

Decision No. 86308

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation
for the purpose of considering and
determining minimum rates for
transportation of sand, rock, gravel,
and related items in bulk, in dump
truck equipment between points in
California as provided in Minimum
Rate Tariff 7-A and the revisions
or reissues thereof.

Case No. 5437

In the Matter of the Investigation
for the purpose of considering and
determining minimum rates for
transportation of rock, sand, gravel,
and related items in bulk, in dump
truck equipment in Southern California
as provided in Minimum Rate Tariff
17-A and Southern California Production
Area and Delivery Zone Directory 1,
and the revisions or reissues thereof.

Case No. 9819

In the Matter of the Investigation
for the purpose of considering and
determining minimum rates for
transportation of rock, sand, and
gravel in bulk, in dump truck
equipment in Northern California
as provided in Minimum Rate Tariff
20 and Northern California Production
Area and Delivery Zone Directory 2,
and the revisions and reissues thereof.

Case No. 9820

SUPPLEMENTAL OPINION AND ORDER

Decision No. 86061 established General Order No. 139,
effective September 1, 1976. Finding 9 of that decision provides:

"Each of the minimum rate tariffs, except MRTs 3-A and 4-B, should be amended to show that loss or damage claims must be filed and processed according to the provisions of General Order No. 139. For convenience, such tariff amendments should be made by separate orders."

Therefore, 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 September 1, 1976, Third Revised Page 2, Third Revised Page 12, and Third Revised Page 13 attached hereto.
2. Minimum Rate Tariff 17-A (Appendix C to Decision No. 80578, as amended) is further amended by incorporating therein, to become effective September 1, 1976, Second Revised Page ii, Second Revised Page iii, Seventh Revised Page 1-5, and Seventh Revised Page 1-6 attached hereto.
3. Minimum Rate Tariff 20 (Appendix A to Decision No. 81799, as amended) is further amended by incorporating therein, to become effective September 1, 1976, Second Revised Page ii, Second Revised Page iii, Third Revised Page 1-3, and Third Revised Page 1-4 attached hereto.

4. In all other respects Decisions Nos. 82061, 80578, and 81799, as amended, shall remain in full force and effect.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 24th
day of AUGUST, 1976.

[Signature] President
William J. [Signature]
Vernon L. [Signature]
[Signature]
Paul [Signature] Commissioners

MINIMUM RATE TARIFF 7-A

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(1) Second Revised Page 2 was suspended by Supplement 5.

Change } Decision No. **86308**
 Addition }

EFFECTIVE

Correction

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

MINIMUM RATE TARIFF 7-A

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">ALTERNATIVE APPLICATION OF COMMON CARRIER RATES</p> <p>Rates of common carriers by land published and filed with the Commission may be applied in lieu of the rates provided in this tariff, when such common carrier rates produce a lower aggregate charge for the same transportation, from the same point of origin to the same point of destination, than results from the application of the rates herein provided (Subject to Notes 1, 2, 3, 4 and 5).</p> <p>NOTE 1.--(Applies only in Northern Territory.) When the point of origin is on an industrial railroad connecting with a common carrier railroad, the common carrier rate shall be deemed to apply from the point of origin.</p> <p>NOTE 2.--When a rail carload rate is subject to varying minimum weights, dependent upon the size of the car ordered or used, the lowest minimum weight obtainable under such minimum weight provisions may be used in applying the basis provided in this item. When the rail carload rate is subject to a specified minimum weight, subject to the condition that if the car is loaded to full visible or weight carrying capacity, actual weight will apply, or to actual weight but not less than a lesser carload minimum weight, the actual weight will apply subject to the lesser carload minimum weight, if any.</p> <p>NOTE 3.--In applying the provisions of this item, a rate no lower than the common carrier rate and a weight no lower than the actual weight or published minimum weight (whichever is the higher) applicable in connection with the common carrier rate shall be used.</p> <p>NOTE 4.--When rail switching charges are applicable in connection with line-haul movements by rail and the gross weight of the shipment exceeds the applicable carload minimum weight, only one rail switching charge shall be assessed.</p> <p>NOTE 5.--In the event the common carrier rate which is used does not include loading and/or unloading services, a charge of 15 cents per ton for loading and/or a charge of 15 cents per ton for unloading shall be added to the applicable common carrier rate. No additional charge shall be applied for loading if the common carrier rate includes loading and no additional charge shall be applied for unloading if the common carrier rate includes unloading. Actuation by carrier's driver or employee of loading or unloading devices shall constitute loading or unloading service.</p>	100
<p>No change on this page, Decision No.</p>	86308
EFFECTIVE	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	

Correction

ITEM	SECTION 1--RULES (Continued)
110	<p style="text-align: center;">ALTERNATIVE APPLICATION OF COMBINATIONS WITH COMMON CARRIER RATES (Subject to Notes 1, 2, 3, 4 and 5 of Item 100)</p> <p>When lower aggregate charges result, tonnage rates provided in this tariff may be used in combination with the published rates of common carriers by land filed with the Commission for the transportation of shipments of the same kind of property between the same points, subject to the following conditions:</p> <p>(a) When the point of origin is located beyond a railhead and the point of destination is located at a railhead, add to the common carrier rate applying from any (1) team track or (2) private railhead which is owned or leased by the party who contracts with the carrier for the performance of the transportation service, to point of destination the tonnage rate provided in this tariff, applicable to the weight of the entire shipment, for the distance from the point of origin to any such team track or private railhead from which the common carrier rate used applies. (See Note 1)</p> <p>(b) When the point of origin is located at a railhead and the point of destination is located beyond a railhead, add to the common carrier rate applying from point of origin to any (1) team track or (2) private railhead which is owned or leased by the party who contracts with the carrier for the performance of the transportation service, the tonnage rate provided in this tariff, applicable to the weight of the entire shipment, for the distance from any such team track or private railhead to point of destination. (See Note 1)</p> <p>(c) When both the point of origin and the point of destination are located beyond railhead, add to the common carrier rate applying between any railheads, the tonnage rate provided in this tariff, applicable to the weight of the entire shipment, for the distance from point of origin to any (1) team track or (2) private railhead which is owned or leased by the party who contracts with the carrier for the performance of the transportation service, from which the common carrier rate used applies, plus the tonnage rate provided in this tariff, applicable to the weight of the entire shipment, for the distance from any (1) team track or (2) private railhead which is owned or leased by the party who contracts with the carrier for the performance of the transportation service, to which the common carrier rate used applies to point of destination. (See Note 1)</p> <p>NOTE 1.--(Applicable only within or from Northern Territory) (Exception to Note 5 of Item 100)--The additional charge for loading will not apply when the railhead from which a common carrier rate applies has a facility by which rail cars can be loaded by gravity directly from a unit of dump truck equipment. The additional charge for unloading will not apply when the railhead to which a common carrier rate applies has a facility by which a unit of dump truck equipment can be loaded by gravity directly from a rail car.</p>
*115	<p style="text-align: center;">HANDLING OF CLAIMS FOR LOSS OR DAMAGE</p> <p>Claims for loss or damage shall be governed by the provisions of General Order No. 139.</p>
120	<p style="text-align: center;">BRIDGE AND FERRY TOLLS</p> <p>Except as provided in Items 530 to 560 inclusive, and except on shipments transported under distance rates determined by the use of the Distance Table, the actual bridge or ferry tolls shall be added to the transportation charge when such facilities are used by the carrier.</p>
<p style="text-align: center;">* Addition, Decision No. 86308</p>	
<p style="text-align: center;">EFFECTIVE</p>	
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	

MINIMUM RATE TARIFF 17-A

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(1) First Revised Page 11 was suspended by Supplement 9.
 No change on this page, Decision No. **86308**

EFFECTIVE

Correction

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

MINIMUM RATE TARIFF 17-A

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(1) First Revised Page 111 was suspended by Supplement 9.		
* Change) Decision No. 86308 * Addition)		
EFFECTIVE		
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.		
Correction		

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> <ul style="list-style-type: none"> (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. (b) Property of the United States or property transported under an agreement whereby the United States contracted for the carrier's service. (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. 	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 delivered 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 (15¢) 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
<p>No change on this page, Decision No. 86308</p>	
EFFECTIVE	
<p>Correction ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>	

ITEM:	SECTION 1--RULES (CONTINUED)
140	<p style="text-align: center;">APPLICATION OF TARIFF--TERRITORIES</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 style="text-align: center;">APPLICATION OF OTHER MINIMUM RATE TARIFFS</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>EXCEPTION.--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 style="text-align: center;">ACCESSORIAL CHARGES</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 3 (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>
*190	<p style="text-align: center;">HANDLING OF CLAIMS FOR LOSS OR DAMAGE</p> <p>Claims for loss or damage shall be governed by the provisions of General Order No. 139.</p>
<p style="text-align: center;">* Addition, Decision No. 86308</p>	
<p style="text-align: center;">EFFECTIVE</p>	
<p style="text-align: center;">Correction ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>	

MINIMUM RATE TARIFF 20

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(1) First Revised Page 11 was suspended by Supplement 4.	
Change) Decision No. 86308	
Addition)	
EFFECTIVE	
Correction	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.

SECOND REVISED PAGE.....111
CANCELS
(1) FIRST REVISED PAGE.....111
AND
ORIGINAL PAGE.....111

MINIMUM RATE TARIFF 20

ARRANGEMENT OF TARIFF

This is a loose-leaf tariff consisting of seven sections.

SECTION 1 - Rules

SECTION 2 - Zone Rates for the Transportation of Rock, Sand and Gravel from
Alameda County Production Areas to Delivery Zones

SECTION 3 - Zone Rates for the Transportation of Rock, Sand and Gravel from
Contra Costa County Production Areas to Delivery Zones

SECTION 4 - Zone Rates for the Transportation of Rock, Sand and Gravel from
San Mateo County Production Areas to Delivery Zones

SECTION 5 - Zone Rates for the Transportation of Rock, Sand and Gravel from
Santa Clara County Production Areas to Delivery Zones

SECTION 6 - Zone Rates for the Transportation of Rock, Sand and Gravel from
Santa Cruz County Production Areas to Delivery Zones

SECTION 7 - Form of Shipping Document.

(1) First Revised Page 111 was suspended by Supplement 4.

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86308

EFFECTIVE

Correction

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

SECTION 1--RULES (CONTINUED)	ITEM
<p align="center">APPLICATION OF TARIFF--CARRIERS</p> <p>Rates provided in this tariff are minimum rates, established pursuant to the Highway Carriers' Act. They apply for transportation of property by dump truck carriers, as defined in said Highway Carriers' Act, in bulk in dump truck equipment.</p> <p>The rates and rules contained in this tariff shall apply to transportation by underlying carriers (independent-contractor subhauler) when such transportation is performed for other carriers as provided in Item 460.</p>	40
<p align="center">APPLICATION OF TARIFF--COMMODITIES</p> <p>Rates in this tariff apply for the transportation of the following commodities:</p> <p>Rock, natural, crushed, chips, waste or dust (Subject to Notes 1 and 2),</p> <p>Sand,</p> <p>Gravel.</p> <p>NOTE 1.--The term "rock", as used herein, includes stone.</p> <p>NOTE 2.--The term "rock", as used herein, includes any rock or rocks that passes through a 6-inch screen as used in the industry.</p>	60
<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">HANDLING OF CLAIMS FOR LOSS OR DAMAGE</p> <p>Claims for loss or damage shall be governed by the provisions of General Order No. 139.</p>	*85
<p>* Addition, Decision No. 86308</p>	
EFFECTIVE	
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	

ITEM	SECTION 1--RULES (CONTINUED)
100	<p style="text-align: center;">APPLICATION OF TARIFF--RATES</p> <p>Except as otherwise provided, the rates in this tariff are zone rates and include bridge tolls. The rates apply from all points of origin within the designated production areas to all points of destination within the designated delivery zones.</p> <p>If any portion of a shipment is physically delivered 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>
120	<p style="text-align: center;">APPLICATION OF TARIFF--TERRITORIES</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 Northern California Production Area and Delivery Zone Directory 2. 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>
140	<p style="text-align: center;">APPLICATION OF TARIFF--TYPES OF EQUIPMENT</p> <p>(a) Rates in the tariff apply to transportation of rock, sand and gravel in four- and five-axle dump truck equipment (truck tractor or dump truck with dump-type trailing equipment).</p> <p>(b) When the shipper, debtor or overlying carrier requests transportation service to be performed by a two- or three-axle truck with transfer-type pull trailer, the rate shall be 15 cents per ton more than the otherwise applicable rate.</p> <p>(c) Rates in this tariff do not apply to transportation of rock, sand and gravel in two- or three-axle dump trucks without trailing equipment. When such equipment is utilized rates set forth in Minimum Rate Tariff 7-A shall apply.</p>
160	<p style="text-align: center;">APPLICATION OF OTHER MINIMUM RATE TARIFFS</p> <p>Except as otherwise provide, 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.</p> <p>For rates for the transportation of commodities in dump truck equipment, other than as provided in this tariff, see Minimum Rate Tariff 1-B, 2, 7-A or 19 as the case may be.</p>
<p style="text-align: center;">No change on this page, Decision No. 86308</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>	