

Decision 90 03 015 MAR 14 1990

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.)

ORIGINAL

Case 5437
Petition for Modification 339
(Filed May 19, 1989;
amended August 17, 1989)

O P I N I O N

California Dump Truck Owners Association (petitioner) is a California corporation with a membership of 1,600 permitted carriers. A copy of its Articles of Incorporation is on file with the Commission as required by Rule 16 of the Commission's Rules of Practice and Procedure.

Petitioner has filed to request that Minimum Rate Tariff (MRT) 7-A be amended by the addition of two new proposed items.

MRT 7-A presently sets forth zone hauling rates in various parts of the state including zone rates for rock, sand, and asphaltic concrete in the Antelope Valley area of Southern California.

These rates are based on operating costs determined some 30 years ago. Since that time the Commission and the industry have worked together to update the rate levels.

In the interim, dump truck technology has advanced and some types of dump trucks now in use are the most efficient for certain types of hauling. Rates which have been augmented to reflect the increase in costs are available to those carriers who operate under the distance rates in MRT 17-A and MRT 7-A, but are not available to the MRT 7-A zone haulers in the Antelope Valley area of Los Angeles County.

Carriers who charge zone rates for Antelope Valley hauling are therefore not adequately compensated when they are using special high cost dump truck equipment. This petition was filed to conform the Antelope Valley zone rates with the MRT 17-A and MRT 7-A distance rates, which already reflect differences in equipment costs.

The Commission's Transportation Division has recommended that the application be granted.

Copies of the application and the amendment were mailed to the Associated General Contractors of California, Associated Independent Owner Operators, Inc., California Carriers Association, California Asphalt Pavement Association, Southern California Rock Products Association, and the Department of Transportation of the State of California. Notice of the filing of the application appeared in the Commission's Transportation Calendar on May 25 and August 24, 1989. There have been no protests or requests for hearing.

Findings of Fact

1. Distance and zone rates listed in MRT 17-A and the distance rates in MRT 7-A have been augmented to cover the use of high cost dump truck equipment.
2. Zone rates for carriers operating out of Antelope Valley (Los Angeles County) have not been sufficiently increased to cover the use of special high cost dump truck equipment.
3. Antelope Valley carriers who charge zone rates and operate special dump truck equipment have therefore been required to charge rates which do not provide an adequate return.
4. The rates proposed herein are just and reasonable and will enable the Antelope Valley dump truck haulers charging zone rates to achieve parity with carriers charging the augmented rates.
5. The application has not been protested.
6. A public hearing is not necessary.

Conclusion of Law

The petition should be granted.

O R D E R

IT IS ORDERED that:

1. MRT 7-A (Appendix B to Decision (D.) 82061 as amended) is further amended by incorporating the revised pages shown in Appendix A, to become effective 30 days after today.

2. Common carriers subject to the Public Utilities Act, to the extent that they are subject also to D.82061, as amended, are directed to establish in their tariffs the increases and reductions 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 effective date of the tariff pages attached.

4. Common carriers, in establishing and maintaining the rates authorized by this order, are authorized to depart from the provisions of Public Utilities Code § 461.5 to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; such outstanding authorizations are modified 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, D.82061, as amended, shall remain in full force and effect.

6. The Executive Director shall serve a copy of this decision on every common carrier, or such carrier's authorized tariff publishing agent, performing transportation services subject to MRT 7-A.

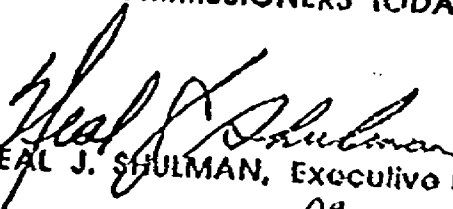
7. The Executive Director shall serve a copy of this decision on each subscriber to MRT 7-A.

This order becomes effective 30 days from today.

Dated MAR 14 1990, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY


NEAL J. SHULMAN, Executive Director
PB

APPENDIX A

LIST OF ORIGINAL AND REVISED PAGES TO
MINIMUM RATE TARIFF 7-A

FOURTH REVISED PAGE 45
ORIGINAL PAGE 45-A
NINTH REVISED PAGE 84
NINTH REVISED PAGE 85
TENTH REVISED PAGE 86
TENTH REVISED PAGE 87

(END OF APPENDIX A)

MINIMUM RATE TARIFF 7-A

ITEM	SECTION 4--RATES FROM PRODUCTION AREAS TO DELIVERY ZONES (Continued)
460	<p style="text-align: center;">ALTERNATIVE APPLICATION OF DISTANCE RATES WITH COMBINATION RATES BASED UPON ZONE RATES</p> <p>When the point of origin of a shipment is within one of the Los Angeles County Production Areas, and when the point of destination is outside of but the route of movement is through any of the Los Angeles County, Orange County, San Bernardino County or San Diego County Delivery Zones, the zone rates in this section may be used as a basis for computing charges as follows:</p> <p>Add to the rate applicable for the transportation of a like shipment from the same point of origin to the last delivery zone passed through on the route of movement a rate of 12 cents per ton per mile for each mile or fractional thereof actually traversed from the point of departure from the last delivery zone to the point of destination.</p> <p>If the charge accruing under the distance rates in Section 2 is lower than the charge accruing under the provisions of this rule on the same shipment between the same points, the charge accruing under said distance rates shall apply.</p>
* 464	<p style="text-align: center;">APPLICATION OF ASPHALTIC CONCRETE AND COLD ROAD OIL MIXTURE RATES FOR USE OF EQUIPMENT OTHER THAN TRACTOR WITH BOTTOM DUMP DOUBLES IN TRAIN</p> <p>The provisions of this item apply only to rates contained in Item 490.</p> <p>(a) When the transportation service is performed by dump trucks with transfer type trailing 2-axle or 3-axle trucks with pup type trailing equipment, and when in the course of equipment or accomplishing the delivery, the operator disconnects and separates the trailer from the truck, the rate shall be seventy one (71) cents per ton in addition to those rates provided when transportation is performed at the rates in Section 4, Item 490 of this tariff.</p> <p>(b) When the unloading condition at the point of destination requires the use of dump truck equipment operating other than in combination (tractor/semi end dumps) described in paragraph (a) above and other tractors with bottom dump doubles in train, the rates in Section 4, Item 490, of this tariff shall be increased by 17 cents per ton, subject to a minimum weight of 23 tons transported in one unit of equipment at one time.</p>
* 467	<p style="text-align: center;">APPLICATION OF RATES FOR USE OF EQUIPMENT OTHER THAN TRACTOR WITH BOTTOM DUMP DOUBLES IN TRAIN</p> <p>The provisions of this item apply only to rates contained in Item 510.</p> <p>(a) When the transportation service is performed by 2-axle or 3-axle trucks with transfer type pull trailer or by 2-axle or 3-axle trucks with pup type trailing equipment and when in the course of accomplishing the delivery the operator disconnects and separates the trailer from the truck, the rate shall be forty (40) cents per ton in addition to those rates provided for when transportation is performed at the rates in Section 4, Item 510 of this tariff or at rates which are combined with such rates.</p> <p>(b) When the unloading condition at the point of destination requires the use of dump truck equipment operating other than in combination (tractor/semi end dumps) described in paragraph (a) above and other than tractors with bottom dump doubles in train, the rates in Section 4, Item 510 of this tariff shall be increased by 17 cents per ton, subject to a minimum weight of 23 tons transported in one unit of equipment at one time.</p>
(1)	<p>Item 470 is Transferred To Original Page 45-A.</p> <p>* Addition, Decision 90 03 015</p>
	EFFECTIVE April 13, 1990
Correction	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.

Item	SECTION 4--RATES FROM PRODUCTION AREAS TO DELIVERY ZONES (Continued)
(1) 470	<p style="text-align: center;">RULES GOVERNING BOUNDARY DESCRIPTIONS Rules applicable to the descriptions of boundaries of Delivery Zones and Production Areas contained in this section</p> <p>Where streets, railway lines, rights of way railway companies and water courses are used to define boundaries or are used as the line or point from which boundaries are measured, the center line of such streets, railway lines, rights of way and water courses will constitute the definite boundary line or the definite line or point from which boundaries are measured. Where such a street is divided, the center line of the dividing strip will constitute the definite boundary line or the line or point from which boundaries are measured.</p> <p>(Applies only in connection with descriptions of Antelope Valley Production Area and Delivery Zones appearing on Pages 53 to 74, inclusive.) Where streets and highways, in connection with Antelope Valley, are used to describe zone boundaries, the words "and extension thereof" will be considered as inherent in the description whenever appropriate for the purpose of completing closure of a zone.</p> <p>Unless otherwise noted, where a street is named as a boundary line which has an offset at any intersecting street, and carries the same name at either side of the offset, such portion of the intersecting street encompassed in the offset will become a part of such boundary line.</p> <p>The term "street" as used above will be synonymous with "avenue", "boulevard", "drive", "lane", "terrace", "road" or other designations thereof.</p> <p>Where the term "shoreline" is employed as a boundary line, such boundary lines shall be construed to embrace any pier or wharf extending into the adjacent body of water.</p> <p>Where the terms "north", "west", "south" and "east" are used on a course in the following descriptions, they are referenced to the true meridian and indicative of a true direction.</p> <p>The term "parallel" as used herein denotes an equidistant course with relation to the line referred to whether said line is straight or curved.</p> <p>Where section lines are employed in Southern Territory they are in each instance referenced to the San Bernardino Base and Meridian; in Northern Territory they are referenced to Mount Diablo Base and Meridian.</p> <p>At the beginning of Northern Territory boundary descriptions a name is shown for convenience in referring to the zone or area. This name may also be the name of a city, community, street or other feature; but it is not to be construed as extending the boundaries beyond those which follow the name.</p>
	<p style="text-align: right;">90 03 015</p> <p>(1) Item 470 is transferred from Third Revised Page 45, Decision</p>
EFFECTIVE April 13, 1980	
<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 7-A

SECTION 4--RATES FROM PRODUCTION AREAS TO DELIVERY ZONES In Cents Per Ton (Continued)						ITEM
COMMODITIES, viz.: Asphaltic Concrete; Cold Road Oil Mixture.						
Minimum Weight 6 Tons						
TO (1) San Diego County Delivery Zones	FROM (1) San Diego County Production Areas		TO (1) San Diego County Delivery Zones	FROM (1) San Diego County Production Areas		
	37-C	37-D		37-C	37-D	
29	301	453	59	256	120	
30	272	420	60	276	118	
31	241	389	61	311	148	
32	215	364	62	343	191	
33	190	338	63	328	227	
34	305	456	64	301	256	
35	324	456	65	272	296	
36	288	406	66	278	120	
37	210	358	67	299	299	
38	152	320	68	288	272	
39	135	286	69	334	237	
40	171	320	70	334	186	
41	198	347	71	296	147	
42	225	328	72	266	117	
43	250	320	73	136	210	480
44	278	358	74	112	227	
45	347	409	75	102	250	
46	355	379	76	317	394	
47	256	331	77	324	422	
48	231	304	78	334	499	
49	256	317	79	367	529	
50	214	284	80	367	538	
51	227	284	81	363	514	
52	226	311	82	328	484	
53	204	336	83	369	516	
54	159	231	84	336	486	
55	188	254	85	301	453	
56	171	178	86	245	394	
57	198	147	87	269	413	
58	221	121	88	300	436	
			89	301	406	
(1) For descriptions of San Diego County Production Areas and Delivery Zones see pages 77 to 83, inclusive.						
No change on this page, Decision						90 03 015
						EFFECTIVE April 13, 1990
Correction						ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.

ITEM

SECTION 4--RATES FROM PRODUCTION AREAS TO DELIVERY ZONES
In Cents Per Ton (Continued)

MATERIAL, viz.: Asphaltic Concrete; Cold Road Oil Mixture.

FROM ANTELOPE VALLEY PRODUCTION AREA A TO
ANTELOPE VALLEY DELIVERY ZONES
Minimum Weight 8 TonsFOR ROUND-TRIP DELIVERY TIMES (in minutes) TO DETERMINE
ZONE RATES ON THIS PAGE SEE ITEM 500

Minutes	Rate	Minutes	Rate	Minutes	Rate	Minutes	Rate	Minutes	Rate	Minutes	Rate
40	148	80	267	120	384	160	499	200	615	240	733
41	152	81	270	121	386	161	502	201	619	241	737
42	156	82	272	122	389	162	506	202	622	242	742
43	159	83	275	123	391	163	509	203	626	243	746
44	163	84	277	124	394	164	512	204	629	244	751
45	165	85	281	125	397	165	515	205	632	245	755
46	168	86	284	126	401	166	517	206	634	246	760
47	170	87	288	127	404	167	520	207	637	247	764
48	173	88	291	128	407	168	522	208	639	248	769
49	175	89	295	129	409	169	525	209	642	249	773
50	178	90	298	130	412	170	528	210	645	250	778
51	182	91	300	131	415	171	531	211	648	251	782
52	185	92	303	132	418	172	535	212	650	252	787
53	189	93	305	133	421	173	538	213	653	253	791
54	192	94	308	134	424	174	541	214	656	254	796
55	194	95	310	135	427	175	544	215	659		
56	197	96	313	136	430	176	546	216	662		
57	199	97	315	137	432	177	549	217	665		
58	202	98	318	138	435	178	551	218	668		
59	204	99	320	139	438	179	554	219	671		
60	207	100	323	140	441	180	557	220	674		
61	210	101	326	141	444	181	560	221	677		
62	213	102	330	142	447	182	563	222	679		
63	216	103	333	143	450	183	566	223	682		
64	219	104	336	144	453	184	569	224	685		
65	223	105	339	145	456	185	572	225	688		
66	226	106	342	146	459	186	575	226	691		
67	230	107	345	147	463	187	579	227	693		
68	233	108	348	148	466	188	582	228	696		
69	237	109	351	149	469	189	585	229	699		
70	239	110	354	150	471	190	588	230	702		
71	242	111	356	151	473	191	591	231	705		
72	244	112	359	152	476	192	593	232	708		
73	247	113	361	153	478	193	596	233	711		
74	249	114	364	154	480	194	599	234	714		
75	252	115	367	155	483	195	602	235	717		
76	255	116	371	156	486	196	604	236	720		
77	259	117	374	157	490	197	607	237	722		
78	262	118	378	158	493	198	609	238	725		
79	265	119	381	159	496	199	612	239	728		

(1)
490

(1) Subject to Item 464, Decision No. 90 03 015

EFFECTIVE April 13, 1990

Correction

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

SECTION 4--RATES FROM PRODUCTION AREAS TO DELIVERY ZONES
In Cents Per Ton (Continued)

ROUND-TRIP DELIVERY TIMES In Minutes

Item 500

FROM (1) ANTELOPE VALLEY PRODUCTION AREA A
TO (1) ANTELOPE VALLEY DELIVERY ZONESFOR RATES APPLICABLE TO ROUND-TRIP DELIVERY TIMES
SHOWN BELOW, SEE ITEM 490

ZONE	MINUTES	ZONE	MINUTES	ZONE	MINUTES	ZONE	MINUTES	ZONE	MINUTES	ZONE	MINUTES
15-001	144	15-008	153	15-015	212	15-022	183	15-029	246	15-036	148
15-002	137	15-009	160	15-016	221	15-023	193	15-030	254	15-037	149
15-003	130	15-010	168	15-017	229	15-024	203	15-031	165	15-038	156
15-004	121	15-011	174	15-018	167	15-025	213	15-032	155	15-039	147
15-005	128	15-012	185	15-019	176	15-026	223	15-033	171	15-040	137
15-006	136	15-013	195	15-020	164	15-027	230	15-034	163	15-041	127
15-007	144	15-014	203	15-021	173	15-028	238	15-035	156	15-042	134
										15-043	125
										15-044	117
19-800	115	19-825	106	19-850	85	19-875	99	19-900	89	19-925	75
19-801	105	19-826	82	19-851	75	19-876	91	19-901	96	19-926	78
19-802	97	19-827	76	19-852	73	19-877	102	19-902	90	19-927	85
19-803	127	19-828	65	19-853	65	19-878	94	19-903	89	19-928	91
19-804	117	19-829	50	19-854	59	19-879	83	19-904	90	19-929	98
19-805	108	19-830	45	19-855	63	19-880	76	19-905	90	19-930	107
19-806	96	19-831	45	19-856	60	19-881	77	19-906	95	19-931	116
19-807	89	19-832	52	19-857	58	19-882	76	19-907	106	19-932	124
19-808	81	19-833	47	19-858	64	19-883	80	19-908	110	19-933	135
19-809	81	19-834	51	19-859	70	19-884	87	19-909	118	19-934	134
19-810	72	19-835	59	19-860	64	19-885	92	19-910	125	19-935	133
19-811	62	19-836	69	19-861	74	19-886	100	19-911	133	19-936	126
19-812	65	19-837	77	19-862	80	19-887	107	19-912	133	19-937	137
19-813	55	19-838	86	19-863	86	19-888	112	19-913	125	19-938	121
19-814	52	19-839	90	19-864	92	19-889	120	19-914	119	19-939	107
19-815	50	19-840	81	19-865	101	19-890	120	19-915	115	19-940	89
19-816	51	19-841	54	19-866	110	19-891	118	19-916	100	19-941	92
19-817	60	19-842	51	19-867	104	19-892	110	19-917	93	19-942	110
19-818	72	19-843	53	19-868	96	19-893	105	19-918	93	19-943	130
19-819	67	19-844	65	19-869	89	19-894	98	19-919	92	19-944	154
19-820	78	19-845	59	19-870	85	19-895	90	19-920	99	19-945	182
19-821	75	19-846	66	19-871	77	19-896	83	19-921	100	19-946	203
19-822	81	19-847	71	19-872	71	19-897	83	19-922	106	19-947	103
19-823	90	19-848	79	19-873	71	19-898	82	19-923	105	19-948	111
19-824	98	19-849	91	19-874	71	19-899	83	19-924	87		
36-500	176	36-502	137	36-504	115	36-506	136	36-508	161	36-510	174
36-501	160	36-503	121	36-505	128	36-507	147	36-509	171		

(1) For descriptions of Antelope Valley Production Area and Delivery Zones see
pages 53 to 74, inclusive.No change on this page, Decision **90 03 015**

EFFECTIVE April 13, 1990

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

Correction

ITEM

SECTION 4--RATES FROM PRODUCTION AREAS TO DELIVERY ZONES
In Cents Per Ton (Continued)

MATERIAL, viz.: Granite, decomposed; Gravel; Sand; Stone, crushed, chips or waste; Stone, natural blocks, pieces or slabs, rough quarried; and Stone, natural, sawed, or further finished.

FROM ANTELOPE VALLEY PRODUCTION AREA A
TO ANTELOPE VALLEY DELIVERY ZONES
Minimum Weight 8 TonsFOR ROUND-TRIP DELIVERY TIMES (In minutes) TO DETERMINE
ZONE RATES ON THIS PAGE SEE ITEM 520

Minutes	Rate	Minutes	Rate	Minutes	Rate	Minutes	Rate	Minutes	Rate	Minutes	Rate
30	108	70	202	110	298	150	393	190	488	230	580
31	110	71	205	111	300	151	395	191	491	231	582
32	112	72	207	112	303	152	398	192	493	232	585
33	114	73	210	113	305	153	400	193	496	233	586
34	116	74	213	114	308	154	402	194	498	234	588
35	118	75	215	115	310	155	404	195	500	235	592
36	121	76	217	116	312	156	407	196	503	236	596
37	124	77	219	117	315	157	409	197	505	237	597
38	127	78	221	118	317	158	412	198	508	238	599
39	130	79	223	119	319	159	414	199	510	239	601
40	132	80	225	120	321	160	416	200	512	240	603
41	134	81	228	121	323	161	418	201	514	241	605
42	136	82	231	122	325	162	420	202	516	242	607
43	138	83	234	123	327	163	422	203	518	243	610
44	140	84	237	124	330	164	424	204	520	244	612
45	143	85	239	125	333	165	427	205	522	245	614
46	145	86	241	126	335	166	430	206	525	246	616
47	148	87	243	127	338	167	432	207	527	247	618
48	150	88	245	128	340	168	435	208	530	248	620
49	153	89	241	129	342	169	438	209	532	249	622
50	155	90	249	130	345	170	440	210	534	250	624
51	158	91	251	131	347	171	442	211	537	251	627
52	160	92	253	132	350	172	445	212	539	252	629
53	163	93	255	133	352	173	448	213	542	253	631
54	165	94	257	134	355	174	450	214	544	254	633
55	167	95	259	135	357	175	452	215	546		
56	169	96	269	136	359	176	455	216	549		
57	171	97	264	137	361	177	457	217	551		
58	173	98	267	138	362	178	460	218	554		
59	175	99	270	139	365	179	462	219	556		
60	178	100	273	140	368	180	464	220	558		
61	181	101	276	141	370	181	467	221	561		
62	184	102	278	142	373	182	469	222	563		
63	187	103	281	143	375	183	472	223	566		
64	190	104	284	144	378	184	474	224	568		
65	192	105	285	145	381	185	476	225	570		
66	194	106	286	146	383	186	479	226	572		
67	196	107	288	147	386	187	481	227	574		
68	198	108	291	148	388	188	484	228	576		
69	200	109	295	149	391	189	486	229	578		

(1) Subject to Item 467, Decision

90 03 015

EFFECTIVE April 13, 1990

Correction

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