

Decision 90 04 013 APR 11 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.)

ORIGINAL

Case 9819
Petition for Modification 108
(Filed May 15, 1989;
amended August 17, 1989)

O P I N I O N

California Dump Truck Owners Association (petitioner) is a nonprofit California corporation with a membership of 1600 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 Section 1 of Minimum Rate Tariff (MRT) 17-A be modified by adding new Items 330, 335 and 350. Items 330 and 350 are to apply in lieu of existing Items 320 and 340, respectively, under certain circumstances.

Item 320 currently applies to shipments from a production area to a delivery zone when both origin and destination are in the same system of delivery zones and no specific zone rate is provided in the tariff. It states that rates for shipments in the described category must be calculated by adding certain rate increments to the zone rate applicable from the origin production area to the delivery zone nearest the point of destination. Petitioner requests that is new Item 330 apply in lieu of Item 320 "when the carrier is either required to traverse a route specified by the state, a county, city, or municipality, or when the shipper or receiver (consignee, consignor/ratepayer) requires the carrier to

traverse a specific route and the request is documented by carrier." New Item 330 states that rates for such shipments must be calculated by adding the same rate increments in Item 320 to the rate to "the highest rated delivery zone (along route of movement) which is nearest to point of destination and to which a zone rate from the same production area is provided in the tariff."

Item 340 currently applies to shipments from a production area to a point of destination outside of the system of zones. The rates to be charged (with certain exceptions noted in the item) are to be determined by adding rate increments to the zone rate from the origin production area to the last delivery zone passed through on the route of movement. Petitioner's proposed new Item 350 applies in lieu of Item 340 in instances like those under which new Item 330 is to apply in lieu of current Item 320. New Item 350, however, requires that rates for shipments to which it applies be calculated by adding the same rate increments in Item 340 to the zone rate from origin production area to the highest-rated delivery zone passed through on the route of movement.

Petitioner's proposed new Item 335 applies to shipments from production areas to delivery zones which are both located in the same system of delivery zones. Like new Items 330 and 350, its applicability is restricted to instances where governmental routing restrictions or shipper's request mandate that circuitous routes be followed. The rate to be charged on a shipment subject to new Item 335 is the zone rate from the origin production area to the highest rated delivery zone passed through on the route of movement, plus the same cents per ton increment currently set forth in Item 320 for each mile or fraction of a mile traversed from this highest rated delivery zone to destination.

Petitioner's request to establish new Items 330, 335, and 350 in MRT 17-A reflects a need to increase the yield of carriers in instances where required circuitous routing of shipments has not heretofore been considered in zone rate establishment. The

Commission's Transportation Division has reviewed this request and is not opposed to its being granted.

Copies of the petition were mailed to the Associated Independent Owner Operators, Inc.; San Diego County Rock Producers Association; California Carriers Association; Southern California Rock Products Association; California Asphalt Paving Association; and the Department of Transportation of the State of California. The filing of the petition was noted in the Commission's Daily Transportation Calendar on May 19 and August 24, 1989. There have been no protests or requests for hearing.

Findings of Fact

1. Petitioner has filed to request that Section 1 of MRT 17-A be modified by adding new Items 330, 335, and 350.
2. Item 320 currently applies to all MRT 17-A shipments from a production area to a delivery zone when both origin and destination are within the same system of delivery zones and no specific zone rate is provided in the tariff. Item 340 now applies to all MRT 17-A shipments from a production area to a point of destination outside of the system of zones.
3. New Items 330 and 350 would apply in lieu of existing Items 320 and 340, respectively, when a carrier is either required to traverse a route specified by the state, a county, city, or municipality, or when the shipper or receiver (consignee, consignor/ratepayer) requires the carrier to traverse a specific route and the request is documented.
4. Rates for shipments transported under Item 320 are calculated by adding certain rate increments to the zone rate applicable from origin production area to the delivery zone nearest the point of destination, while rates for shipments subject to new Item 330 would be calculated by adding these increments to the rate applicable to the highest rated delivery zone (along the route of movement) which is nearest to point of destination and to which a

zone rate from the origin production area is provided in the tariff.

5. Rates for shipments transported under Item 340 are, with certain exceptions, calculated by adding rate increments to the zone rate from the origin production area to the last delivery zone passed through on the route of movement. Rates for shipments subject to new Item 350 would, with the same exceptions as in Item 340, be calculated by adding these increments to the rate from the origin production area to the highest rated delivery zone passed through on the route of movement.

6. New Item 335 would apply to shipments from production areas to delivery zones which are both located in the same system of delivery zones when carriers face nondiscretionary routing requirements like those under which new Items 330 and 350 apply.

7. Rates from shipments transported under new Item 335 would be calculated by taking the zone rate applicable from the origin production area to the highest rated delivery zone passed through on the route of movement and adding to that rate the same increments set forth in Item 320.

8. The Commission's Transportation Division has reviewed petitioner's request and is not opposed to its being granted.

9. There are no protests or requests for hearing.

10. A public hearing is not necessary.

Conclusion of Law

The petition should be granted to the extent set forth in the following order.

O R D E R

IT IS ORDERED that:

1. Minimum Rate Tariff 17-A (MRT 17-A) (Appendix C to Decision (D.) 80578, as amended) is further amended by

incorporating the revised tariff pages shown in Appendix A., 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.

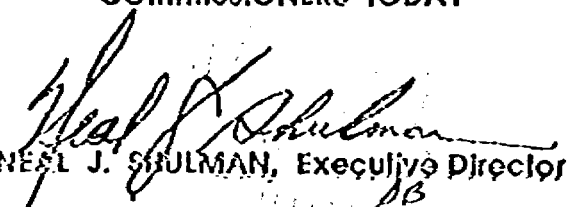
4. The petition is granted as set forth above.

This order is effective today.

Dated APR 11 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


NEIL J. SHULMAN, Executive Director

APPENDIX A

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MINIMUM RATE TARIFF 17-A

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">COMPUTATION OF CHARGES FOR SHIPMENTS TO DELIVERY ZONES FOR WHICH SPECIFIC ZONE RATES ARE NOT PROVIDED *◇ (for exception, see Item 330)</p> <p>When a shipment is transported from a production area to a delivery zone, both of which are located within the same system of delivery zones, and when a specific zone rate is not provided for the transportation performed, the applicable rate shall be calculated as follows:</p> <ol style="list-style-type: none"> Determine the delivery zone (along route of movement) which is nearest to point of destination and to which a zone rate from the same production area is provided in the tariff. Add to the rate to said delivery zone from said production area an additional 8 1/4 cents per ton for each mile or fraction thereof traversed from point of departure from said delivery zone to point of destination. (Subject to Note 1) Add to the rate to said delivery zone from said production area an additional 12 1/2 cents per ton for each mile or fraction thereof traversed from point of departure from said delivery zone to point of destination. (Subject to Note 2) <p>NOTE 1.--Applies in computation of rate for commodities named in Item 60.</p> <p>NOTE 2.--Applies in computation of rate for commodities named in Items 65 and 70.</p>	§320
<p style="text-align: center;">COMPUTATION OF CHARGES FOR CIRCUITOUSLY ROUTED SHIPMENTS TO DELIVERY ZONES FOR WHICH SPECIFIC ZONE RATES ARE NOT PROVIDED (for limitation on applicability of this Item, see Note 1)</p> <p>When a shipment is transported from a production area to a delivery zone, both of which are located within the same system of delivery zones, and when a specific zone rate is not provided for the transportation performed, the applicable rate shall be calculated as follows:</p> <ol style="list-style-type: none"> Determine the highest rated delivery zone (along route of movement) which is nearest to point of destination and to which a zone rate from the same production area is provided in the tariff. Add to the rate to said delivery zone from said production area an additional 8 1/4 cents per ton for each mile or fraction thereof traversed from point of departure from said delivery zone to point of destination. (Subject to Note 2) Add to the rate to said delivery zone from said production area an additional 12 1/2 cents per ton for each mile or fraction thereof traversed from point of departure from said delivery zone to point of destination. (Subject to Note 3) <p>NOTE 1.--The provisions of this Item apply only when the carrier is either required to traverse a route specified by the State, a County, City or Municipality, or when the shipper or receiver (consignee, consignor/ratepayer) requires the carrier to traverse a specific route and the request is documented by carrier (routing on/or attached to freight bill).</p> <p>NOTE 2.--Applies in computation of rate for commodities named in Item 60.</p> <p>NOTE 3.--Applies in computation of rate for commodities named in Items 65 and 70.</p>	*◇ 330
<p>(1)Item 340 transferred to Original Page 1-13-B</p> <p>Change) * Addition) Decision 90 04 013 ◇ Increase)</p>	
EFFECTIVE May 11, 1990	
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">COMPUTATION OF CHARGES FOR SHIPMENTS TO DESTINATIONS WITHIN THE SYSTEM OF DELIVERY ZONES TRAVERSING A HIGHER RATED ZONE EN ROUTE TO POINT OF DESTINATION (for limitation on applicability of this item, see Note 1)</p> <p>When a shipment is transported from a production area to a delivery zone, both of which are located within the same system of delivery zones and the carrier traverses a portion of a zone which is higher rated than the point of destination zone, the applicable rate shall be calculated as follows:</p> <ol style="list-style-type: none"> Determine the highest rated delivery zone along the route of movement. Add to the rate to said delivery zone from said production area an additional 8 1/4 cents per ton for each mile or fraction thereof traversed from point of departure from said delivery zone to point of destination. (Subject to Note 2) Add to the rate to said delivery zone from said production area an additional 12 1/2 cents per ton for each mile or fraction thereof traversed from point of departure from said delivery zone to point of destination. (Subject to Note 3) <p>NOTE 1.--The provisions of this item apply only when the carrier is either required to traverse a route specified by the State, a County, City or Municipality, or when the shipper or receiver (consignee, consignor/rate payer) requires the carrier to traverse a specific route and the request is documented by the carrier (routing on/or attached to freight bill).</p> <p>NOTE 2.--Applies in computation of rates for commodities in Item 60.</p> <p>NOTE 3.--Applies in computation of rates for commodities in Items 65 and 70.</p>	<p style="text-align: center;">♦ ◇ 335</p>
<p>* Addition) ◇ Increase) Decision 90 04 013</p>	
EFFECTIVE May 11, 1990	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	
Correction	

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">COMPUTATION OF CHARGES FOR SHIPMENTS TO DESTINATIONS OUTSIDE OF A SYSTEM OF DELIVERY ZONES * ◇ (For exception, see Item 350) (For limitation on applicability of this item, see Note 1)</p> <p>When a shipment is transported from a production area to a point of destination outside of a system of zones, the zone rates shall be used as a basis for computing charges as follows:</p> <p>A. (Does not apply when the point of origin of the shipment is a San Diego County, Santa Barbara County or a San Luis Obispo County production area.) Add to the zone rate from the same production area to the last delivery zone passed through on the route of movement an additional 13 1/2 cents per ton for each mile or fraction thereof traversed from point of departure from the last delivery zone to point of destination. (Subject to Note 2)</p> <p>B. (Applies only when the point of origin of the shipment is a San Diego County production area.) Add to the zone rate from the same production area to the last delivery zone passed through on the route of movement an additional 11 cents per ton for each mile or fraction thereof traversed from point of departure from the last delivery zone to point of destination. (Subject to Note 3)</p> <p>B-1. (Applies only when the point of origin of the shipment is a Santa Barbara County or a San Luis Obispo County production area.) Add to the zone rate from the same production area to the last delivery zone passed through on the route of movement an additional 18 cents per ton for each mile or fraction thereof traversed from point of departure from the last delivery zone to point of destination. (Subject to Note 3)</p> <p>C. Add to the zone rate from the same production area to the last delivery zone passed through on the route of movement an additional 19 cents per ton for each mile or fraction thereof traversed from point of departure from the last delivery zone to point of destination. (Subject to Note 4)</p> <p>NOTE 1.--The provisions of this item do not apply:</p> <p>a. To shipments delivered to destinations 10 or more miles, by route of movement, from point of departure from system of delivery zones, or</p> <p>b. To shipments to destinations in unzoned areas in Riverside or San Bernardino Counties, or</p> <p>c. To shipments to destinations in unzoned areas in Orange County when the point of origin is in a San Diego County production area.</p> <p>Charges for the transportation of shipments specified in this Note shall be computed in accordance with the provisions of Minimum Rate Tariff 7-A.</p> <p>NOTE 2.--Applies in computation of rate for commodities named in Items 60, 70 and 75.</p> <p>NOTE 3.--Applies in computation of rate for commodities named in Item 60.</p> <p>NOTE 4.--Applies in computation of rate for commodities named in Item 65.</p>	#340
<p>(1) Paragraphs A through B-1 transferred from Seventh Revised Page 1-13 and Paragraph C and Notes 1 through 4 of Item 340 transferred from Seventh Revised Page 1-14</p> <p>Change) Addition) Decision 90 04 013 Increase)</p>	
EFFECTIVE May 11, 1990	
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">COMPUTATION OF CHARGES FOR CIRCUITOUSLY ROUTED SHIPMENTS TO DESTINATIONS OUTSIDE OF A SYSTEM OF DELIVERY ZONES (For limitation on applicability of this item, see Note 1)</p> <p>When a shipment is transported from a production area to a point of destination outside of a system of zones, the zone rates shall be used as a basis for computing charges as follows:</p> <p>A. (Does not apply when the point of origin of the shipment is a San Diego County, Santa Barbara County or a San Luis Obispo County production area.) Add to the zone rate from the same production area to the highest rated delivery zone passed through on the route of movement an additional 13 1/2 cents per ton for each mile or fraction thereof traversed from point of departure from the highest delivery zone to point of destination. (Subject to Note 2)</p> <p>B. (Applies only when the point of origin of the shipment is a San Diego County production area.) Add to the zone rate from the same production area to the highest rated delivery zone passed through on the route of movement an additional 11 cents per ton for each mile or fraction thereof traversed from point of departure from the highest rated delivery zone to point of destination. (Subject to Note 3)</p> <p>B-1. (Applies only when the point of origin of the shipment is a Santa Barbara County or a San Luis Obispo County production area.) Add to the zone rate from the same production area to the highest rated delivery zone passed through on the route of movement an additional 18 cents per ton for each mile or fraction thereof traversed from point of departure from the highest rated delivery zone to point of destination. (Subject to Note 3)</p> <p>C. Add to the zone rate from the same production area to the highest rated delivery zone passed through on the route of movement an additional 19 cents per ton for each mile or fraction thereof traversed from point of departure from the highest rated delivery zone to point of destination. (Subject to Note 4)</p> <p>NOTE 1.--The provisions of this item do not apply:</p> <p>a. To shipments delivered to destinations 10 or more miles by route of movement, from point of departure from system of delivery zones, or</p> <p>b. To shipments to destinations in unzoned areas in Riverside or San Bernardino Counties, or</p> <p>c. To shipments to destinations in unzoned areas in Orange County when the point of origin is in a San Diego County production area.</p> <p>d. Unless the carrier is either required to traverse a route specified by the State, a County, City or Municipality, or the shipper or receiver (consignee, consignor/ratepayer) requires the carrier to traverse a specific route and the request is documented by the carrier (routing on/or attached to the freight bill).</p> <p>Charges for the transportation of shipments specified in paragraphs a, b or c of this Note shall be computed in accordance with the provisions of Minimum Rate Tariff 7-A.</p> <p>NOTE 2.--Applies in computation of rate for commodities named in Items 60, 70 and 75.</p> <p>NOTE 3.--Applies in computation of rate for commodities named in Item 60.</p> <p>NOTE 4.--Applies in computation of rate for commodities named in Item 65.</p>	<p style="text-align: center;">350</p>
<p>* Addition) ◇ Increase) Decision 90 04 013</p>	
	EFFECTIVE May 11, 1990
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	

Correction

MINIMUM RATE TARIFF 17-A

SECTION 1--RULES (Continued)	ITEM
(Paragraph C and Notes 1 through 4 transferred to Original Page 1-13-B)	340
<p>COMPUTATION OF DISTANCES</p> <p>Except as is otherwise provided, distances to be used in connection with distance rates in this tariff shall be the actual mileages traversed, including any detour to and from scales to obtain weight of shipment.</p>	360
<p>DEBRIS CLEANUP</p> <p>When debris cleanup is performed by a carrier at the hourly rates in Minimum Rate Tariff 7-A, and when said service is performed at a job site as an incidental service to the carrier's transporting asphaltic concrete to said job site under the zone rates elsewhere provided herein, the minimum charge shall be that for one-half hour at the applicable hourly rate.</p>	380
<p>DISPOSITION OF FRACTIONS</p> <p>In computing a rate or charge based on percentage, the following will govern the disposition of fractions:</p> <p>Fractions of less than 1/2 or .50 of a cent omit.</p> <p>Fractions of 1/2 or .50 of a cent or greater, increase to the next whole figure.</p>	390
<p>Change, Decision 90 04 013</p>	
EFFECTIVE May 11, 1990	
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	