

ORIGINAL

Decision No. 86675

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 )  
sand, rock, gravel and related )  
items in bulk, in dump truck )  
equipment between points in )  
California as provided in Mini- )  
mum Rate Tariff 7-A and the )  
revisions or reissues thereof. )

Case No. 5437  
Petition for Modification  
No. 290  
(Filed July 21, 1976)

And Related Matters. )

Cases Nos. 9819 and 9820  
Petitions for Modification  
Nos. 17 and 7, respectively,  
(Filed July 21, 1976)

OPINION AND ORDER

By these petitions, California Dump Truck Owners Association seeks the establishment of minimum rates in Minimum Rate Tariffs 7-A, 17-A and 20 for the transportation of "crushed or recrushed asphaltic or cement concrete" in dump truck equipment.

Petitioner states that the commodity is transported in bulk in dump trucks under identical conditions of loading, unloading and routing as are applicable to the component parts and other base materials such as decomposed granite, slag, gravel and batched material. Petitioner avers that the commodity is the same weight or slightly heavier than crushed rock of similar size and asserts that several thousand tons per month of this commodity are moving over the public highways in California. Petitioner alleges that there will be an increasing amount of this traffic as rock quarries in urban areas are depleted and dump sites to dispose of broken concrete material become filled.

The certificate of service indicates that copies of the petitions were mailed to various interested parties on July 19, 1976. The petitions were listed on the Commission's Daily Calendar of July 22, 1976. No objection to the granting of the petitions has been received.

In the circumstances, the Commission finds that petitioner's proposal is reasonable and the resulting rates and charges will be just, reasonable and nondiscriminatory minimum rates and charges for the transportation involved. A public hearing is not necessary. The Commission concludes that the petitions should be granted as set forth in the ensuing order.

IT IS ORDERED that:

1. Minimum Rate Tariff 7-A (Appendix B to Decision 82061, as amended) is further amended by incorporating therein to become effective December 25, 1976, Fifth Revised Page 8 and Fifth Revised Page 9 attached hereto and by this reference made a part hereof.

2. Minimum Rate Tariff 17-A (Appendix C to Decision 80578, as amended) is further amended by incorporating therein to become effective December 25, 1976, Fourth Revised Page 1-3 and Fourth Revised Page 1-4 attached hereto and by this reference made a part hereof.

3. Minimum Rate Tariff 20 (Appendix A to Decision 81799, as amended) is further amended by incorporating therein to become effective December 25, 1976, Fourth Revised Page 1-3 and Fourth Revised Page 1-4 attached hereto and by this reference made a part hereof.

4. Common carriers subject to the Public Utilities Act, to the extent that they are subject to Decisions 80578, 81799 and 82061, as amended, are hereby authorized to establish in their tariffs the amendments necessary to conform with the further adjustments ordered herein.


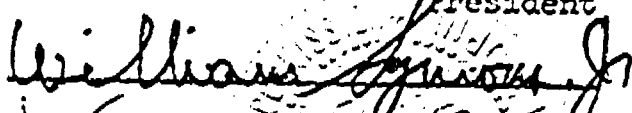



5. Tariff publications authorized to be made by common carriers as a result of this order may be made effective not earlier than December 25, 1976, and may be made effective on not less than ten day's notice to the Commission and to the public if filed not later than sixty days after the effective date of the minimum rate tariff pages incorporated in this order.

6. 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.

7. In all other respects Decisions 80578, 81799 and 82061, 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 25<sup>th</sup> day of November, 1976.

  
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President  
  
  
\_\_\_\_\_  
  
  
Commissioners

MINIMUM RATE TARIFF 7-A

SECTION 1--RULES (Continued)	ITEM
<p style="text-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 and other accessorial or incidental services performed prior to, during, or subsequent to said transportation by radial highway common carriers, highway contract carriers and 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 subhaulers) when such transportation is performed for other carriers, as provided in Item 210.</p>	20
<p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES</p> <p>When reference is made to this item, rates apply to the transportation of the following commodities:</p> <p>LIST A</p> <ul style="list-style-type: none"> <li>*Asphaltic or cement concrete, crushed or recrushed;</li> <li>Base, cement treated (Moist mixture of sand, crushed rock and/or gravel and cement);</li> <li>Concrete, mortar or plaster: ingredients of, in batches, in nylon-corded rubberized bags;</li> <li>Containers, empty, used, viz.: empty, used nylon-corded rubberized bags being returned from an outbound trip in which they moved containing batches of the ingredients of concrete, mortar or plaster;</li> <li>(1) Earth, including dirt, loam, silt or soil individually or in any combination. It also includes miscellaneous material such as stone, rock, tree stumps and broken concrete in combination with earth when such material does not exceed 50 percent of the total volume of the shipment.</li> <li>Granite, decomposed;</li> <li>Gravel;</li> <li>Rock (commonly called "cobblestone" or "rip rap");</li> <li>Sand, crushed stone and gravel, mixed dry, with or without cement added;</li> <li>Sand, other than burnt shale;</li> <li>Slag, other than expanded;</li> <li>Stone, crushed, chips or waste;</li> <li>Stone, natural, blocks, pieces or slabs, rough quarried;</li> <li>Stone, natural, sawed, not further finished.</li> </ul> <p>(1) See Item 290 for shipments subject to Distance Rates of more than 30 miles. See Item 310 for shipments subject to Distance Rates of 30 miles or less.</p> <p>LIST B</p> <ul style="list-style-type: none"> <li>Asphaltic concrete (commonly called "Hot Stuff");</li> <li>Cold road oil mixture (commonly called "Plant Mix");</li> <li>Asphalt, cold liquid, in containers not exceeding 5 gallons capacity per container (Subject to Note 1).</li> </ul> <p>NOTE 1.--Cold liquid asphalt will be transported under the provisions of this tariff, at rates which apply for the transportation of asphaltic concrete, when tendered for transportation with, and as a part of, a shipment of asphaltic concrete and when the quantity so tendered does not exceed 15 gallons per shipment.</p>	210
<p>g Change )        * Addition ) Decision No. <b>86675</b></p>	
EFFECTIVE	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	

Correction

ITEM	SECTION 1--RULES (Continued)			
40	<p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES</p> <p>When reference is made to this item, rates apply to the transportation of the following commodities:</p> <table border="0"> <tr> <td style="vertical-align: top;">                     Barium, clay or silicate mud compounds, dry, oilwell drilling;                      Cement clinker;                      Clay, other than burnt or calcined;                      Cullet (glass, broken or crushed);                      Dolomite, dead-burned;                      Dolomite rock, crushed;                      Gypsum rock, crude, not further processed than broken or crushed;                 </td> <td style="vertical-align: top;">                     Mill scale;                      Mud, dry, oilwell drilling;                      Perlite rock, crude, not expanded, not further processed than broken, crushed or ground;                      Pyrite cinders;                      Pyrophyllite, crude, in blocks, pieces or slabs, rough quarried;                      Shale, other than burnt, calcined or expanded;                 </td> <td style="vertical-align: top;">                     Soapstone, crude, in blocks, pieces or slabs, rough quarried or not further finished than sawed or chipped on four sides;                      Talc, crude, in blocks, pieces or slabs, rough quarried or not further finished than sawed or chipped on four sides.                 </td> </tr> </table>	Barium, clay or silicate mud compounds, dry, oilwell drilling; Cement clinker; Clay, other than burnt or calcined; Cullet (glass, broken or crushed); Dolomite, dead-burned; Dolomite rock, crushed; Gypsum rock, crude, not further processed than broken or crushed;	Mill scale; Mud, dry, oilwell drilling; Perlite rock, crude, not expanded, not further processed than broken, crushed or ground; Pyrite cinders; Pyrophyllite, crude, in blocks, pieces or slabs, rough quarried; Shale, other than burnt, calcined or expanded;	Soapstone, crude, in blocks, pieces or slabs, rough quarried or not further finished than sawed or chipped on four sides; Talc, crude, in blocks, pieces or slabs, rough quarried or not further finished than sawed or chipped on four sides.
Barium, clay or silicate mud compounds, dry, oilwell drilling; Cement clinker; Clay, other than burnt or calcined; Cullet (glass, broken or crushed); Dolomite, dead-burned; Dolomite rock, crushed; Gypsum rock, crude, not further processed than broken or crushed;	Mill scale; Mud, dry, oilwell drilling; Perlite rock, crude, not expanded, not further processed than broken, crushed or ground; Pyrite cinders; Pyrophyllite, crude, in blocks, pieces or slabs, rough quarried; Shale, other than burnt, calcined or expanded;	Soapstone, crude, in blocks, pieces or slabs, rough quarried or not further finished than sawed or chipped on four sides; Talc, crude, in blocks, pieces or slabs, rough quarried or not further finished than sawed or chipped on four sides.		
50	<p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES</p> <p>When reference is made to this item, rates apply to the transportation of the following commodities:</p> <p>Lightweight Aggregates, viz.:</p> <table border="0"> <tr> <td style="vertical-align: top;">                     Ash, volcanic;                      Cinders;                      Clay, burnt or calcined;                      Perlite, expanded;                 </td> <td style="vertical-align: top;">                     Pumice;                      Sand, burnt shale;                      Scoria, volcanic;                 </td> <td style="vertical-align: top;">                     Shale, burnt or calcined;                      Shale, expanded;                      Slag, expanded.                 </td> </tr> </table>	Ash, volcanic; Cinders; Clay, burnt or calcined; Perlite, expanded;	Pumice; Sand, burnt shale; Scoria, volcanic;	Shale, burnt or calcined; Shale, expanded; Slag, expanded.
Ash, volcanic; Cinders; Clay, burnt or calcined; Perlite, expanded;	Pumice; Sand, burnt shale; Scoria, volcanic;	Shale, burnt or calcined; Shale, expanded; Slag, expanded.		
<p>No Change on this page, Decision No. <b>86675</b></p>				
<p>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>				

SECTION 1--RULES (CONTINUED)	ITEM
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Concluded)</p> <p>SYSTEM OF DELIVERY ZONES means the following delivery zones which, in total, shall be deemed as comprising a single system of delivery zones (not applicable when point of origin is in San Diego County):</p> <p style="padding-left: 40px;">All zones in Los Angeles County except zones numbered 19800 to 19948, inclusive; all zones in Orange County; all zones in Riverside County; all zones in San Bernardino County except zones numbered 36500 to 36510, inclusive; San Diego County zones numbered 29 to 89, inclusive; all zones in Santa Barbara County; and all zones in Ventura County.</p> <p>(When point of origin is in San Diego County, the following delivery zones, in total, shall be deemed as comprising a single system of delivery zones: Orange County Delivery Zones 30066 to 30071, inclusive, 30094 to 30118, inclusive, and all zones in San Diego County except zones numbered 29 to 89, inclusive.)</p> <p>TEAM TRACK means a point at which property may be loaded into or upon, or unloaded from rail cars by the public generally; it also includes wharves, docks and landings at which the public generally may receive or tender shipments of property from and to common carriers by vessel.</p> <p>TON means 2,000 pounds.</p> <p>UNDERLYING CARRIER (Independent-contractor subhauler) means any carrier who renders service for an overlying carrier (principal carrier) for a specified recompense, for a specified result, under the control of the overlying carrier as to the result of the work only and not as to the means by which such result is accomplished.</p> <p>UNIT OF EQUIPMENT means a truck, a tractor, a trailer, a semitrailer, or any combination of the foregoing operated in a train.</p> <p>WEIGHT TICKET means the shipper's scale weight ticket supplied to the carrier by the consignor at the point of origin and completed by the consignee at the point of destination.</p>	20
<p>(1) THIRD REVISED PAGE 1-3 was suspended by Supplement 12.</p> <p>No change from Second Revised Page 1-3, Decision No. <span style="float: right; font-size: 1.2em;">86675</span></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>	

ITEM	SECTION 1--RULES (CONTINUED)
40	<p style="text-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 radial highway common carriers, highway contract carriers and dump truck carriers, as defined in said Highway Carriers' Act, in bulk in dump truck equipment.</p>
660	<p style="text-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 commodities:</p> <p>*Asphaltic or cement concrete, crushed or recrushed;</p> <p>Rock, natural, crushed, chips, waste or dust (Subject to Notes 1 and 2);</p> <p>Sand;</p> <p>Gravel;</p> <p>Cement, in dry mixtures with the above commodities, in batches (Subject to Note 3).</p> <p>NOTE 1.--The term "rock", as used herein, includes stone.</p> <p>NOTE 2.--The term "rock", as used herein, does not include any rock or rocks, having a combined length and girth in excess of 65 inches per single rock.</p> <p>NOTE 3.--Rates in this tariff apply for the transportation of cement only when the volume of the cement does not exceed one-third of the volume of the shipment.</p>
665	<p style="text-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 commodities (Subject to Notes 2 and 3):</p> <p>Asphaltic concrete;</p> <p>Cold road oil mixture;</p> <p>Cold liquid asphalt in containers not exceeding 5 gallons capacity per container (Subject to Note 1).</p> <p>NOTE 1.--Cold liquid asphalt will be transported under the provisions of this tariff, at rates which apply for the transportation of asphaltic concrete, when tendered for transportation with, and as part of, a shipment of asphaltic concrete, and when the quantity so tendered does not exceed 15 gallons per shipment.</p> <p>NOTE 2.--When these commodities are transported in trucks without trailing equipment, the rates in Sections 11, 12, 13, 14 and 15 will apply.</p> <p>NOTE 3.--When these commodities are transported in trucks with trailing equipment or tractors with trailers, the hourly rates in Minimum Rate Tariff 7-A will apply.</p>
<p>(1) THIRD REVISED PAGE 1-4 was suspended by Supplement 12.</p> <p style="text-align: right;">                 } Change                  * Addition ) Decision No. <b>86675</b> </p>	
EFFECTIVE	
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Correction

SECTION 1--RULES (CONTINUED)	ITEM
<p style="text-align: center;"><b>APPLICATION OF TARIFF--CARRIERS</b></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 style="text-align: center;"><b>APPLICATION OF TARIFF--COMMODITIES</b></p> <p>Rates in this tariff apply for the transportation of the following commodities:</p> <ul style="list-style-type: none"> <li>*Asphaltic or cement concrete, crushed or recrushed;</li> <li>Rock, natural, crushed, chips, waste or dust (Subject to Notes 1 and 2),</li> <li>Sand,</li> <li>Gravel.</li> </ul> <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>	660
<p style="text-align: center;"><b>APPLICATION OF TARIFF--GENERAL</b></p> <p>Rates in this tariff do not apply to the transportation of:</p> <ul style="list-style-type: none"> <li>(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.</li> <li>(b) Property of the United States or property transported under an agreement whereby the United States contracted for the carrier's service.</li> <li>(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.</li> </ul>	80
<p style="text-align: center;"><b>HANDLING OF CLAIMS FOR LOSS OR DAMAGE</b></p> <p>Claims for loss or damage shall be governed by the provisions of General Order No. 139.</p>	85
<p>o Change )                  * Addition ) Decision No. <b>86675</b></p>	
<p><b>EFFECTIVE</b></p>	
<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 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.</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>No change on this page, Decision No. <b>86675</b></p>	
EFFECTIVE	
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	