

Decision No. 92477 DEC 2 - 1980

**ORIGINAL**

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 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. )  
\_\_\_\_\_ )

Case No. 9819  
Petition for Modification  
No. 40  
(Filed November 8, 1979;  
amended April 28, 1980)

E. O. Blackman and Robert K. Ecklund, for  
Huntmix, Inc., petitioner.  
Joel D. Anderson and C. D. Gilbert, for  
California Trucking Association, protestant.  
J. S. (Sam) Shafer, for California Carriers  
Association; Harry Phelan, for California  
Asphalt Pavement Association; James R. Foote,  
for Associated Independent Owner-Operators,  
Inc.; and James D. Martens, for California  
Dump Truck Owners Association; interested  
parties.  
Joseph Braman, for the Commission staff.

O P I N I O N

By this petition, Huntmix, Inc. (Huntmix) requests the modification of Minimum Rate Tariff 17-A (MRT 17-A) by incorporating therein a rule authorizing a reduced rate for an initial haul each day of rock, sand, or gravel from an established production area to another established production area from which the same equipment transports on the same day asphaltic concrete, rock, sand, or gravel to defined delivery zones, subject to certain conditions.

Public hearing was held before Administrative Law Judge Arthur M. Mooney in Los Angeles on May 28 and June 16, 1980. The matter was submitted upon the filing of written closing statements

by those parties wishing to do so on or before July 1, 1980. Although several of the statements were delayed because of the mailing time, they have been received as part of the record in this matter.

Proposed Rule

The rule proposed by petitioner for inclusion in MRT 17-A reads as follows:

"When commodities listed in Item 60 of this tariff are transported from any Production Area described in Southern California Production Area and Delivery Zone Directory 1 to a destination located within another Production Area described in said Directory 1, and when on the same day the same unit of equipment is subsequently engaged in the transportation of commodities listed in Item 60 or 65 of this tariff from the Production Area to which such delivery is made, a minimum of 70% of the otherwise applicable rate shall apply to the initial transportation providing:

- "1. A unit of equipment utilized under the provisions of this item shall be domiciled within 15 actual miles of the Production Area from which the first transportation service of the day originates. The term 'domiciled' means the physical location at which carrier normally parks his equipment overnight. Such information as to the location of the parked equipment shall be shown by the carrier on the combined shipping order and freight bill.
- "2. For the transportation subsequent to the first delivery a minimum charge equivalent to four (4) hours at the applicable hourly rate contained in MRT 7-A for the specific equipment utilized to accomplish the initial movement shall apply. (See Note 1.)  

"Note 1: For purposes of this Item only, the shipper shall also be the debtor.
- "3. The distance between the Production Area of origin for the initial movement and the Production Area of destination is not less than 25 actual miles.

- "4. The application of this Item is limited to one movement in one unit of equipment per day.  
(See Note 2.)

"Note 2: A unit of equipment means a truck, a tractor, a semi-trailer, or any combination of the foregoing whether or not operated in a train.

- "5. The carrier keeps adequate records to justify the application of this Item."

#### Tariffs

MRT 17-A names minimum area-to-point rates and various zone rates from designated production areas to designated delivery zones for the transportation of rock, sand, aggregates, asphaltic concrete, and other commodities in dump truck equipment in southern California. Directory 1 (D-1) describes the production areas and delivery zones in southern California. Minimum Rate Tariff 7-A (MRT 7-A), to which reference is made in the proposed rule for the four-hour minimum charge, names minimum hourly and distance rates for the transportation of rock, sand, asphaltic concrete, and other commodities in dump truck equipment in northern and southern California and also certain production area to delivery zone rates.

#### Petitioner

The vice president of Huntmix, who is also its manager of operations, testified that Huntmix is a major manufacturer of asphaltic concrete and has plants at Irwindale, Upland, Wilmington, Anaheim Hills, San Juan Capistrano, and San Diego, all of which are located in production areas described in D-1, and also a plant at Bakersfield which is outside the area covered by the petition. He stated that asphaltic concrete consists of over 90 percent rock and sand. He explained that: (1) Historically plants were sited at locations where ample supplies of rock and sand were available; (2) over the years, either rock or sand at these locations has become substantially depleted; (3) because

of this and more restrictive zoning ordinances, new quarry locations on alluvial fans or in streambeds are located further away from the areas of use; (4) now, more sand than rock is produced in Orange County, and the reverse situation exists in Los Angeles County; (5) because of this imbalance of rock and sand at Huntmix's various plants, Los Angeles County has become a major source of rock for its Orange County plants, and Orange County has become an important source of sand for its Los Angeles County plants; and (6) with minor exceptions, the suppliers from whom Huntmix purchases rock and sand arrange for the transportation of these commodities and select the for-hire carriers or use proprietary equipment.

The witness testified that: (1) While most of Huntmix's plants have a complement of for-hire dump trucks in close proximity to serve their basic transportation needs, they must obtain additional equipment for larger than usual jobs and longer than usual hauls; (2) the majority of dump truck carriers are located in the greater metropolitan areas near the major sources of rock, with many in the San Fernando Valley and Pomona areas; (3) there are not many carriers in the outlying areas such as San Juan Capistrano and Wilmington; (4) because of the short supply of dump truck equipment in the San Juan Capistrano area, additional trucks are frequently needed for Huntmix's plant at this location, and much of this equipment is obtained from the Irwindale and other Los Angeles County areas; (5) these trucks travel 50 to 60 miles empty to the San Juan Capistrano plant; (6) under the proposal, they could pick up a load of rock and receive 70 percent of the applicable zone rate for this initial haul to the plant; (7) this would be advantageous for both the trucker, who would otherwise receive no compensation for traveling empty to the plant, and for Huntmix, which needs the rock at this location; and (8) similar circumstances exist at other Huntmix plants.

Following is a summary of the additional evidence presented by the vice president and the evidence presented by a traffic consultant for Huntmix regarding the proposed rule:

1. As defined in paragraph 1, the term "domiciled" is the precise location at which the equipment utilized under the rule is usually and ordinarily parked overnight. It may be a different location than the carrier's business office or any other terminal facility it may have. While no time frame is stated for determining how long the equipment must be parked at a particular location for it to qualify as the equipment's domicile, it is the intent of the definition that the equipment be parked at the location for at least some reasonable period of time. If the carrier were to constantly move equipment to different locations to qualify for the 15 actual miles to origin limitation for different shippers, this abuse would be readily apparent from a review of its records, and the Commission could take corrective measures against the carrier. Should trailing equipment used for the initial haul be picked up at a different location, the domicile of the power equipment would control in applying the rule.
2. The definition of unit of equipment in Note 2 of paragraph 4 differs from the definition in MRT 17-A in that it provides that a power unit and trailing equipment need not be operated in a train; whereas, the tariff definition provides for such equipment only when it is operated in a train. The reason for this difference is to allow the utilization of the truck only of a truck and trailer combination used for the initial inbound haul for the subsequent outbound movements. In such circumstances, the four-hour minimum charge for the subsequent transportation would be based on the minimum hourly charge for the truck and trailing equipment utilized for the initial inbound movement. This revision of the tariff definition is for clarification only and may not be necessary. If more than one unit of equipment of a particular

carrier were used to provide an initial inbound haul, the rate reduction would apply to each such haul for which all conditions of the rule were satisfied.

3. The reason for Note 1 of paragraph 2 is to make it clear that all charges under the rule must be paid by a single debtor. This is to prevent someone other than the party responsible for the charges for the subsequent transportation from taking advantage of the reduced charge provided by the rule for the initial haul to the plant.
4. In determining whether the equipment is domiciled within the maximum 15 actual miles distance of the origin of the initial haul as provided in paragraph 1, the distance is to be calculated from the location of the domicile of the equipment via the most direct route to the boundary of the production area within which the origin point is located. In determining whether the length of the initial haul is 25 or more actual miles as provided in paragraph 3, the distance is to be calculated via the most direct route from the boundary of the production area within which the origin point is located to the boundary of the production area within which the destination point is located.
5. The reason for the not over 15 and 25 or more actual miles limitations for the origin distance in paragraph 1 and for the length of haul in paragraph 3, respectively, is to protect the carrier from abuse by a shipper who might otherwise require a carrier to go a longer distance to pick up the initial load or to transport this load a shorter distance. While the selection of these distances was somewhat arbitrary, they are certainly reasonable. The competitive effect that the proposed rule might have on carriers with equipment domiciled more than 15 actual miles from the location of the initial pickup was not considered; however, this should not be a problem. Also, while it is theoretically possible that, under the

proposed 70 percent reduction for the initial haul, it might cost less to transport a load at or beyond the 25 actual miles than one for a lesser distance, this possibility, because of the zone setup in southern California and the multiplicity of available routes used for dump truck transportation, is extremely remote and most likely nonexistent. However, should the Commission consider this to be a possibility, relief from the long- and short-haul provisions Section 461.5 of the Public Utilities Code is requested for common carriers who might apply the proposed rule. It is petitioner's position that no discrimination would result from the proposed rule.

6. The proposed rule includes sufficient basic documentation requirements. Paragraph 1 requires the carrier to show the domicile of the equipment on the shipping document, and paragraph 5 requires the carrier to keep adequate records to justify the application of this item. More detailed documentation requirements are not necessary. If a carrier does not keep adequate records to justify applying the proposed rule, the Commission can take appropriate steps against the carrier; however, in such circumstances, if the shipper complies on its part with the requirements of the rule, it should not be required to pay undercharges based on any documentation or record-keeping failures by the carrier.
7. The proposed rule is energy-efficient. Equipment which would otherwise be traveling empty to a plant to pick up a shipment would be loaded and thereby eliminate the necessity of utilizing another unit of equipment to perform this transportation. Whether equipment delays could be acute under this rule has not been considered; however, it is not anticipated that such problems would become more significant than they are at present.
8. While the proposed 70 percent charge may not cover all of the costs on which the tariff rate is based, the resulting revenue would be something that the carrier would not otherwise receive. In this connection, dump truck rates are based on round-trip mileage, loaded from origin to destination and empty return to origin, plus an additive for terminal end time and mileage. The 70 percent would cover the loaded cost and contribute substantially to the other cost factors.

In its written closing statement, Huntmix urged that the petition be granted. In summary, it asserted that the proposed rule would: (1) benefit shippers and the general public by reducing the cost of balancing supplies of rock, sand, and gravel between areas of use; (2) encourage more efficient use of dump truck equipment with resulting fuel saving; (3) provide dump truck carriers regularly employed by Huntmix with an additional source of revenue; and (4) establish an innovative method of effecting rate economies.

While there were a few inconsistencies between answers by the vice president and by the consultant regarding the proposed rule, the vice president pointed out that he is not an expert in tariff and transportation matters and that he would defer to the expertise of the consultant for the correct answers.

California Trucking Association (CTA)

The special departmental assistant in charge of rate and regulatory affairs for CTA presented two rate comparison exhibits, which show that instances could occur in which the 30 percent reduction for distances of 25 actual miles or slightly more from a production area to a particular destination under the proposed rule would result in a rate which is less than the zone rates from certain other production areas located less than 25 actual miles from the same destination. He stated that although he was not certain whether either rock or sand is in fact produced in the production areas shown as origins in his comparison exhibits, these examples demonstrate the possibility of long- and short-haul problems with the proposal. The witness pointed out that as demonstrated in his Exhibit 5: (1) the MRT 17-A cost datum plane includes, among other factors, the cost of the empty return movement of the equipment from destination to origin; (2) for the proposed rule to be cost-effective, based on the datum plane, the last delivery of the subsequent transportation must



place the carriers relatively close to the origin of the initial shipment, and the carrier must be released from service at this point; and (3) if the carrier is released from service at a more distant location from this origin, all of the datum plane costs for the initial shipment will not be recovered, and this is accentuated as the distance between the two increases.

In its written closing statement, CTA asserted that: (1) the rule as proposed has many ambiguities; (2) according to the definition of unit of equipment in the proposal, trailing equipment need not be paired with any particular power unit, and it would on its own, irrespective of Huntmix's intent, meet the 15-actual-mile domicile requirement regardless of where the power unit is located; (3) the proposed rule discriminates against carriers with equipment domiciled beyond 15 actual miles of the origin of the initial haul; (4) the requirement that the initial haul be 25 or more actual miles encourages lengthy hauls at a discounted rate with excessive empty return miles; (5) this would not be cost-effective or fuel-efficient; (6) there are no provisions in General Order 80 which would permit one tariff to make reference to another tariff for a minimum charge such as the reference in the proposed MRT 17-A rule to MRT 7-A for the minimum charge; and (7) the proposal is inconsistent with all prior Commission policy and the statutory mandate of equality of competitive opportunity, and if any cost savings result, it is only Huntmix who would benefit from them. CTA urges that the Commission deny the proposal.

#### Interested Parties

No evidence was presented by the interested parties. However, written closing statements were filed by the California Asphalt Pavement Association, the California Carriers Association, and the California Dump Truck Owners Association (CDTOA). All supported the

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adoption of the proposed rule. In essence, they pointed out that: (1) collectively they represent the majority of dump truck carriers operating in the area governed by MRT 17-A; (2) the proposal is new and somewhat unique in cost design for dump truck transportation in that the rate is fixed primarily on a one direction haul and is conditioned on subsequent transportation service being offered by the shipper at the point of destination of the initial haul; (3) the proposal is a justifiable reduction in rates for a limited amount of hauling which is not now available to carriers transporting asphaltic concrete; (4) it will in fact decrease nonrevenue miles for these carriers with a resultant increase in revenue for them and in fuel efficiency; (5) no discrimination between carriers or shippers should result from the proposal; (6) the conditions in the proposal will protect carriers from abuses that could evolve from this type of ratemaking; and (7) this is a type of creative ratemaking that the Commission should authorize. In its statement, CDTOA asserted that should there be any reservations regarding the proposal, the Commission should grant the request on at least a limited time schedule, and it could then review it as to its viability.

Staff

Although the staff did not present any evidence, it did recommend several clarification changes in the proposed rule which are referred to below in the discussion. The staff did not object to ✓  
Huntmix's proposal.

Discussion

Based on a review of the record, we are of the opinion that the proposed rule, with several clarifying revisions set forth below, should be adopted.

We agree with the staff that the words "exterior boundary of the" should be inserted before the words "Production Area" in paragraphs 1 and 3 of the proposed rule. As the rule is proposed it is not clear whether the 15- and 25-actual-mile distances stated in paragraphs 1 and 3 are to be calculated to and from the precise location of the origin of the initial haul and to the precise location of the destination of this shipment or to and from the boundaries of the production areas in which they are located. According to the evidence presented by Huntmix, the latter interpretation is its intent. The additional language suggested by the staff corrects this ambiguity.

We likewise concur with the staff that the definition of unit of equipment in Note 2 of the proposed rule is inappropriate. Note 2 defines this term as meaning "a truck, a tractor, a semi-trailer, or any combination of the foregoing whether or not operated in a train". The definition in Item 20 of MRT 17-A, while somewhat similar, differs in the following two respects: (1) it includes trailer in the definition, and (2) it provides for any combination of the equipment listed when operated in a train only. According to the testimony of the president of Huntmix, both 10-wheel dump trucks and truck and trailer combinations are used to transport asphalt paving materials. It is apparent, therefore, that the

failure to include trailer in the Note 2 definition was an oversight. The phrase "whether or not operated in a train" in the note would, as pointed out by CTA, allow trailing equipment to be considered separately on its own in applying the 15-actual-mile domicile requirement in the proposal. Because of the uncertainties that could result, the definition in Note 2 will not be adopted. The tariff definition of unit of equipment will, therefore, apply to this rule.

The term "domicile" is defined in paragraph 1 as "the physical location at which carrier normally parks his equipment overnight". As was brought out in the evidence, it is possible that a carrier's power unit could be domiciled at one location and trailing equipment utilized for the initial haul could be located somewhere else. It is Huntmix's position that in such circumstances, it is the domicile of the power unit and not the location at which the trailing equipment is picked up that is controlling in determining whether the 15 actual miles origin limitation in paragraph 1 has been met. Under this interpretation, a carrier whose power equipment is located within this distance might be required to travel a substantial out-of-line distance to pick up necessary trailing equipment for the initial haul. Such a situation would defeat the protective intent of the origin mileage limitation for carriers. To prevent this, Note 1 will be inserted immediately under paragraph 1 and will provide as follows:

"In the event trailing equipment used for the initial haul is at a different location than the domicile of the carrier's power equipment, the 15 actual miles shall be calculated from the domicile of the power equipment via the location at which the trailing equipment is picked up to the boundary of the Production Area in which the point of origin of the initial transportation is located."

The designation of Note 1 in paragraph 2 will be changed to Note 2.

One additional change that will be made in the proposed rule is to insert the words "same location" for the words "Production Area" in the phrase "Production Area to which such delivery is made" in the first paragraph of the rule. Without this change, the subsequent transportation could be performed from any other location within the destination production area, and that is not the intent of the rule.

Based on the design of the production areas and the numerous routes between them, it is unlikely that, in applying the proposed rule, any violations of the long- and short-haul provisions of Section 461.5 of the Public Utilities Code would occur. However, because of the remote possibility that such could occur, common carriers will be authorized to depart from this code provision.

We have carefully considered but are not persuaded by the objections stated by CTA to the proposed rule. With the above revisions, some of these objections have been satisfied. We do agree with CTA that, under most circumstances, a carrier would not, under the proposed rate reduction, recover all of the round trip plus terminal end datum plane costs on which MRT 17-A rates for the initial haul are based. The exception, as pointed out in CTA's Exhibit 5, would be those instances in which the mileage from the last destination of the subsequent transportation at which the carrier is released from service to the production area within which the origin of the initial shipment was located or to the domicile of the equipment is substantially less than the empty return distance of the initial transportation. However, according to the evidence presented by Huntmix: (1) for the most part, different carriers are used for the transportation of rock, sand, and related commodities and for the transportation of asphalt; (2) it is extremely unlikely, therefore, that a carrier engaged by it or any other similarly situated shipper would transport any

inbound freight when it initially reports for service; (3) under these circumstances, it is apparent that the substantial majority of carriers transporting an initial shipment under the 70 percent rate proposal would be earning revenue that would not otherwise be available to them; (4) this additional revenue would recover the datum plane cost of the loaded initial haul and contribute to the other datum plane costs; (5) this would benefit the revenue position of the carriers, and the shippers would also benefit from the reduced rates plus having needed material available to them; and (6) a carrier, by transporting an initial inbound load, eliminates the necessity of having another carrier transport this shipment, and in most, if not all, instances, this would foster fuel efficiency and conservation. It has not been established on this record that any real discrimination against any carriers would result from the proposed rule.

While it is not usual procedure to refer in one tariff to another tariff for a minimum charge, MRT 17-A does not have hourly charges whereas MRT 7-A does. Special hourly rates had been published in Section 2 of MRT 17-A, but this section of the tariff was cancelled on December 1, 1973 and a notation on the title page of the section states that for hourly rates in effect see MRT 7-A. It is, therefore, necessary to refer to the hourly rates in MRT 7-A for the hourly rate to be used in applying the four-hour minimum charge. The alternative of stating hourly rates in the proposed rule does not appear appropriate.

Although the proposed rule would primarily benefit producers of asphaltic paving products, it could be used by other shippers if all of the conditions are met.

Findings of Fact

1. In substantially all instances, asphalt carriers do not transport rock, sand, and related commodities. This transportation is performed by other for-hire carriers or proprietary equipment of the producers of these materials.
2. While the proposed rate reduction would not cover all of the datum plane costs referred to in Finding 2, it would recover the cost of transporting the material from origin to destination and some of the other datum plane costs. Asphalt carriers who would otherwise travel empty to report for work and receive no compensation for this would receive some revenue for this mileage by transporting an initial shipment of rock, sand, or related commodities under the proposed reduced rate rule.
3. The proposed rule would encourage the use of carriers who would otherwise report for an engagement empty to transport a load of material when so reporting, and this would eliminate the necessity of having other equipment transport this material. In most instances, this would result in fuel efficiency and conservation.
4. It is unlikely that, because of the design of the zones between which the rates in MRT 17-A apply and the many routes between them, any long- and short-haul violations would result from the application of the proposed rule. However, because of the possibility that this could occur, common carriers can be authorized to depart from the applicable provisions of Section 461.5 of the Public Utilities Code in connection with this proposal.
5. The words "same location" should be substituted for the words "Production Area" in the phrase "Production Area to which such delivery is made" in the first paragraph of the proposed rule to **make** it clear that the subsequent transportation is to be from the **same** location to which the initial shipment was delivered.

6. The definition of unit of equipment in Note 2 of paragraph 4 of the proposed rule differs from the definition in MRT 17-A and will cause confusion in applying the proposal. For this reason, the separate definition in Note 2 is not appropriate and should be eliminated.

7. The proposed rule is not clear as to how the 15 and 25 actual miles conditions in paragraph 1 for the origin distance and in paragraph 3 for the length of haul, respectively, are to be calculated. To eliminate this ambiguity and give effect to Huntmix's intent, the words "exterior boundary of the" can and should be inserted before the words "Production Area" where they appear in the two paragraphs. This would make it clear that distances are to be calculated to and from the boundaries of the production area.

8. The proposed rule is silent as to how the 15 actual miles between the domicile of the equipment and the boundary of the origin production area of the initial shipment is to be calculated in those instances where power equipment and trailing equipment used for the haul are at different locations. To remedy this, Note 1 should be inserted immediately under paragraph 1 and should provide as follows:

"In the event trailing equipment used for the initial haul is at a different location than the domicile of the carrier's power equipment, the 15 actual miles shall be calculated from the domicile of the power equipment via the location at which the trailing equipment is picked up to the boundary of the Production Area in which the point of origin of the initial transportation is located."

With this addition, the designation of Note 1 in paragraph 2 should be changed to Note 2.

9. The proposed rule, with the revisions set forth in Findings 5, 6, 7, and 8 and several nonsubstantive clarification changes, would benefit asphalt carriers by making available to them a revenue haul on their way to reporting for an engagement to transport asphaltic paving products, and it would benefit shippers by making available to them needed material at a reduced rate for this haul. ✓



10. The proposed rate reduction rule, with the revisions referred to in Finding 9 is reasonable and justified and should be adopted.

Conclusions of Law

1. The reduced rate rule proposed in Petition 40, as amended herein, should be granted.

2. MRT 17-A should be amended as provided in the order which follows.

O R D E R

IT IS ORDERED that:

1. Minimum Rate Tariff 17-A (Appendix C of Decision No. 80578, as amended) is further amended on an interim basis by incorporating therein, to become effective thirty-nine days after the date hereof, Sixth Revised Page iii, Eleventh Revised Page 1-5, Eleventh Revised Page 1-6, and Original Page 1-6-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 are subject to Decision No. 80578, as amended, are authorized to establish in their tariffs the amendments necessary to conform with the further adjustments ordered herein.

3. Tariff publications authorized to be made by common carriers as a result of this order may be made effective not earlier than thirty-nine days after the date hereof and may be made effective on not less than five 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.

4. Common carriers in establishing and maintaining the amendments authorized by this order 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.

5. In all other respects Decision No. 80578, as amended, shall remain in full force and effect.

~~6. The Executive Director shall serve a copy of this decision on every common carrier, or such carriers' authorized tariff publishing agents, performing transportation services subject to Minimum Rate Tariff 17-A.~~

6. The Executive Director shall serve a copy of each of the amendments on each subscriber to Minimum Rate Tariff 17-A.

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

Dated DEC 2 - 1980, at San Francisco, California.

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

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.

John E. Byrne  
President

Richard D. Howell

Arnold J. Smith  
Commissioners

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Change )  
 Addition ) Decision No. **92477**

EFFECTIVE 11/10/81

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
<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 commodity:</p> <p>Decomposed Granite</p>	70 -
<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:</p> <p>SLAG, Blast Furnace and Open Hearth, air cooled (not expanded)</p>	75
<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 an agreement whereby the United States contracted for the carrier's service.</p> <p>(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.</p>	80
<p style="text-align: center;">APPLICATION OF TARIFF--RATES</p> <p>Except as otherwise provided, the rates in this tariff are zone rates and area-to-point rates. The rates apply from all points of origin within the designated production areas to all points of destination within the designated delivery zones, and to specifically named delivery points.</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>	100
<p style="text-align: center;">APPLICATION OF TARIFF--RATES</p> <p>When the transportation service is performed by 2-axle or 3-axle trucks with transfer type pull trailer or by 2-axle or 3-axle trucks with pup type trailing equipment and when in the course of accomplishing the delivery with such truck and pup equipment the operator disconnects and separates the trailer from the truck the rate shall be twenty-three cents (23¢) per ton in addition to those rates provided for when transportation is performed at the rates in Sections 4, 5, 6, 7, 8, 9, 9.1, 9.2 and 10 in this tariff or at rates which are combined with such section rates.</p>	120
<p>No change on this page, Decision No. <b>92477</b></p>	
<p style="text-align: right;">EFFECTIVE 1/16/80</p>	
<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)
130	<p style="text-align: center;">APPLICATION OF TARIFF--EXCEPTION RATES</p> <p>When commodities listed in Item 60 of this tariff are transported from any Production Area described in Southern California Production Area and Delivery Zone Directory 1 to a destination located within another Production Area described in the Directory, and when on the same day the same unit of equipment is subsequently engaged in the transportation of commodities listed in Item 60 or 65 of this tariff from the same location to which such delivery is made, a minimum of 70 percent of the otherwise applicable rate shall apply to the initial transportation provided that:</p> <ol style="list-style-type: none"> <li>1. The unit of equipment utilized under the provisions of this item shall be domiciled within 15 actual miles of the exterior boundary of the Production Area from which the first transportation service of the day originates. The term "domiciled" means the physical location at which carrier normally parks his equipment overnight. Information identifying the location of the domicile of the equipment shall be shown by the carrier on the combined shipping order and freight bill for this initial haul. (See Note 1)</li> <li>2. For the transportation subsequent to the first delivery, a minimum charge equivalent to four hours at the applicable hourly rate contained in Minimum Rate Tariff 7-A for the specific equipment utilized to accomplish the initial movement shall apply. (See Note 2)</li> <li>3. The distance between the exterior boundary of the Production Area of origin for the initial movement and the exterior boundary of the Production Area of destination of this shipment is not less than 25 actual miles.</li> <li>4. The application of this item is limited to one initial movement in the same unit of equipment per day.</li> <li>5. The carrier shall keep adequate records to justify the application of this item and retain copies of such records in accordance with and for the time period specified in paragraph (f) of Item 400.</li> </ol> <p>NOTE 1.--In the event trailing equipment used for the initial haul is at a different location than the domicile of the carrier's power equipment, the 15 actual miles shall be calculated from the domicile of the power equipment via the location at which the trailing equipment is picked up to the boundary of the Production Area in which the point of origin of the initial transportation is located.</p> <p>NOTE 2.--For purposes of this item only, the shipper shall also be the debtor.</p>
	<p>(1) Items 140, 160, 180 and 190 are transferred to Original Page 1-6-A.</p> <p>o Change ) * Addition ) Decision No. <b>92477</b> o Increase )</p>
	EFFECTIVE 1/10/81
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;">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 Southern California Production Area and Delivery Zone Directory 1, and to specifically named delivery points as provided in Section 3 of this tariff. 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 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. (See Exception)</p> <p>EXCEPTION.--The transportation charges for commodities described in Item 65, when transported in trucks with trailing equipment or tractors with trailers, shall be performed at the hourly rates and rules in Minimum Rate Tariff 7-A. For the purpose of this exception the written agreement provisions contained in Item 360 of Minimum Rate Tariff 7-A are not applicable.</p> <p>For rates for the transportation of commodities in dump truck equipment, other than as provided in this tariff, see Minimum Rate Tariff 2, 7-A or 9-B as the case may be.</p>	160
<p style="text-align: center;">ACCESSORIAL CHARGES</p> <p>In addition to the charges provided under Sections 11, 12, 13, 14 and 15, accessorial charges shall be assessed as provided in Item 90 of Minimum Rate Tariff 7-A.</p> <p>In addition to the charges provided under Section 4, 5, 6, 7, 8, 9, 9.1, 9.2 and 10 and when, through no fault of the carrier, the unloading and release of carrier's equipment after arrival at destination is delayed beyond the time allowance shown herein, a charge of \$2.30 per unit of carrier's equipment shall be assessed for each six (6) minutes (one-tenth of an hour) or fraction thereof:</p> <p>When transportation is performed by dump truck and transfer trailer combination equipment--20 minutes;</p> <p>When transportation is performed by other than a dump truck and transfer trailer combination equipment--15 minutes.</p>	180
<p style="text-align: center;">HANDLING OF CLAIMS FOR LOSS OR DAMAGE</p> <p>Claims for loss or damage shall be governed by the provisions of General Order No. 139.</p>	190
<p>(1) Items 140, 160, 180 and 190 are transferred from Tenth Revised Page 1-6, Decision No.</p>	
<p>EFFECTIVE 1/16/81</p>	
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>	

CORRECTION