVE	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	
Correction	