

Decision No. 86533

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investiga-)
tion for the purpose of consid-)
ering 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 there-)
of.)

Case No. 9819
Petition for Modification
No. 18
(Filed July 30, 1976)

OPINION AND ORDER

Wiley Bros. Transit Mix Inc. (Wiley) is engaged in the business of producing, marketing and distributing rock, sand and aggregates at a new commercial production plant located in San Diego County. By this petition, Wiley seeks to have those production facilities designated as a dump truck production area in Southern California Production Area and Delivery Zone Directory 1 (Directory 1), and zone rates established therefrom in Minimum Rate Tariff 17-A (MRT 17-A) to delivery zones in San Diego County.

The description of the proposed production area is as follows:

"All points westerly of Sycamore Avenue and within a 5/8 of a mile radius of the intersection of said Sycamore Avenue and the terminus of La Mirada Drive, 1.3 miles southwest of Highway 78 and Sycamore Avenue interchange."

At present the transportation of shipments of rock and sand from the subject facilities by for-hire dump truck carriers is subject to distance or hourly rates in Minimum Rate Tariff 7-A. However, the minimum rates which apply for the transportation of rock and sand by dump truck carriers from many commercial rock

products plants in southern California are zone rates which are set forth in MRT 17-A. Wiley states that the establishment of a new production area at its San Diego County plant and zone rates therefrom will result in rate parity with competing producers. Assertedly, this will eliminate rate discrimination now favoring those competitors.

Appended to the petition are the results of a test traverse made by Wiley to determine the times and distances necessary to tie the production facilities into the traverse network, and a sketch map showing the location of the proposed production area and existing reference points. Petitioner submits that establishment of the sought zone rates should be noncontroversial and that the petition can be disposed of properly by ex parte procedure.

The Transportation Division staff recommends that the description of the proposed production area be revised to read as follows:

"The area within a 5/8 of a mile radius of the southwestern prolongation of Sycamore Avenue, and the westerly prolongation of La Mirada Drive."

The staff has prepared a traverse map section showing the proposed production area and the tie-in data to the traverse network. The traverse map section is attached as Appendix A. The staff also has prepared a runout of round trip times, one-way miles, costs and resulting zone rates. These data are included in the file in this petition as Exhibit 1.

Copies of the verified petition were served on known carrier and shipper organizations on or about July 16, 1976. The petition was listed on the Commission's Daily Calendar of August 3, 1976. No objection to the granting of the petition has been received.

It is clear that the establishment of the zone rates which are sought by petitioner would provide rates for the

transportation of petitioner's shipments which are the same in kind and character as the zone rates in MRT 17-A from other production areas in San Diego County. In the circumstances the Commission finds that the designation of Wiley's San Diego County plant area, as described by the staff, and the establishment of zone rates therefrom as hereinafter provided will result in just, reasonable, and nondiscriminatory minimum rates for the transportation to which the rates would apply. The production area and the rates therefrom should be established. The petition should be granted. A public hearing is not necessary.

IT IS ORDERED that:

1. Directory 1 (Appendix A of Decision 69469, as amended) is further amended by incorporating therein, to become effective November 20, 1976, Third Revised Pages 252.3 and 252.4, attached hereto and by this reference made a part hereof.

2. Minimum Rate Tariff 17-A (Appendix C of Decision 80578, as amended) is further amended by incorporating therein, to become effective November 20, 1976, Fifth Revised Page 8-T, Original Page 8-TT and Fourth Revised Page 8-U, attached hereto and by this reference made a part hereof.

3. Common carriers subject to the Public Utilities Act to the extent that they are subject to Decisions 69469 and 80578, as amended, are authorized to establish in their tariffs the amendments necessary to conform with the further adjustments ordered herein.

4. Tariff publications 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, and may be made effective on not less than ten days' notice to the Commission and to the public if filed not later than sixty days after the effective date of the minimum rate tariff pages incorporated in this order.

5. Common carriers in establishing and maintaining the amendments authorized hereinabove, are hereby 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 amendments published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

6. In all other respects Decisions 69469 and 80578, as amended, shall remain in full force and effect.

The effective date of this order shall be twenty days after the date hereof.

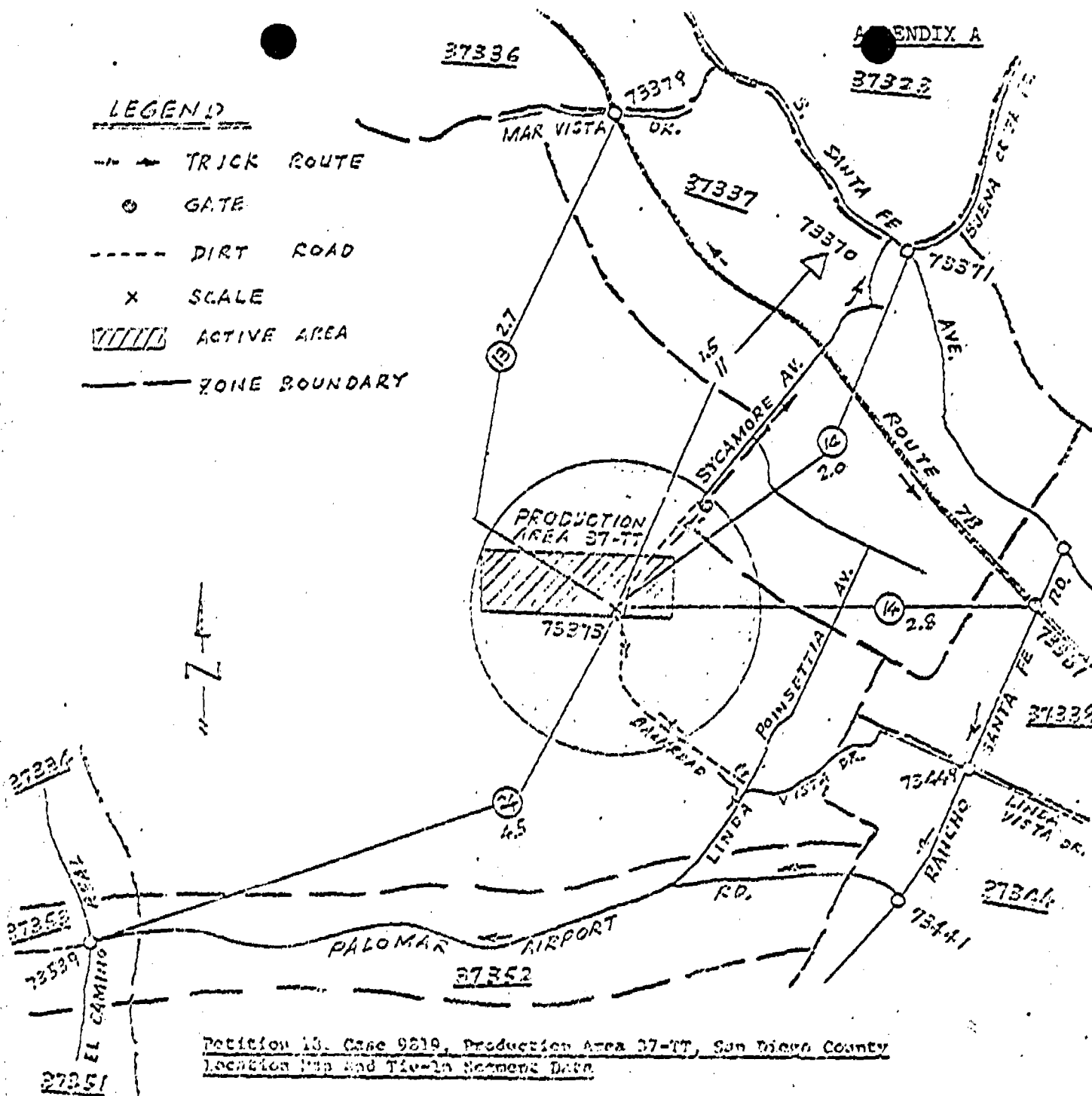
Dated at San Francisco, California, this 19th day of October, 1976.

President
 Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

LEGEND

- → TRUCK ROUTE
- ⊙ GATE
- DIRT ROAD
- x SCALE
- ▨▨▨▨ ACTIVE AREA
- ZONE BOUNDARY



Position 13. Case 9219. Production Area 37-TT, San Diego County
Location Map and Tie-In Network Data

From: Production Area 37-TT (73373)	To: Route 78 & Mar Vista Dr. (73379)	To: Route 79 & Rancho Santa Fe (73381)	To: Buena Creek Rd. & S. Santa Fe Ave. (73371)
One Way Miles	2.7	2.8	2.0
Round Trip Minutes	13	14	14

From: Production Area 37-TT (73373)	To: Zone 37327 (73370)	To: El Camino Real & Palomar Airport Rd. (73539)
One Way Miles	1.5	4.5
Round Trip Minutes	11	24

SECTION 6--SAN DIEGO COUNTY PRODUCTION AREAS AND
 DELIVERY ZONES (Continued)

SAN DIEGO COUNTY PRODUCTION AREAS	AREA
<p>Beginning at the intersection of Rancho Fanita Dr. and Mission Gorge Rd.; west on Mission Gorge Rd. and Fr. Junipero Serra Rd. a distance of 1-1/2 miles (vicinity of Old Mission Dam); north to the San Diego River; easterly along the San Diego River to a point where the northerly extension of Rancho Fanita Dr. intersects the San Diego River; southerly on said extension to the point of beginning.</p>	37-0
<p>All of the land included in the northwest quarter of the northwest quarter of Section 2, T. 19 S., R. 2 W., SBBM (westerly side of Dairy Mart Rd., southerly of the Tia Juana River).</p>	37-00
<p>Beginning at the junction of Riverford Rd. and Woodside Ave.; southwesterly along Woodside Ave. to Magnolia Ave.; northerly along Magnolia Ave. to (Old) Magnolia Ave.; westerly along (Old) Magnolia Ave. to Cottonwood Ave.; northerly along Cottonwood Ave. to Mast St.; easterly along Mast St. to Magnolia Ave.; northerly along Magnolia Ave. to El Nopal; easterly along El Nopal to Riverford Rd.; southerly along Riverford Rd. to the point of beginning.</p>	37-P
<p>All of the land included in the northeast quarter of Section 2, T. 19 S., R. 2 W., SBBM, lying southwesterly of Interstate Hwy. 5 (near Cottonwood Rd. and adjacent to and astride the Tia Juana River).</p>	37-PP
<p>Beginning at the junction of Cherry Rd. and Westhill Rd.; southwesterly and westerly along Cherry Rd. to Golden Ridge Rd.; southwesterly along Golden Ridge Rd. to its junction with Jessica Ln.; westerly along a direct line to a point southeast of the junction of Shadowhill Rd. and Meadow Terrace Dr.; northwest to said junction; northwesterly along Shadowhill Rd. to Woodside Ave.; northeasterly and easterly along Woodside Avenue to Marilla Dr.; southerly along Marilla Dr. to Westhill Rd.; southerly along Westhill Rd. to the point of beginning.</p>	37-Q
<p>All points northerly of Highland Valley Rd. and within a one-mile radius of the intersection of said Highland Valley Rd. and an unnamed road leading northerly from Highland Valley Rd. approximately 2.7 miles easterly of Pomerado Rd. This area is in the vicinity of the upper end of Lake Hodges.</p>	37-QQ
<p>Beginning at the intersection of Lakeside Ave. and State Hwy. 67; southerly along State Hwy. 67 to Woodside Ave.; westerly along Woodside Ave. to Riverford Rd.; northerly along Riverford Rd. to Riverside Dr.; easterly along Riverside Dr. to Lakeside Ave.; easterly along Lakeside Ave. to the point of beginning.</p>	37-R
<p>All points southerly of Dehesa Rd. and within a one-mile radius of the intersection of Dehesa Rd. and the private road leading to the Consolidated Rock Company production plant approximately 1.2 miles east of the intersection of Willow Glen and Dehesa Rd. in San Diego County.</p>	37-RR
<p>Beginning at the junction of Willow Rd. and Virden St.; southerly along Virden St. to El Monte Rd.; southerly along El Monte Rd. and Julian Ave. to Lake Jennings Park Rd.; westerly along Lake Jennings Park Rd. and Maple View St. to State Hwy. 67; northerly along State Hwy. 67 to Morena Ave.; northeasterly along Morena Ave. to Willow Rd.; easterly along Willow Rd. to the point of beginning.</p>	37-S
<p>All of the land included in the northeast quarter of Section 32, Township 9 South, Range 2 West, San Bernardino Base and Meridian (generally westerly of Pala Mission).</p>	37-SS

No change on this page, Decision No.

86533

EFFECTIVE

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

Correction

SECTION 6--SAN DIEGO COUNTY PRODUCTION AREAS AND
 DELIVERY ZONES (Continued)

AREA	SAN DIEGO COUNTY PRODUCTION AREAS
37-T	Beginning at the intersection of Friars Rd. and Murphy Canyon Rd.; northerly along Murphy Canyon Rd. to Aero Dr.; westerly along Aero Dr. to Marathon Dr.; southerly along Marathon Dr. to Farm Ave.; westerly along Farm Ave. to Mission Village Dr.; southerly along Mission Village Dr. to Friars Rd.; easterly along Friars Rd. to the point of beginning.
*37-TT	The area within a 5/8 of a mile radius of the southwestern prolongation of Sycamore Avenue, and the westerly prolongation of La Mirada Drive.
37-U	Beginning at a point on Mission Gorge Rd. 500 ft. easterly of the junction of Mission Gorge Rd. and Conestoga Wy.; due north 1/2 mile; westerly along a line parallel to and 1/2 mile northerly of Mission Gorge Rd. to a point exactly 1/2 mile north of a point on Mission Gorge Rd. 1 mile westerly of the junction of Mission Gorge Rd. and Conestoga Wy.; southerly along said line to Mission Gorge Rd.; easterly along Mission Gorge Rd. to the point of beginning.
37-V	Beginning at a point on Mission Gorge Rd. 500 ft. easterly of the junction of Mission Gorge Rd. and Conestoga Wy.; due north 1/2 mile; easterly along a line parallel to and 1/2 mile northerly of Mission Gorge Rd. to Fr. Junipero Serra Rd.; southerly along Fr. Junipero Serra Rd. to Mission Gorge Rd.; westerly along Mission Gorge Rd. to the point of beginning.
37-W	Beginning at the intersection of U.S. Hwy. 395 and the San Diego River; northerly along U.S. Hwy. 395 to Genesee Ave.; easterly along Genesee Ave. and its easterly extension to Interstate Hwy. 805; southerly along Interstate Hwy. 805 to the San Diego River; westerly along the San Diego River to the point of beginning.
37-X	Beginning at the intersection of Murphy Canyon Rd. and the San Diego River; northerly along Murphy Canyon Rd. to Friars Rd.; westerly along Friars Rd. to Mission Village Rd.; northerly along Mission Village Rd. to Irvington Rd.; westerly along Irvington Rd. and its westerly extension to Interstate Hwy. 805; southerly along Interstate Hwy. 805 to the San Diego River; easterly along the San Diego River to the point of beginning.
37-Y	Beginning at the intersection of Twain Ave. and Mission Gorge Rd.; westerly along Twain Ave. to the San Diego River; northerly and northeasterly along the San Diego River to Zion Ave.; easterly along Zion Ave. to Mission Gorge Rd.; southerly along Mission Gorge Rd. to the point of beginning.
37-Z	Beginning at a point on El Monte Rd. exactly 1 mile easterly of Virden St.; easterly along El Monte Rd. to the entrance to El Monte Park; north 1/2 mile; westerly along a line parallel to and 1/2 mile northerly of El Monte Rd. to a point 1/2 mile north of a point on El Monte Rd. exactly 1 mile easterly of Virden St.; south 1/2 mile to the point of beginning.

* Addition, Decision No.

86533

EFFECTIVE

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

Correction

SECTION 8 - ZONE RATES IN CENTS PER TON

COMMODITIES AS DESCRIBED IN ITEM 60

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

ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE
37140	252	37357	174	37432	80	37528	65	37923	132		
37213	181	37358	168	37433	80	37529	53	37924	116		
37215	196	37359	157	37434	63	37530	44	37925	118		
37216	172	37360	147	37435	63	37531	64	37926	131		
37217	167	37361	156	37436	43	37532	76	37927	143		
37218	170	37362	167	37437	32	37533	95	37928	169		
37219	170	37363	179	37438	36	37534	89	37929	148		
37220	160	37364	139	37439	42	37536	69	37930	136		
37308	221	37365	146	37440	47	37537	65	37931	128		
37309	236	37366	146	37441	47	37538	54	37932	132		
37310	224	37367	159	37442	62	37539	48	37933	143		
37311	245	37368	170	37443	60	37540	61	37934	135		
37319	193	37369	182	37444	78	37541	68	37935	138		
37320	197	37370	170	37445	99	37542	99	37940	160		
37321	198	37371	157	37446	121	37543	105				
37322	214	37372	145	37447	83	37601	97				
37323	221	37373	150	37448	70	37602	103				
37324	240	37374	135	37449	68	37603	119				
37325	239	37375	140	37450	54	37604	115				
37326	232	37401	127	37451	48	37605	120				
37327	233	37402	113	37452	64	37606	132				
37328	220	37403	112	37453	73	37607	147				
37329	215	37404	102	37454	84	37608	155				
37330	208	37405	116	37501	150	37609	164				
37331	208	37406	100	37502	135	37610	127				
37332	200	37407	88	37503	147	37611	136				
37333	213	37408	76	37504	143	37801	98				
37334	202	37409	65	37505	153	37802	112				
37335	229	37410	52	37506	165	37901	81				
37336	217	37411	62	37507	181	37902	76				
37337	206	37412	69	37508	196	37903	72				
37338	191	37413	84	37509	189	37904	83				
37339	184	37414	61	37510	196	37905	84				
37340	188	37415	94	37511	191	37906	94				
37341	182	37416	90	37512	177	37907	100				
37342	178	37417	95	37513	161	37908	101				
37343	162	37418	103	37514	144	37909	111				
37344	199	37419	108	37515	124	37910	105				
37345	195	37420	108	37516	129	37911	97				
37346	182	37421	67	37517	117	37912	86				
37347	170	37422	39	37518	118	37913	84				
37348	164	37423	32	37519	103	37914	98				
37349	167	37424	43	37520	84	37915	111				
37350	174	37425	58	37521	96	37916	119				
37351	186	37426	74	37522	111	37917	128				
37352	205	37427	100	37523	141	37918	110				
37353	199	37428	112	37524	139	37919	143				
37354	187	37429	93	37525	122	37920	127				
37355	183	37430	81	37526	82	37921	134				
37356	174	37431	84	37527	73	37922	148				

NO CHANGE, DECISION NO. **86533** EFFECTIVE
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,
CORRECTION SAN FRANCISCO, CALIFORNIA.

SECTION 8 - ZONE RATES IN CENTS PER TON

COMMODITIES AS DESCRIBED IN ITEM 60

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

ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE
37101	347	37208	275	37338	213	37413	107	37509	208	37904	82		
37102	362	37209	258	37339	206	37414	84	37510	216	37905	84		
37103	329	37210	241	37340	210	37415	116	37511	210	37906	93		
37104	337	37211	225	37341	204	37416	112	37512	196	37907	99		
37105	357	37212	213	37342	200	37417	112	37513	180	37908	100		
37106	349	37213	203	37343	184	37418	121	37514	143	37909	110		
37107	327	37214	242	37344	221	37419	126	37515	145	37910	104		
37108	323	37215	218	37345	216	37420	121	37516	132	37911	97		
37109	311	37216	194	37346	204	37421	89	37517	139	37912	91		
37110	295	37217	189	37347	191	37422	62	37518	140	37913	89		
37111	284	37218	193	37348	186	37423	52	37519	123	37914	104		
37112	294	37219	192	37349	188	37424	64	37520	107	37915	116		
37113	308	37220	183	37350	195	37425	80	37521	117	37916	118		
37114	323	37301	269	37351	207	37426	97	37522	133	37917	133		
37115	303	37302	283	37352	227	37427	110	37523	145	37918	115		
37116	299	37303	269	37353	220	37428	122	37524	117	37919	149		
37117	305	37304	252	37354	209	37429	101	37525	101	37920	132		
37118	329	37305	253	37355	204	37430	87	37526	61	37921	139		
37119	330	37306	267	37356	195	37431	92	37527	51	37922	153		
37120	325	37307	282	37357	195	37432	85	37528	43	37923	137		
37121	313	37308	243	37358	189	37433	85	37529	32	37924	121		
37122	317	37309	257	37359	178	37434	82	37530	34	37925	124		
37123	304	37310	245	37360	169	37435	72	37531	60	37926	136		
37124	313	37311	266	37361	177	37436	52	37532	73	37927	149		
37125	316	37312	279	37362	189	37437	44	37533	73	37928	174		
37126	315	37313	284	37363	200	37438	43	37534	80	37929	154		
37127	303	37314	274	37364	160	37439	48	37535	68	37930	141		
37128	292	37315	272	37365	168	37440	54	37537	63	37931	133		
37129	289	37316	252	37366	167	37441	53	37538	53	37932	138		
37130	288	37317	241	37367	180	37442	69	37539	49	37933	149		
37131	283	37318	229	37368	191	37443	66	37540	59	37934	140		
37132	284	37319	216	37369	203	37444	84	37541	67	37935	143		
37133	272	37320	219	37370	193	37445	105	37542	77	37940	165		
37134	264	37321	220	37371	179	37446	127	37543	83				
37135	258	37322	237	37372	168	37447	89	37601	75				
37136	249	37323	243	37373	173	37448	76	37602	82				
37137	261	37324	263	37374	157	37449	74	37603	97				
37138	282	37325	261	37375	162	37450	60	37604	94				
37139	289	37326	255	37401	148	37451	54	37605	105				
37140	273	37327	254	37402	135	37452	69	37606	117				
37141	283	37328	241	37403	130	37453	79	37607	133				
37142	292	37329	236	37404	124	37454	91	37608	140				
37143	282	37330	230	37405	138	37501	173	37609	149				
37201	286	37331	230	37406	123	37502	158	37610	105				
37202	298	37332	221	37407	110	37503	169	37611	114				
37203	310	37333	235	37408	99	37504	166	37801	89				
37204	325	37334	224	37409	87	37505	175	37802	94				
37205	315	37335	251	37410	74	37506	188	37901	86				
37206	301	37336	240	37411	85	37507	203	37902	81				
37207	291	37337	228	37412	91	37508	220	37903	77				

NO CHANGE, DECISION NO.

86533

EFFECTIVE

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