Decision 90 03 057 MAR 28 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 the 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.

Will would the

Case 9819, Pet. 115 (Filed August 14, 1989)

OPINION

Sim J. Harris Company (petitioner) has been merged with Koppers Subsidiary Corporation, a Delaware Corporation. A certified copy of the Articles of Incorporation of the principal (Koppers) is attached to the original application in this proceeding. Petitioner operates out of San Diego, California. It has been authorized to do business in California as a foreign corporation, by the (California) Secretary of State, effective from July 27, 1976, under Corporate No. 775124.

Petitioner requests that Minimum Rate Tariff 17-A (MRT 17-A) be modified to establish zone hauling rates for the transportation of asphaltic concrete and cold road oil mixture by dump trucks with trailing equipment (5 axle) or tractors with trailers (5 axle), from Production Area 37-EE to delivery zones in San Diego County and the Rancho California area of Riverside County.

Petitioner is now producing, marketing, and distributing asphaltic concrete products at its facility located within existing Production Area 37-EE in San Diego County, using independent forhire carriers. Deliveries are made to various points in San Diego County and the Rancho California area of Riverside County.

Zone delivery for asphaltic concrete rates is not now available from Production Area 37-EE and petitioner desires to avail itself of the efficiencies of 5-axle asphaltic concrete zone rates that presently exist in the Los Angeles Core zoned area (MRT 17-A, Sections 15.1 to 15.5, inclusive).

It is suggested that asphaltic concrete zone rates for 5-axle equipment be established from Production Area 37-EE to all delivery zones in San Diego County and to the Rancho California area of Riverside County (all zones in the San Diego zone system). These rates are to be included in Section 15 of MRT 17-A and are developed using the modified 5-axle asphalt cost formula set forth in the application. These rates are computer generated and are based on trip times from the existing MRT 17-A traverse network (San Diego system). It will be necessary to add a new Section 15.6 to Item 250 of Section 1, MRT 17-A.

Copies of the application were mailed to the California Dump Truck Owners Association, Associated Independent Owner Operators, Inc., California Carriers Association, California Trucking Association, California Asphalt Pavement Association, San Diego County Rock Producers Association, and the Department of Transportation of the State of California. The filing of the application was noticed in the Commission's Daily Transportation Calendar on August 21, 1989. There have been no protests or requests for a hearing. The Transportation Division has recommended that the application be granted.

Findings of Pact

1. Petitioner has applied to establish zone hauling rates for the transportation of asphaltic concrete and cold road oil mixture by dump trucks with trailing equipment (5 axle), or tractors with trailers (5 axle), from Production Area 37-EE to delivery zones in San Diego County and the Rancho California area of Riverside County.

- Petitioner has provided a proposed rate formula based on cost factors.
- 3. Establishing the proposed rates will enable petitioner to compete on an equal basis with others who already have the authorization to charge zone rates.
 - 4. The proposed rates are reasonable.
 - 5. A hearing is not necessary.

Conclusions of Law

- 1. MRT 17-A should be amended as requested by petitioner.
- 2. The effective date of this order should be today because there is an immediate need for the rate relief.

ORDBR

IT IS ORDERED that:

- 1. Section 1 of MRT 17-A (Appendix C to D.80578, as amended) is further amended by incorporating Appendix A, attached, to become effective 30 days after today.
- 2. In all other respects, D.80578, as amended, shall remain in full force and effect.
- 3. The Executive Director shall serve a copy of this decision on each subscriber to MRT 17-A.
 - 4. The petition is granted as set forth above.

 This order is effective today.

 Dated ___MAR 28 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

- 3 -

NEAL J. SHULMAN, Executive Director,

APPENDIX A

LIST OF ORIGINAL AND REVISED PAGES TO MINIMUM RATE TARIFF 17-A

THIRD REVISED PAGE IV
THIRD REVISED PAGE V
TWELFTH REVISED PAGE 1-4
NINETEENTH REVISED PAGE 1-5
FIRST REVISED PAGE 1-5-A
EIGHTH REVISED PAGE 1-6-A
EIGHTH REVISED PAGE 1-8-A
ORIGINAL PAGE 15.6
ORIGINAL PAGE 15.6-EE
ORIGINAL PAGE PAGE 15.6-EE-1

(END OF APPENDIX A)

ARRANGEMENT OF TARIFF

This is a loose-leaf tariff consisting of twenty-four sections.

SECTION 1 - Rules

SECTION 2 - Hourly Rates

SECTION 3 - Area-to-Point Rates for the Transportation of Rock, Sand and Gravel from Production Areas to Delivery Points

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

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

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

SECTION 7 - Zone Rates for the Transportation of Rock, Sand and Gravel from San Bernardino County Production Areas to Delivery Zones

SECTION 8 - Zone Rates for the Transportation of Rock, Sand and Gravel from San Diego County Production Areas to Delivery Zones

SECTION 9 - Zone Rates for the Transportation of Rock, Sand and Gravel from Yentura County Production Areas to Delivery Zones

SECTION 9.1 - Zone Rates for the Transportation of Rock, Sand and Gravel from Santa Barbara County Production Areas to Delivery Zones

SECTION 9.2 - Zone Rates for the Transportation of Rock, Sand and Gravel from San Luis Obispo County Production Areas to Delivery Zones

SECTION 10 - Zone Rates for the Transportation of Slag from San Bernardino County Production Areas to Delivery Zones

(Continued)

No change, Decision 30 03 057

EFFECTIVE APR 27 1990

& ARRANGEMENT OF TARIFF (CONCLUDED)

SECTION 11	- Zone Rates for the Transportation of Asphaltic Concrete and Cold Road Oil Mixture from Los Angeles County Production Areas to Delivery Zones
SECTION 12	 Zone Rates for the Transportation of Asphaltic Concrete and Cold Read Oil Mixture from Orange County Production Areas to Delivery Zones
SECTION 13	- Zone Rates for the Transportation of Asphaltic Concrete and Cold Road Oil Mixture from Riverside County Production Areas to Delivery Zones
SECTION 14	 Zone Rates for the Transportation of Asphaltic Concrete and Cold Road Oil Mixture from San Bernardino County Production Areas to Delivery Zones
SECTIÓN 15	- Zone Rates for the Transportation of Asphaltic Concrete and Gold Road Oil Mixture from Ventura County Production Areas to Delivery Zones
SECTION 15.1	- Zone Ratés for the Transportation of Asphaltic Concrete and Cold Read Oil Mixture from Los Angelés County Production Areas to Delivery Zones
SECTION 15.2	- Zone Rates for the Transportation of Asphaltic Concrete and Cold Read Oil Mixture from Orange County Production Areas to Delivery Zones
SECTION 15.3	- Zone Rates for the Transportation of Asphaltic Concrete and Cold Road Oil Mixture from Riverside County Production Areas to Delivery Zones
SECTION 15.4	* Zone Rates for the Transportation of Asphaltic Concrete and Cold Read Oil Mixture from San Bernardino County Production Areas to Delivery Zones
SECTION 15.5	 Zone Rates for the Transportation of Asphaltic Concrete and Cold Road Oil Mixture from Ventura County Production Areas to Delivery Zones
*SECTION 15.6	 Zone Rates for the Transportation of Asphaltic Concrete and Cold Road Oil Mixture from San Diego County Production Areas to Delivery Zones
SECTION 16	- Zone Rates for the Transportation of Decomposed Granite from Los Angeles County Production Areas to Delivery Zones
SECTION 17	• form of Shipping Document

Addition > Decision 90 03 057

EFFECTIVE APR 27 1990

	SECTION 1RULES (Continued)	
	APPLICATION OF TARIFF CARRIERS	
Carriers' Act. They appl	in this tariff are minimum rates, established pursuant to the Highway y for transportation of property by highway contract carriers and dump d in said Highway Carriers' Act, in bulk in dump truck equipment.	1
	APPLICATION OF TARIFÉ COMMODITIES	1
Rates in this t of the following commodit	ariff making specific reference to this Item apply for the transportation less	
Asphaltic or ce	ment concrete, crushed or recrushed;	1
Rock, matural,	crushed, chips, waste or dust (Subject to Notes 1 and 2);	ł
Sand;		1
Gravel;		
. Cement, in dry	mixtures with the above commodities, in batches (Subject to Note 3).	1
NOTÉ 1Thé te	rm "rock", as used héreīń, încludes stońe.	
NOTE 2The te a combined length and gir	rm "rock", as used hérein, does not include any rock or rocks, having th in excess of 65 inches per single rock.	
NOTE 3Rates volume of the cement does	in this tariff apply for the transportation of cement only when the not exceed one-third of the volume of the shipment.	
	APPLICATION OF TARIFFCOMMODITIES	
Rates in this to of the following commoditi	ariff making specific reference to this item apply for the transportation les (Subject to Notes 2 and 3):	
Asphaltic concre	ete;	1
		ļ
Cold road oil m	ixturė;	
_	halt in containers not exceeding 5 gallons capacity per container	
Cold liquid aspl (Subject to Note NOTE 1Cold to at rates which apply for t	halt in containers not exceeding 5 gallons capacity per container to 1). Iquid asphalt will be transported under the provisions of this tariff, the transportation of asphaltic concrete, when tendered for transportation alphantic concrete, and when the quantity so tendered does not	ş
Cold liquid aspl (Subject to Note NOTE 1Cold li at rates which apply for I with, and as part of, a sh exceed 15 gallons per ship NOTE 2When the	halt in containers not exceeding 5 gallons capacity per container to 1). Iquid asphalt will be transported under the provisions of this tariff, the transportation of asphaltic concrete, when tendered for transportation alphantic concrete, and when the quantity so tendered does not	<i>\$</i>

Correction

MM RATE TARIFF 17-A NINETEENTH REVISED F	AGE
SECTION 1RULES (Continued)	ITEN
APPLICATION OF TARIFFCOMMODETIES	
Rates in this tariff making specific reference to this item apply for the transportation of the following commodity: Decomposed Granite	70
APPLICATION OF TARIFF COMMODITIES	
Rates in this tariff making specific reference to this item apply for the transportation of: SLAG, Blast furnace and Open Hearth, air cooled (not expanded)	75
APPLICATION OF TARIFFGENERAL	
Rates in this tariff do not apply to the transportation of: (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 civit 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	80
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.	
APPLICATION OF TARIFFRATES	
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.	
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.	100
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 towest of the applicable rates between point of origin and the zones into which delivery is made.	
APPLICATION OF TARIFF RATES	
(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 thirty (30) cents per ton in addition to those rates provided for when transportation is performed at the rates in Sections 4, 5, 6, 7, 8, 9, 9.1, 9.2 and 10 in this tariff or at rates which are combined with such section rates.	grize
p(b) When the transportation service is performed by dump trucks with transfer type pull trailers or 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 sixty-eight (68) cents per ton in addition to those rates provided when transportation is performed at the rates in Sections 15.1, 15.2 15.3, 15.4, 15.5 and *15.6 of this tariff.	
(Continued)	<u> </u>
(Charge) 90 03 057	
EFFECTIVE APR 27	10an

-1-5-

Correction

% Change } Decision 90 03 057

EFFECTIVE APR 27 1990

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

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

EFFECTIVE APR 27 1990

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

¢*SECTION 15.6

ZÓNE RATES

FOR THE

TRANSPORTATION OF ASPHALTIC CONCRÉTE

AND

COLO ROAD OIL MIXTURE

By Dump Trucks With Trailing Equipment (4. and 5.Axle) or Tractors with Trailers (4+ and 5-Axle) From

Production Areas Located Within San Diego County

To

Celivery Zones Located Within San Diego County

and

Riverside County

Charge) Decision 90 03 057

EFFECTIVE APR 27 1990

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

#SECTION 15.6--ZONE RATES IN CENTS PER TON

COMMOTTES AS DESCRIBED IN ITEM 65

FROM SAN DIEGO COUNTY PRODUCTION AREA 37-EE TO THE DELIVERY ZONES SET FORTH BELOW

ZÓNÉ	RATE	ZONE	RATE	ZONE	RATE	ZOAE	RATE	ZONE	RATE	ZONE	RATE ·	ZONE	RATE
33201	531	37132	487	37234	379	37333	437	37378	400	37423	166	37470	170
33202	592	37133	484	37235	393	37334	423	37379	437	37424	176	37501	322
33203	562	37134	470	37236	413	37335	430	37380	427	37425	200	37592	288
33204	562	37135	460	. 37237	420	37336	406	37381	477	37426	224	37503	315
33205		37136	447	37238	440	37337	386	37382	491	37427	288	37504	305
33203	575	37130	***	31230	440	3,33,		1 31300	771	3,42.	200		
33206	582	37137	470	37239	443	37338	356	37383	582	37428	312	37565	322
33207	599	37138	511	37240	447	37339	345	37384	528	37429	271	37506	345
33208	612	37139	541	37241	416	37340	362	37385	508	37430	278	37507	376
33209	808	37140	514	37242	443	37341	362	37386	491	37431	251	37508	410
33210	585	37141	531	37243	447	37342	335	37387	541	37432	274	37509	413
33211	592	37142	511	37244	467	37343	339	37388	555	37433	247	37510	433
33212	609	37143	481	37245	477	37344	372	37389	535	37434	214	37511	416
33212				37246	504	37345	403	37390	511	37435	210	37512	389
33213	633	37201	477		443	37346	372	37391	487	37436	214	37513	362
33214	660	37202	477	37301		37347		37392	487	37437	180	37514	342
37101	623	37203	498	37302	474	31341	345	3/372	401	31437	100	3,7,1	344
37102	656	37204	535	37303	440	37348	332	37393	487	37438	203	37515	298
37103	585	37205	562	37304	416	37349	345	37394	511	37439	214	37516	298
37104	602	37206	552	37305	420	37350	362	37395	494	37440	227	37517	264
		37207	572	37306	450	37351	389	37396	464	37441	214	37518	261
37105	643				481	37352	400	37397	460	37442	237	37519	241
37106	643	37208	541	37307	401	31372	+00	1 """	400	31172	23,] ","	
37107	596	37209	504	37308	437	37353	396	37398	450	37443	237	37520	207
37108	575	37210	467	37309	470	37354	372	37399	420	37444	274	37521	227
37109	555	37211	430	37310	447	37355	369	37400	430	37445	325	37522	268
37110	525	37212	410	37311	498	37356	352	37401	268	37446	376	37523	339
37111	504	37213	386	37312	508	37357	. 352	37402	251	37447	285	37524	372
37112	528	37214	406	37313	487	37358	342	37403	268	37448	261	37525	383
37113	555	37215	372	37314	484	37359	318	37404	244	37449	258	37526	318
37114	589	37216	345	37315	460	37360	301	37405	254	37450	231	37527	291
37115	555	37217	339	37316	413	37361	355	37406	234	37451	234	37528	274
37116	545	37218	366	37317	403	37362	339	37407	217	37452	244	37529	241
						i					254	17F 7A	334
37117	565	37219	366	37318	393	37363	366	37408	200	37453	258	37530	220 258
37118	596	37220	345	37319	366	37364	288	37409	180	37454	291	37531	
37119	555	37221	525	37320	366	37365	301	37410	149	37455	427	37532	281
37120	518	37222	562	37321	372	37366	301	37411	176	37456	410	37533	329
37121	518	37223	538	37322	406	37367	329	37412	214	37457	427	37534	308
37122	491	37224	531	37323	416	37368	356	37413	227	37458	345	37536	264
37123	487	37225	501	37324	454	37369	379	37414	207	37459	356	37537	258
37124	521	37226	467	37325	457	37370	362	37415	220	37460	325	37538	237
37125	528	37227	454	37326	437	37371	332	37416	207	37461	278	37539	231
		37228	433	37327	467	37372	312	37417	234	37462	301	37540	251
37126	555	31660	433	3,32,		"""	714						
37127	528	37229	460	37328	440	37373	305	37418	254	37463	396	37541	268
37128	504	37230	487	37329	423	37374	288	37419	268	37466	251	37542	356
37129	467	37231	508	37330	416	37375	298	37420	268	37467	251	37543	366
		1 1 2 1 1 1	464	37331	416	37376	332	37421	207	37468	220	37544	443
37130 37131	460 487	37232 37233	420	37332	396	37377	366	37422	153	37469	241	37545	467

Change } excision No. 90 03 057

EFFECTIVE APR 27 1990

Correction

94 SECTION 15.6--ZONE RATES IN CENTS PER TON

COMMODITIES AS DESCRIBED IN ITEM 65

FROM SAN DIEGO COUNTY PRODUCTION AREA 37-EE TO THE DELIVERY ZONES SET FORTH BELOW

ZOAE	RATE	ZONE	RATE	ZONE	ŔATE	ZONE	RATE	ZÓNE	RATE	ZÓNE	RATÉ	ZONE	RATE
37546	484	37626	660	37915	305	1				1			
37547	501	37627	677	37916	318	1		1				l l	
37548	518	37628	693	37917	312	j		· ·		1		1	
37549	541	37629	710	37918	325	1		ł		1			
37550	568	37630	727	37919	437	1		ì		1		1	
37,550	200	1 37030	121	31213	437	1						1	
37551	585	37631	744	37920	400					1		i	
37552	602	37632	761	37921	413	1		1		j		ì	
37553	643	37633	785	37922	396							i	
37554	423	37634	680	37923	366				-			1	
37555	477	37635	663	37924	335	ł		ł		l		l	
37556	501	37636	646	37925	339					1			
37559	379	37801	325	37926	342			1		Í		1	
37560	247	37802	349	37927	345	ł		}		Į.		1	•
37561	244	37803	312	37928	393			ì				1	
37562	258	37804	356	37929	366			l		ĺ		1	
37563	305	37805	366	37930	352	ł				l		ļ	
37564	197	37806	322	37931	359								
37565	237	37807	329	37932	369					Į.		j	
37566	193	37808	356	37933	393	J				j		}	
37567	197	37809	315	37934	372	1				Ì			
37601	352	37810	325	37935	369								
37602	332	37811	352	37940	376	ł.		ı		Į		į	
37603	372	37812	379	37941	406	Ī				}		Ī	
37604	389	37813	403	37942	339	i .		l					
37605	359	37814	427	37943	359	}		j		ļ			
37606	383	37815	454	37944	413								
37607	413	37816	443	37950	339				. i				
37608	416	37817	420	37951	362	l							
37609	430	37818	406	37952	383								
37610	393	37819	372	37953	403								
37611	410	37820	356	37954	420	ł	4	ł			1		
37612	440	37901	278	37955	443	ł		1					
37613	460	37902	268	37956	464	1			- 1				
37614	484	37903	261	37957	491	j		l	J		- 1		
37615	504	37904	264	37958	518				Į.		i		
37616	525	37905	271	37959	535				Ì				
37617	538	37906	312	37960	565	ł			J		1		
37618	558	37907	301	37961	599								
37619	585	37908	335	2.,01									
37620	616	37909	322			J	j		j				
37621	639	37910	301 .				Ì				- 1		
37622	575	37911	271			I	. [
37623	599	37912	278			ļ	J		1		ļ		
37624	623	37913	291						[- 1		
37625	643	37914	305			i							
".~"	~- >	l <i>""</i> "	~~			(
<u> </u>		! -		 -		t		·					

Change)
Addition)

90 03 057

EFFECTIVE APR 27 1990

Correction