

ORIGINAL

Decision No. 89561 OCT 17 1978

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. 303
 (Filed September 5, 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 Jack L. Walton, an individual doing business as Walton Trucking, seeks to include crude trona in the list of commodities contained in Item 40 of MRT 7-A.

Crude trona is an evaporite mineral deposit found in the lake bed of Owens Lake. Crude trona is used in the market as an alkalyzing agent. An informal staff opinion apprised the petitioner that crude trona was considered as "ore" for rating purposes.

Petitioner, having transported this commodity for the previous 15 years, seeks to have crude trona established as a commodity listed in Item 40 of MRT 7-A. The petitioner seeks this relief because the staff determination (ore) resulted in higher shipping charges being assessed the shipper.

Publishing crude trona in Item 40 would re-establish the rates at the levels assessed over the past years during which time petitioner has participated as the only carrier engaged in this traf- fic. Crude trona is an unprocessed material with the same transporta- tion characteristics when transported in dump truck equipment as the present commodities listed in Item 40. The addition of crude trona

to the tariff item will result in restoring the freight charges to the level assessed on the traffic prior to the staff's opinion that crude trona was an "ore". These charges were reasonable minimum rates for the movement of the involved traffic in for-hire transportation.

The petition was listed on the Commission's Daily Calendar of September 6, 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 82061, as amended) is further amended by incorporating therein, to become effective thirty-nine days after the date hereof, the Fifth Revised Page 3 and Eighth Revised Pages 8 and 9 attached hereto and by this reference made a part hereof.

2. Common carriers subject to the Public Utilities Act, to the extent that they are subject also to Decision 82061, as amended, are hereby authorized to establish in their tariffs the amendment necessary to conform with the further adjustment ordered by this decision.

3. Tariff publications authorized to be made by common carriers as a result of this order may be made effective 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

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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 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 17th
day of OCTOBER, 1978.

President
William J. Quinn-Jones
Simon L. Sturgeon
Robert P. Lovell
Clair T. Smith
Commissioners

Commissioner Robert Batinovich, being necessarily absent, did not participate in the disposition of this proceeding.

INDEX OF COMMODITIES

COMMODITY	ITEM	COMMODITY	ITEM
Aggregates, Lightweight	50, 330, 340	Mill Scale	40, 320, 390
Ash	50, 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	*Trona, Crude	40
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. 89561

EFFECTIVE

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

Correction

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 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;">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> <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; (2) 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>LIST 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>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>	30
<p>No Change on this page, Decision No. 89561.</p>	
<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)			
640	<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; *Trona, Crude. </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; *Trona, Crude.
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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.
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<p> * Change) * Addition) Decision No. 89561 </p>				
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<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>				