

Decision No. 88850 MAY 16 1978

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 )  
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. 297  
(Filed March 22, 1978)

OPINION AND ORDER

Minimum Rate Tariff 7-A (MRT 7-A) names minimum rates and rules for the transportation of rock, sand, gravel and other specified commodities by dump truck within northern and southern territories of California. By this petition California Trucking Association seeks to include the transportation of ore in the distance rates.

Ore transportation in dump type equipment is subject to the hourly rates as provided by Items 60 and 390 of MRT 7-A. The transportation of bulk ore has similar characteristics to other commodities listed in Item 30 of MRT 7-A for which both hourly and distance rates are published.

Petitioner requests "ore" be added to the list of commodities in Item 30. The staff believes that the adoption of this proposal would eliminate confusion arising from the encompassing nature of the various commodity descriptions (earth, stone, rock, etc.) transported under distance rates. Many of the listed commodities are unprocessed material of mines or quarries transported in dump type equipment.

The petition was listed on the Commission's Daily Calendar of March 24, 1978. No objection to the granting of the petition has been received.

In the circumstances, the Commission finds that petitioner's proposal is reasonable and the resulting minimum 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 petition should be granted as set forth in the ensuing order.

IT IS ORDERED that:

1. Minimum Rate Tariff 7-A (Appendix B to Decision No. 82061, as amended) is further amended by incorporating therein, to become effective thirty-nine days after the date hereof, the revised pages contained in Appendix A, attached hereto and by this reference made a part hereof.
2. Common carriers subject to the Public Utilities Act, to the extent that they also are subject to Decision No. 82061, as amended, are directed to establish in their tariffs the amendments 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 made effective thirty-nine days after the date hereof, on not less than five days' notice to the Commission and to the public.
4. Common carriers, in establishing and maintaining the amendments authorized by this order, are 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.
5. In all other respects, Decision No. 82061, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 16th day of MAY, 1978.

Robert Bafunich  
President

William S. Gussow Jr.

Simon L. Sturgeon

Richard D. Hoelle

Alvin T. DeBriels  
Commissioners

APPENDIX A

LIST OF REVISED PAGES TO  
MINIMUM RATE TARIFF 7-A

FOURTH	REVISED	PAGE	3
SEVENTH	REVISED	PAGE	8
SEVENTH	REVISED	PAGE	9
NINTH	REVISED	PAGE	10
NINTH	REVISED	PAGE	11

(END OF APPENDIX A)

INDEX OF COMMODITIES

COMMODITY	ITEM	COMMODITY	ITEM
Aggregates, Lightweight	50, 330, 340	Mill Scale	40, 320, 390
Ash	30, 330, 340	Mixture, Cold Road Oil	30, 300, 390, 430, 480, 490, 530, 540 550, 560
Asphalt(M)	30, 300, 390	Mortar	30, 290, 390
Base, Cement Treated	30, 290, 390	Mud	40, 320, 390
Cake, Salt	60, 390	Ore	** *30, *290, 390
Cement(M)	30, 300, 390	Perlite	40, 50, 320, 330, 340, 390
Cement Clinker	40, 320, 390	Plaster	30, 290, 390
Cinders	50, 330, 340	Pumice	50, 330, 340
Clay	40, 50, 320, 330, 340, 390	Pyrite	40, 320, 390
Coke, petroleum	60, 325, *390	Pyrophyllite	40, 320, 390
Compounds, Barium, Clay or Silicate Mud	40, 320, 390	Rock	30, 290, 390
Concrete	30, 60, 290, 300, 390, 480, 490	Sand	30, 50, 290, 330, 340, 390, 430, 510, 560
Containers	30, 290, 390	Scoria	50, 330, 340
Cullet	40, 320, 390	Shale	40, 50, 320, 330, 340, 390
Debris	60, 390, 400	Slag	30, 40, 50, 290, 320, 330, 340, 390
Dolomite	40, 320, 390	Slurry	60, 390
Earth	30, 290, 310, 390	Soapstone	40, 320, 390
Fodder	60, 350, 390	Stone	30, 290, 390, 430, 510, 560
Granite	30, 40, 290, 320, 390, 510	Talc	40, 320, 390
Gravel	30, 290, 390, 430, 510, 560		
Gypsum	40, 320, 390		
Loam	30, 290, 310, 390		

(M) Denotes articles on which application of rates is limited to mixed shipments.

\* Change )  
 \* Addition ) Decision No. **88850**  
 \*\* Eliminated )

EFFECTIVE

Correction

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

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 and other accessorial or incidental services performed prior to, during, or subsequent to said transportation by carriers, as defined in Item 10, 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;"><b>APPLICATION OF TARIFF--COMMODITIES</b></p> <p>When reference is made to this item, rates apply to the transportation of the following commodities:</p> <p><b>LIST A</b></p> <p>Asphaltic or cement concrete, crushed or recrushed;              Base, cement treated (Moist mixture of sand, crushed rock and/or gravel and cement);              Concrete, mortar or plaster: ingredients of, in batches, in nylon-corded rubberized bags;              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;              (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.              Granite, decomposed;              Gravel;              Ore;              Rock (commonly called "cobblestone" or "rip rap");              Sand, crushed stone and gravel, mixed dry, with or without cement added;              Sand, other than burnt shale;              Slag, other than expanded;              Stone, crushed, chips or waste;              Stone, natural, blocks, pieces or slabs, rough quarried;              Stone, natural, sawed, not further finished.</p> <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><b>LIST B</b></p> <p>Asphaltic concrete (commonly called "Hot Stuff");              Cold road oil mixture (commonly called "Plant Mix");              Asphalt, cold liquid, in containers not exceeding 5 gallons capacity per container (Subject to Note 1).</p> <p><b>NOTE 1.</b>--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>	30
<p>                 § Change            )                  * Addition        ) Decision No. <b>88850</b>                  o Reduction       )             </p>	
<b>EFFECTIVE</b>	
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 style="text-align: center;">When reference is made to this item, rates apply to the transportation of the following commodities:</p> <table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top; width: 33%;">           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; width: 33%;">           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; width: 33%;">           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 style="text-align: center;">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" style="width: 100%;"> <tr> <td style="vertical-align: top; width: 33%;">           Ash, volcanic ;            Cinders;            Clay, burnt or calcined;            Perlite, expanded;         </td> <td style="vertical-align: top; width: 33%;">           Pumice;            Sand, burnt shale;            Scoria, volcanic;         </td> <td style="vertical-align: top; width: 33%;">           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>88850</b></p>						
EFFECTIVE						
<p>Correction ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>						

SECTION 1--RULES (Continued)	ITEM				
<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" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;">                     Coke, petroleum;                      Concrete, broken, asphaltic or hydraulic;                      Concrete, premixed, wet;                      Debris: From street or highway maintenance, including ice, mud, and slush; also debris from drainage or flood control construction and/or maintenance projects;                 </td> <td style="width: 50%; vertical-align: top;">                     Fodder: Chopped green corn and sorghum grain plants, including heads, stalks, and leaves;                      **                      Salt cake (crude sulphate of soda);                      Slurry (mixed sand, dust, crushed stone and/or gravel, wet).                 </td> </tr> </table>	Coke, petroleum; Concrete, broken, asphaltic or hydraulic; Concrete, premixed, wet; Debris: From street or highway maintenance, including ice, mud, and slush; also debris from drainage or flood control construction and/or maintenance projects;	Fodder: Chopped green corn and sorghum grain plants, including heads, stalks, and leaves; ** Salt cake (crude sulphate of soda); Slurry (mixed sand, dust, crushed stone and/or gravel, wet).	660		
Coke, petroleum; Concrete, broken, asphaltic or hydraulic; Concrete, premixed, wet; Debris: From street or highway maintenance, including ice, mud, and slush; also debris from drainage or flood control construction and/or maintenance projects;	Fodder: Chopped green corn and sorghum grain plants, including heads, stalks, and leaves; ** Salt cake (crude sulphate of soda); Slurry (mixed sand, dust, crushed stone and/or gravel, wet).				
<table border="0" style="margin-left: auto; margin-right: auto;"> <tr> <td style="padding-right: 10px;">                             * Change                              ** Eliminated                         </td> <td style="font-size: 2em; padding: 0 10px;">}</td> <td style="padding-right: 20px;">Decision No.</td> <td style="font-size: 2em; font-weight: bold;">88850</td> </tr> </table>		* Change ** Eliminated	}	Decision No.	88850
* Change ** Eliminated	}	Decision No.	88850		
<p>EFFECTIVE</p>					
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,                  SAN FRANCISCO, CALIFORNIA.</p>					

Correction



ITEM	SECTION 1--RULES (Continued)												
70	<p style="text-align: center;">APPLICATION OF TARIFF--GENERAL</p> <p>Rates in this tariff do not apply to the transportation of:</p> <p>(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.</p> <p>(b) Property of the United States or property transported under agreement whereby the United States contracted for the carrier's service.</p> <p>(c) Property for which rates are provided in Minimum Rate Tariffs 17-A or 20 when said property is transported under the provisions of such tariffs.</p> <p>(d) 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.</p> <p>For rates for the transportation of commodities in dump truck equipment, other than as provided in this tariff, see Minimum Rate Tariffs 1-B, 2, 9-B, 17-A, 19, or 20, as the case may be.</p>												
80	<p style="text-align: center;">APPLICATION OF TARIFF--TERRITORIAL</p> <p>Rates in this tariff apply for transportation between all points within the State of California.</p>												
90	<p style="text-align: center;">ACCESSORIAL CHARGES</p> <p>In addition to the charges under the rates in Sections 2, and 4, and when, through no fault of the carrier, the unloading and release of carrier's equipment at destination is delayed beyond the time allowances shown herein, the following accessorial charges shall be assessed:</p> <table border="0" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;"></th> <th style="width: 10%; text-align: center;">a</th> <th style="width: 10%; text-align: center;">b</th> <th style="width: 10%; text-align: center;">c</th> </tr> </thead> <tbody> <tr> <td>Charge per unit of carrier's equipment for delay beyond the time allowance shown below. Charge applies for each six(6) minutes (one-tenth of an hour) or fraction thereof</td> <td style="text-align: center;">190</td> <td style="text-align: center;">190</td> <td style="text-align: center;">190</td> </tr> <tr> <td>Time allowance in minutes, per unit of carrier's equipment (See Note)</td> <td style="text-align: center;">30</td> <td style="text-align: center;">45</td> <td style="text-align: center;">30</td> </tr> </tbody> </table> <p>a. Applies when transportation is performed by truck without trailing equipment.</p> <p>b. Applies when transportation is performed by truck with transfer type trailer.</p> <p>c. Applies when transportation is performed by truck with other than transfer type pull trailers, tractors with semitrailers or tractors with semitrailers and pull trailers operating in train.</p> <p>NOTE:--In computing the time allowances under this rule, time shall commence when the carrier arrives at point of destination.</p>		a	b	c	Charge per unit of carrier's equipment for delay beyond the time allowance shown below. Charge applies for each six(6) minutes (one-tenth of an hour) or fraction thereof	190	190	190	Time allowance in minutes, per unit of carrier's equipment (See Note)	30	45	30
	a	b	c										
Charge per unit of carrier's equipment for delay beyond the time allowance shown below. Charge applies for each six(6) minutes (one-tenth of an hour) or fraction thereof	190	190	190										
Time allowance in minutes, per unit of carrier's equipment (See Note)	30	45	30										
<p>No Change on this page, Decision No. <b>88850</b></p>													
<p>EFFECTIVE</p>													
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,        SAN FRANCISCO, CALIFORNIA.</p>													

Correction