

ALJ/jn

ORIGINAL

Decision 93228 JUN 16 1981

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

Case 5437
Petition for Modification
310
(Filed April 15, 1980)
Petition for Modification
311
(Filed May 14, 1980)

And Related Matters.

Case 9819
Petition for Modification
43
Case 9820
Petition for Modification
18
(Filed April 18, 1980)

Joel D. Anderson, for California Trucking Association,
petitioner in Petition 311 in C.5437 and
interested party in other petitions.
James D. Martens, for California Dump Truck Owners
Association, protestant in Petition 311 in
C.5437 and petitioner in three other petitions.
Michael Lindeman, for Lindeman Bros., Inc., respondent.
James R. Foote, for Associated Independent Owner-
Operators, Inc., and Harry Phelan, for California
Asphalt Pavement Association, interested parties.
William Tait and J. M. Jenkins, for the Commission
staff.

O P I N I O N

By Petition 311 in Case (C.) 5437, California Trucking
Association (CTA) requests that the additional charge for weekend
and holiday service in Item 260 of Minimum Rate Tariff 7-A (MRT 7-A)
be reduced from the present 16% for Saturday and 34% for Sunday

C.5437, Pet. 310 et al. ALJ/jn

and holiday service in Northern Territory and from the 17% for Saturday and 36% for Sunday and holiday service in Southern Territory to 10% for Saturday and 20% for Sunday and holiday service in both territories for an experimental six-month period.^{1/} CIA asserts in the petition that the current rate additives are too high and have severely curtailed weekend and holiday service, the purpose of the proposed reductions is to encourage requests for service on such days, and sufficient revenue should be generated from these reduced increments to cover the carrier's additional cost for service on these days. The petition states that actual operating experience under the proposal must be collected and evaluated prior to any permanent adjustment of the tariff item.

By Petition 310 in C.5437, the California Dump Truck Owners Association (CDTOA) requests that Admission Day be deleted from the list of holidays in Item 260 of MRT 7-A and that the item be amended to provide that the percentage additives therein for weekend and holiday service apply to the Items 480, 490, 510, and 520 production area to delivery zone rates in Section 4 of the tariff. CDTOA points out in the petition that labor union contracts of shippers and contractors do not include Admission Day as a legal holiday, and for this reason it asserts that the deletion of this day from Item 260 will add unity within the industry and give financial relief to both shippers and contractors doing business on this day.

CDTOA points out in its Petition 43 in C.9819 and Petition 18 in C.9820 that there are no premium percentage additives for

^{1/} Southern Territory means the Counties of San Luis Obispo, Santa Barbara, Ventura, Los Angeles, Orange, San Diego, Imperial, Riverside, San Bernardino, Kern, Inyo, and Mono. Northern Territory means all other counties of the State not included in Southern Territory. (Item 160 of MRT 7-A)

weekend and holiday service in Minimum Rate Tariffs 17-A and 20 (MRTs 17-A and 20), respectively. In these petitions, it requests that additives similar to those in Item 260 of MRT 7-A, as amended by its Petition 311 in C.5437, be included in each of the tariffs.

Public hearing on a consolidated record of the four petitions was held before Administrative Law Judge Arthur M. Mooney in Los Angeles on September 11, 1980. The matter was submitted on October 20, 1980 upon the receipt of written closing statements by those wishing to file them. Closing statements relating to all four petitions were filed by CTA and CDTQA, and a closing statement relating to the petitions in C.9819 and 9820 was filed by the California Carriers Association (CCA). CCA had advised the Commission and all parties to the proceeding that because of a misunderstanding regarding the date of the hearing, it was not in attendance but would file a written closing statement. There having been no objections to this, the statement by CCA has been made a part of the record.

Tariffs

The following is a brief description of the three dump truck tariffs involved in this proceeding:

1. MRT 7-A 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 areas to delivery zone rates. In the general distance and hourly rate items, separate rate scales are stated for the Northern and Southern Territories or specific areas therein.
2. 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, aggregate, asphaltic concrete, and other commodities in dump truck equipment in southern California.

3. MRT 20 names minimum zone rates for the transportation of rock, sand, and gravel in dump truck equipment from defined production areas to designated delivery zones in northern California.

Item 260, MRT 7-A

Item 260 of MRT 7-A now reads as follows:

"ADDITIONAL CHARGE FOR SERVICE PERFORMED ON
SATURDAYS, SUNDAYS AND HOLIDAYS

"When commodities for which rates are provided in this section, and specifically referred to herein, are picked up at point of origin and transported on Saturday, Sunday and/or the day legally observed as New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the Friday immediately following Thanksgiving Day, Christmas Day, (1) Washington's Birthday, (1) Admission Day (subject to Note) and (2) Veteran's Day, rates provided therefor in this section shall be increased by the percent shown below:

Rates in Item:	Northern Territory (See Item 160)		Southern Territory (See Item 160)	
	Saturday	Sunday and Holiday	Saturday	Sunday and Holiday
290, 300, 310 and 320 _____	16%	34%	17%	36%

- (1) Applies when point of origin is within Northern Territory.
(2) Applies when point of origin is within Southern Territory.

"NOTE.—Will not apply on shipments of earth transported to or from a Public Works Construction Project. For purposes of applying provisions of this item, a Public Works Construction Project means a project embracing all fixed works constructed for public use or protection on which bids are let by or on behalf of the State, any county or municipal government, or any political subdivision of district thereof."

CTA Petition

The owner-manager of Lindeman Bros., Inc. (Lindeman) testified that his company has been in the dump truck business for approximately 30 years and that its principal place of business is located at Broderick, which is near Sacramento. He stated that the company owns 51 trailers and 14 trucks, has 10 to 12 employees, and grossed over \$5,000,000 last year. He explained that he is the

chairman of the Dump Truck Conference of CTA, and that it is this group that requested the filing of Petition 311 in C.5437.

The Lindeman witness testified as follows in support of the sought reductions:

1. Dump truck carriers now perform a very limited amount of work on weekends and holidays. When such work is performed, it is usually just before the commencement of the rainy season. In each of the years 1978 and 1979, Lindeman did some work on 16 Saturdays. Most of this was done during the summer season. This year to date it has worked only one Saturday, and this involved hauling for a paving job on a busy street.
2. Shippers, who for the most part are building or paving contractors, do not want to work on weekends or holidays because of the high premium pay additives now in Item 260 of MRT 7-A. Instead, they will work overtime hours on regular weekdays for which there is no premium pay additive in the tariff. There is, however, a 5% increment in the cost datum plane on which the rates in the tariff are based for weekday overtime work. This does not cover the additional cost for the overtime. While a dump truck carrier does have to pay its drivers overtime on Saturday, the contractor knows that the additional cost to the carrier for Saturday work in Northern Territory is less than the 16% premium increase required by Item 260 for such work. Lindeman has also performed dump truck services in Southern Territory, and the same situation exists there.
3. The productivity of dump truck carriers is substantially reduced during overtime hours on normal workdays. Drivers are fatigued after the regular eight-hour day. Cycle time for the equipment is increased due to the additional traffic on freeways and other roads and streets because of commuters. This escalates the operating costs of carriers during these periods. Contractors' crews also become fatigued and less productive during overtime hours.

4. The opposite is true if work that cannot be done during the normal workweek is performed on a sixth or extra day rather than during weekday overtime hours. Productivity is enhanced. Both dump truck drivers and contractors' crews are fresh. Fatigue is not a factor. The wear and tear on equipment is less intense. The plant at which the material is picked up, traffic conditions, and the job site are much less congested. This results in better cycle time with more tons delivered during a given time period on the extra day as compared with the same time period during weekday overtime hours. Contractors' crews would receive additional pay irrespective of whether the additional hours they work are overtime during the normal workweek or on an additional day.
5. This is a recession year for dump truck operators, and it is essential that they maximize the efficiency of their operations. It is extremely difficult to sell shippers on weekend and holiday work with the high additional charges for such services now provided in Item 260 of MRT 7-A. This imposition of additives that are too high is an example of government regulatory interference with productivity. There was no problem in obtaining weekend and holiday work before this item was incorporated in the tariff. The proposed reduced additives would cover any additional cost a dump truck carrier might have for performing service on such days. Also, this would be more satisfactory to shippers, and it would encourage weekend and holiday work.
6. Lindeman does make extensive use of independent owner-operators for pulling its dump truck trailer equipment. Generally, it operates 4 power units of its own and, on the average, engages 40 (more-or-less) owner-operated power units. Demand exceeds the supply of dump truck equipment during the June-to-October period, and the opposite is true for the balance of the year.

A CTA cost analyst testified that he reviewed various decisions relating to MRT 7-A, the current and historic cost datum planes on which the rates and charges in the tariff are based, including the premium percentage additives set forth in Item 260, and has had discussions with the Commission staff regarding this item. He stated that as a result of this extensive investigation and analysis he concluded that the cost datum plane is based on the supposition that all of the annual hours for dump truck carriers will be worked during the regular Monday through Friday period. He pointed out that on this basis all the allied payroll expenses which are calculated on an annual basis had been applied in their entirety and recaptured in their entirety in the basic Monday through Friday cost and rate development. These, he asserted, were again added by the staff to its cost development for Saturday and for Sunday and holiday premium pay additives, which should not have been done. This resulted, he stated, in a double charge for these benefits on weekends and holidays, and this is not provided for in labor contracts.

The witness computed in his Exhibit 1 the hourly labor cost and the total hourly cost for Saturday and for Sunday and holiday operations and the percentage increases in the total per-hour cost of these services over the total per-hour cost for weekday service for the Northern Region and the San Francisco Bay Area of Northern Territory, for Southern Territory, and for San Diego Territory. He pointed out that in his hourly labor cost calculations he had excluded the annualized payroll-related costs and included basic pay, premium pay, Workers' Compensation Insurance fee on the straight time pay, F.I.C.A. (Social Security Tax) on both straight time and premium pay, and payroll-related costs that are payable on an hourly basis.

The cost analyst testified as follows regarding the payroll-related costs:

1. These include health and welfare, vacation, holidays, and pension expenses.
2. All are computed on an annual basis in the Northern Region and the San Francisco Bay Area of Northern Territory and were, therefore, excluded from his hourly labor cost calculations for the two areas.
3. In Southern Territory, pension expense is computed on an hourly basis and was included in his hourly labor cost calculations for this territory. The others, which are computed on an annual basis here, were excluded.
4. In San Diego Territory, health and welfare and pension expenses are computed on an hourly basis and were included in his hourly labor cost calculations for this territory. The other two are computed on an annual basis here and were excluded.

The witness stated that the average of the percentage increases shown in Exhibit 1 for each of the four areas was 8% for Saturdays and 26% for Sundays and holidays. Based on this, he recommended the premiums of 10% for Saturday and 20% for Sunday and holiday operations for both territories.

The witness stated that there is not now a pressing need for the proposed changes in Item 260 of MRT 7-A because of the present depressed conditions in the dump truck industry. He asserted, however, that this would have been beneficial during the last two years when conditions were good and is desirable for the future should there be an upswing in the industry.

In its written closing statements, CIA urged that its recommendations be adopted on an experimental basis for one year in lieu of the six-month period requested in its petition, and it asserted that its proposal is justified by the cost data in Exhibit 1 and the testimony of the carrier witness.

Both CDTOA and the Associated Independent Owner-Operators Association (AIOO) took exception to the reductions proposed by CIA in the premium pay additives in Item 260 of MRT 7-A. In its written closing statement, CDTOA pointed out that AIOO concurred in the positions stated therein. With respect to the CIA proposal, the statement asserts as follows:

1. CIA's proposal relates to the distances rates in MRT 7-A only. It has made no recommendations regarding premium pay additives for the hourly rates and production area-to-delivery zone rates in the tariff. Hypothetically, a carrier could work all week under the hourly rate, and then it could be required to work on a Saturday, Sunday, or holiday at a ton-mile rate which would be reduced by the CIA proposal.
2. CIA's Exhibit 1 shows only labor costs and fails to show allied terminal end time costs which are also a factor in constructing the total costs on which the mileage rates in MRT 7-A are based.
3. Work performed on weekends and holidays is done out of necessity due to job requirements and not because of the rate charged.
4. While the carrier witness for CIA supported the petition, he testified that his company primarily uses independent owner-operators to pull its trailers and that he had not discussed the CIA proposal with them. Also, this witness stated that productivity could be increased as much as 33% on Saturdays, and from this, it would seem the customer would be getting a bargain with the present 16 to 17% additives now provided in Item 260 for Saturday service.

The Commission staff took no position on the CIA proposal.

CDTOA Petitions

Petition 310, C.5437

The general manager of CDTOA testified that his organization is a nonprofit corporation with approximately 1,000 permitted carriers as members. He stated that in studying the labor union contracts

of contractors and other shippers, Admission Day is not stated to be a legal holiday in any of them. It is noted that Item 260 provides that Admission Day is considered a holiday only when the point of origin of the transportation is within Northern Territory. The witness asserted that including this day as a holiday results in premium pay to the dump truck carrier but not to the shippers' or contractors' employees. He stated that the deletion of this day from Item 260 would eliminate this problem, add unity within the industry, and give financial relief to contractors and other shippers doing business on this day. He testified that this change has been requested by contractors and many dump truck operators and that it is noncontroversial in nature.

CDTOA also requested in this petition that the additional charges for weekend and holiday service in Item 260 of MRT 7-A be made applicable to Items 480, 490, 510, and 520 in Section 4 of the tariff which contains rules and rate for transportation from named production areas to named delivery zones. The following rate items are included in this section:

Item 480 names zone rates for asphaltic concrete in San Diego County.

Item 490 names zone rates for asphaltic concrete and cold road oil mixtures in Antelope Valley.

Item 500 provides the transit time to be used between Production Area A and named delivery zones in Antelope Valley in connection with the rates in Item 490.

Item 510 names zone rates for granite and related commodities in Antelope Valley.

Item 520 provides the transit times to be used between Production Area A and named delivery zones in Antelope Valley in connection with the rates in Item 510.

Item 530 and 540 name zone rates for cold road oil mixtures in Alameda County.

Item 550 provides zone rates for cold road oil mixtures from named Santa Cruz County production areas to various Northern Territory delivery zones.

Item 560 provides zone rates for gravel and related commodities from named production areas to named delivery zones in Northern Territory.

CDTOA's request, therefore, relates only to the Southern Territory zone rates. It is noted that Item 440 in Section 4 now provides for a 20% increase in the rates in Items 480 and 490 when the transportation is performed on a Sunday or holiday.

AIOO supports all of CDTOA's proposals in the petition. CIA concurs with the proposal to eliminate Admission Day as a holiday, and it stated that it did not object to the proposal to make Item 260 applicable to the items designated by CDTOA in Section 4 provided that the percentage reductions proposed by it were adopted. The staff took no position on this petition.

Petition 43 in C.9819 and
Petition 18 in C.9820

CDTOA requests that a rule similar to the weekend and holiday premium provisions of Item 260 of MRT 7-A be incorporated in MRTs 17-A and 20. It stated that it has considered this proposal for several years and has had meetings with various shipper organizations, including the Associated General Contractors, Aggregate and Concrete Association of Northern California, Southern California Rock Products Association, Southern California Contractors Association, and California Asphalt Pavement Association, and that none of these organizations objected to its proposal.

In its Exhibit 3, CDTOA developed representative cost data for Saturday and for Sunday and holiday service for the transportation of rock, sand, gravel, and slag from production

areas in Southern Territory for 5-axle equipment for distances of 5, 25, and 50 miles. According to this data, the added cost as compared to the weekday cost is approximately 25% for Saturday service and approximately 46% for Sunday or holiday service. The witness explained that he is requesting the same premium percentage additives now provided in Item 260 of MRT 7-A so that there will be uniformity between the three dump truck tariffs and to prevent selectiveness by shippers between the tariffs for Saturday, Sunday, or holiday service.

AIOO stated that it agrees with CDTQA's proposal for MRTs 17-A and 20. CTA in its closing statement, stated that it took no position in these two petitions except that if weekend and holiday premium pay rules are included in MRTs 17-A and 20, the percentages proposed by it in its MRT 7-A petition should be used. The staff rate expert stated that uniformity between the three tariffs is desirable.

CCA, in its written closing statement, stated that it is opposed to the establishment and implementation of the proposed premium pay charges in MRTs 17-A and 20. It pointed out that there is now a substantial amount of transportation provided by proprietary dump truck fleets. It stated that if CDTQA's proposals are adopted for the two tariffs, it is possible that the cost of for-hire transportation could exceed that of proprietary transportation with the result that for-hire dump truck carriers would lose weekend and holiday work. It also asserted that this could cause shippers to increase their proprietary fleets which could also reduce the amount of work available on weekdays for the for-hire carriers.

Discussion

The purpose of the premium percentages in Item 260 is to compensate a dump truck carrier for the additional labor and related tax and payroll expenses for Saturday and for Sunday and holiday work. Equipment and other operating costs would remain substantially constant.

We do agree with CTA that a downward adjustment in the premium pay amounts shown in Item 260 of MRT 7-A for Saturday and for Sunday and holiday service is warranted. However, we do not concur with the specific reductions it recommends.

As pointed out by CTA, the MRT 7-A cost datum plane contemplates that all annual hours for dump truck carriers will be worked in Monday through Friday service. Therefore, all of the allied payroll expenses (health and welfare, vacation, holiday, and pension) which are computed on an annual basis have been entirely allocated to and recaptured in the basic Monday through Friday cost and rate development. There are, as stated above, differences in the labor agreements in the four areas used to compute dump truck costs as to whether these related payroll expenses are to be computed on an annual or on an hourly basis. In the two northern areas, all are computed on an annual basis, and in the two southern areas this varies. By again applying the ones that are developed on an annual basis to the additional costs developed for Saturday and for Sunday and holiday service, there is a double charge for these expenses as asserted by CTA. This is the method used in developing the costs in Exhibit 307-2 in Petitions 307 and 308 in C.5437 on which the current premium charges established in Item 260 by Decision (D.) 90854 dated September 25, 1979 are based. By eliminating this duplication, the labor costs and total costs per revenue hour for service on these days would be reduced.

In its Exhibit 1, CIA has recalculated the premium pay costs for 5-axle double bottom equipment by eliminating those payroll expenses that are computed on an annual basis. We have done this for all 2-, 3-, 4-, and 5-axle equipment used in the cost development in Exhibit 307-2. The following tabulation sets forth the average percentage of the costs so developed over the basic weekday cost, the present percentage premium amounts in Item 260 of MRT 7-A, the percentage amounts proposed by CIA, and those we will adopt for Saturday and for Sunday or holiday service in both Northern and Southern Territories.

	<u>% above Weekday Cost</u>	<u>Item 260 Premium Percentages</u>		
		<u>Present</u>	<u>CIA Proposed</u>	<u>Adopted</u>
Northern Territory				
Saturday	4.3	16	10	5
Sunday & Holiday	23.4	34	20	23
Southern Territory				
Saturday	11.8	17	10	12
Sunday & Holiday	31.7	36	20	32

Based on the adjusted cost data set out in the above tabulation, it is apparent that the present premium percentage amounts in Item 260 are, from a minimum rate tariff standpoint, excessive for Northern Territory and above a reasonable minimum level for Southern Territory. Except for the proposal for Saturday work in Northern Territory, those suggested by CIA are below the costs for such service. As is well understood, the rates and charges in MRT 7-A are a floor below which a dump truck carrier, unless otherwise authorized by the Commission, may not go. They should, to the extent possible, cover the cost of providing service, including weekend and holiday service. This is the basis for our adopted revised percentages.

From a strictly minimum rate standpoint, they are cost-effective. It is to be noted, as pointed out above, there is already a 5% overtime pay factor included in the basic Monday through Friday costs and rates.

CDTOA's concern with CTA's Item 260 proposal is primarily with the substantial reductions suggested for Southern Territory, which it alleges are considerably below the cost of the service. The concern of the witness for Lindeman was primarily with the present high premium percentage for Saturday work in Northern Territory, which he asserted discourages Saturday work and encourages overtime weekday work for which MRT 7-A provides no additional charge. While the adopted Item 260 percentages may not be precisely what each would prefer, the differences are not extreme.

It is noted that Item 260 specifically provides that it applies only to the basic distance rates in Items 290, 300, 310, and 320 of Section 2 of MRT 7-A. The other special distance rates in this section for petroleum coke in Item 325, for lightweight aggregates in Items 330 and 340, and for fodder in Item 350 are, therefore, not subject to Item 260. There is no request or evidence in the record before us to change this and none will be made.

There were no objections to the elimination of Admission Day as a named holiday in Item 260 of MRT 7-A. For the reasons stated by CDTOA, this proposal will be adopted.

With respect to the hourly rates in Section 3 of MRT 7-A, separate rates are provided for service on weekdays, on Saturdays, and on Sundays and holidays, except for a special rate for debris for most of Southern Territory which applies on all days. There is no basis in this record for adjusting any of the hourly rates. However, it is noted that the definition of the Column 0 hourly rates in Item 410 states that these rates apply on Sundays and named holidays.

Included in the list of named holidays for Item 390 Northern Territory rates is Admission Day. The reasons stated by CDTOA for eliminating Admission Day from Item 260 would likewise apply here. For these reasons and for tariff uniformity, we will delete this day from the list of named holidays in Column 0 definition.

CDTOA's request that the current Item 260 premium percentage charges be made applicable to the special zone rates in Section 4 of MRT 7-A is limited to the Southern Territory zone rates only. They are stated in Items 480, 490, and 510 and apply in San Diego County or Antelope Valley (Los Angeles County). There was no opposition to this proposal except for CIA's insistence that if it is adopted, the percentage revisions it suggests be used. There is merit to CDTOA's proposal. The premium percentages in Item 260, as revised herein, will be made applicable to these zone rates. Item 440 of Section 4 has, for a number of years, provided a 20% premium to be added to the rates in Items 480 and 490 for Sunday and holiday service. This item will be revised to read as follows:

**ADDITIONAL CHARGES FOR SERVICES PERFORMED ON
SATURDAYS, SUNDAYS, AND HOLIDAYS**

Rates provided in Items 480, 490, and 510 of this section shall be increased by the applicable percent shown in Item 260 for Southern Territory for service performed on a Saturday, Sunday, or holiday specified in the item for this territory.

We will adopt CDTOA's proposals to include premium pay rules similar to Item 260 of MRT 7-A in MRTs 17-A and 20. There are now no provisions in either tariff for premium pay for Saturday and for Sunday and holiday service. The percentage amounts for each tariff will be the applicable ones we have adopted for northern or for southern California in Item 260. We note that the costs developed by CDTOA in its Exhibit 3 for such service in certain counties of southern California considerably exceed the percentages we will use

for MRT 17-A. However, the wage and related cost data for this tariff, and also for MRT-20, were developed in a similar manner to the method used for developing such costs for MRT 7-A. It is reasonable, therefore, to apply the applicable Item 260 percentages to the two tariffs. Furthermore, we concur with the staff that for uniformity the same percentage amounts should be used for northern and for southern California in all three dump truck tariffs.

The objections by CCA to the inclusion of premium pay rules in MRTs 17-A and 20 are outlined above. They are not persuasive. There are additional labor- and wage-related expenses for weekend and holiday service and recognition should be given to this. CIA had no objection to the inclusion of such rules in the two tariffs provided that the revised percentages proposed by it were used. This has been covered above in our discussion of Item 260, and for the same reasons, the revised percentages we have adopted for this item are appropriate for these two tariffs.

CIA's request that the revised Item 260 be adopted for a one-year experimental period will be denied. The purpose of this request is to allow the accumulation and evaluation of actual operating data under the rule before any permanent change is made. The fact that no expiration date is attached to any of the tariff revisions herein certainly does not preclude any party from petitioning at any time for any changes that may be warranted in these revisions.

Because the main hauling season for dump truck carriers is imminent, the order which follows should be made effective 15 days after signing, and the revisions in the three MRTs should be made effective 18 days after the date of the order.

Findings of Fact

1. All annual hours of dump truck carriers are assigned to Monday through Friday work in the historical cost datum plane on which the rates and charges in MRT 7-A are based. The allied payroll expenses for health and welfare, holidays, vacation, and pension which are computed on an annual basis have, therefore, been entirely allocated to and recaptured in the basic Monday through Friday cost and rate development. A 5% overtime labor factor for weekday service is also included in this basic cost and rate development.

2. In the two areas used for developing northern California costs for MRT 7-A, all of the allied payroll expenses are computed on an annual basis. In the two areas used for developing southern California costs for this tariff, pension is computed on an hourly basis in one, both pension and health and welfare are computed on an hourly basis in the other, and the remaining payroll-related expenses in each area are computed on an annual basis.

3. In the MRT 7-A datum plane development of the total labor cost per work hour for Saturday and for Sunday and holiday service in each of the four cost areas referred to in Finding 2, the applicable per hour overtime wage was added to the total cost per work hour computed for straight time Monday through Friday service which does not include the 5% weekday overtime labor factor. This results in a double charge for the allied payroll expenses that are computed on an annual basis and, to this extent, an overstatement of the total labor costs per work hour and per revenue hour for this service.

4. The method suggested by CTA in its Exhibit 1 for calculating the total labor costs per work hour and per revenue hour for the MRT 7-A datum plane eliminates the duplication referred to in Finding 3 by including only the allied payroll expenses that are computed on an hourly basis.

5. The method referred to in Finding 4 is a reasonable basis for calculating the MRT 7-A datum plane labor and related costs for Saturday and for Sunday and holiday service.

6. By calculating the costs for Saturday and for Sunday and holiday service in accordance with the procedure referred to in Finding 4, the MRT 7-A datum plane costs for this service are reduced.

7. Based on the cost reductions referred to in Finding 6, the percentage increases for Saturday and for Sunday and holiday service in Item 260 of MRT 7-A should be revised as follows:

	<u>Saturday</u>	<u>Sunday and Holiday</u>
Northern Territory	5%	23%
Southern Territory	12	32

8. There is now a very limited amount of MRT 7-A hauling by dump truck carriers on weekends and holidays. The reductions of the Item 260 percentage additives set forth in Finding 7 would encourage greater use of this service by contractors and other shippers on these days.

9. Admission day is not a legal holiday for contractors and builders. It is listed in Items 260 and 410 of MRT 7-A as a legal holiday entitled to premium rates for Northern Territory only. The payment of straight time to shippers' employees and premium pay to dump truckers on this day has caused problems and confusion.

10. For the reasons stated in Finding 9, Admission day should be deleted from the list of legal holidays for Northern Territory in Items 260 and 410 of MRT 7-A.

11. For tariff uniformity, the limited premium pay rule for Sunday service in Item 440 of MRT 7-A should be amended to: (1) provide the same revised Southern Territory percentage increments both for Saturday and for Sunday and holiday service set forth in Finding 7 for Item 260, and (2) apply to all Southern Territory zone rates in Section 4 of the tariff.

12. Labor and labor-related costs in the cost datum planes on which the rates and charges in MRTs 17-A and 20 are based were developed in a substantially similar manner to the method used for developing such costs in the MRT 7-A datum plane.

13. Neither MRT 17-A nor MRT 20 includes any provision for increases in any of the rates and charges stated therein to compensate dump truck carriers for the additional labor and labor-related costs for weekend and holiday service.

14. Recognition should be given in MRTs 17-A and 20 to the additional labor and labor-related costs experienced by dump truck carriers in providing weekend and holiday service.

15. Although variations do exist in the additional costs in performing weekend and holiday service covered by the three tariffs, premium pay rules similar to Item 260 of MRT 7-A with the applicable revised percentages stated in Finding 7 above should be incorporated in MRTs 17-A and 20 for service on these days.

16. Uniformity in the rules governing weekend and holiday service in the three dump truck tariffs is desirable and will substantially preclude selectiveness by shippers between the tariffs on the basis of the additional charges for services on these days.

17. The revisions in the three dump truck tariffs referred to in Finding 16 should be adopted on a permanent basis.

18. The rates and rules in MRTs 7-A, 17-A, and 20, as amended or established in accordance with the provisions of this decision, are, and will be, just, reasonable, and nondiscriminatory minimum rates and rules for the transportation to which they apply.

19. The increases and decreases in rates and charges authorized by this decision are justified, and are just and reasonable.

Conclusions of Law

1. Petitions 310 and 311 in C.5437, Petition 43 in C.9819, and Petition 18 in C.9820 should be granted to the extent provided in the order which follows, and in all other respects these petitions should be denied.

2. MRTs 7-A, 17-A, and 20 should be amended as provided in the order which follows.

3. Because the main hauling season for dump truck carriers is imminent, the order which follows should be made effective 15 days after signing, and the revisions in MRTs 7-A, 17-A, and 20 should be made effective 18 days after the date of the order.

O R D E R

IT IS ORDERED that:

1. Minimum Rate Tariff 7-A (Appendix B to D.82061, as amended) is further amended by incorporating therein, to become effective 18 days after today, the revised pages contained in Appendix A, which is attached.

2. Minimum Rate Tariff 17-A (Appendix C to D.80578, as amended) is further amended by incorporating therein, to become effective 18 days after today, the revised pages contained in Appendix B, which is attached.

3. Minimum Rate Tariff 20 (Appendix A to D.81799, as amended) is further amended by incorporating therein, to become effective 18 days after today, the revised pages contained in Appendix C, which is attached.

4. Common carriers subject to the Public Utilities Act, to the extent that they are subject also to D.82061, 80578, and 81799, as amended, are directed to establish in their tariffs the increases necessary to conform with the further adjustments ordered by this decision.

5. Common carrier tariff publications made as a result of this order which involve increases shall be filed not earlier than the effective date of this order and shall be effective 18 days after the date hereof. Tariff publications involving reductions may be made effective not earlier than the third day after the effective date of this order. The authority for reductions shall expire unless exercised within 60 days after the effective date of this order. All tariff publications must give 5-days' notice to the Commission and to the public.

6. Common carriers, in establishing and maintaining the rates authorized by this order, are authorized to depart from the provisions of PU Code § 460 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 rates 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, D. 82061, 80578, and 81799, as amended, shall remain in full force and effect.

8. To the extent not granted herein, Petitions 310 and 311 in C. 5437, Petition 43 in C.9819, and Petition 18 in C.9820 are denied.

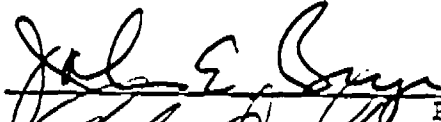
9. The Executive Director shall serve a copy of this decision on every common carrier, or such carriers' authorized tariff publishing agents, performing transportation services subject to Minimum Rate Tariffs 7-A, 17-A, and 20.


C.5437, Pet. 310 et al. ALJ/jn /ks


10. The Executive Director shall serve a copy of the tariff amendments on each subscriber to Minimum Rate Tariffs 7-A, 17-A, and 20.


This order becomes effective 15 days from today.

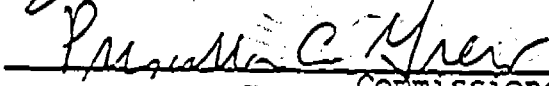
Dated JUN 16 1981, at San Francisco, California.



President








Commissioners

C. 5437, Pats. 310 and 311

APPENDIX A

LIST OF REVISED PAGES
TO MINIMUM RATE TARIFF 7-A

TENTH	REVISED	PAGE	23
TENTH	REVISED	PAGE	24
THIRD	REVISED	PAGE	42
SECOND	REVISED	PAGE	44
SECOND	REVISED	PAGE	45

(END OF APPENDIX A)

SECTION 2--DISTANCE RATES (Continued)	ITEM														
<p style="text-align: center;">APPLICATION OF DISTANCE RATES--GENERAL</p> <p>The distance rates in this section shall apply to all shipments, except as provided in Section 3 - Hourly Rates and Section 4 - Production Areas to Delivery Zones Rates and as indicated below:</p> <ol style="list-style-type: none"> In connection with transportation from Los Angeles County Production Areas 19-IL and 19-M4 to points which are intermediate to Los Angeles County Delivery Zone 19703 and which lie along the route Soledad Canyon Road to State Sign Road 14 to Los Angeles County Delivery Zone 19703 or Soledad Canyon Road to Sand Canyon Road to Los Angeles County Delivery Zone 19703, the rates to be assessed under this section shall not exceed the rates in Section 4 of Minimum Rate Tariff 17-A. In connection with transportation from Orange County Production Area 30-0 to points which lie along Santiago Canyon Road or El Toro Road and which are intermediate to Orange County Delivery Zone 30026 or 30069, the rates to be assessed under this section shall not exceed the rates in Section 5 of Minimum Rate Tariff 17-A for like transportation from Orange County Production Area 30-0 to Delivery Zone 30026 or 30069 as the case may be. In connection with transportation of commodities as described in Item 30 of this tariff from a production area, as defined in Directory 1, to a point of destination 10 or more miles, by route of movement, beyond a system of delivery zones, as so defined in Minimum Rate Tariff 17-A the charge under the rates in this section shall not be less than that accruing under the rates in Minimum Rate Tariff 17-A for the transportation of a like shipment from the same point of origin along the same route of movement to a point of destination just under 10 miles from the system of delivery zones. 	250														
<p style="text-align: center;">ADDITIONAL CHARGE FOR SERVICE PERFORMED ON SATURDAYS, SUNDAYS AND HOLIDAYS</p> <p>When commodities for which rates are provided in this section, and specifically referred to herein, are picked up at point of origin and transported on Saturday, Sunday and/or the day legally observed as New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the Friday immediately following Thanksgiving Day, Christmas Day, (1) Washington's Birthday, ** and (2) Veteran's Day, rates provided therefor in this section shall be increased by the percent shown below:</p> <table border="0" style="width: 100%; margin-left: auto; margin-right: auto;"> <thead> <tr> <th rowspan="3" style="text-align: left; vertical-align: bottom;"><u>Rates in Item:</u></th> <th colspan="2" style="text-align: center; border-bottom: 1px solid black;">Northern Territory (See Item 160)</th> <th colspan="2" style="text-align: center; border-bottom: 1px solid black;">Southern Territory (See Item 160)</th> </tr> <tr> <th style="text-align: center; border-bottom: 1px solid black;">Saturday</th> <th style="text-align: center; border-bottom: 1px solid black;">Sunday and Holiday</th> <th style="text-align: center; border-bottom: 1px solid black;">Saturday</th> <th style="text-align: center; border-bottom: 1px solid black;">Sunday and Holiday</th> </tr> </thead> <tbody> <tr> <td>290, 300, 310 and 320-----</td> <td style="text-align: center;">5%</td> <td style="text-align: center;">23%</td> <td style="text-align: center;">12%</td> <td style="text-align: center;">32%</td> </tr> </tbody> </table> <p>(1) Applies when point of origin is within Northern Territory. (2) Applies when point of origin is within Southern Territory. **</p>	<u>Rates in Item:</u>	Northern Territory (See Item 160)		Southern Territory (See Item 160)		Saturday	Sunday and Holiday	Saturday	Sunday and Holiday	290, 300, 310 and 320-----	5%	23%	12%	32%	6260
<u>Rates in Item:</u>		Northern Territory (See Item 160)		Southern Territory (See Item 160)											
		Saturday	Sunday and Holiday	Saturday	Sunday and Holiday										
	290, 300, 310 and 320-----	5%	23%	12%	32%										
<p style="text-align: center;">INTER-TERRITORIAL MOVEMENTS</p> <p>When a shipment originates in one territory and terminates in another, the rates applicable in the originating territory will apply.</p>	265														
<p>o Reduction) ** Eliminated) Decision No.</p> <p style="font-size: 24pt; font-weight: bold;">93228</p>															
<p>EFFECTIVE <u>7/4/8</u> <i>dl</i> 6/21/81</p>															
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>															

Correction

ITEM	SECTION 2--DISTANCE RATES (Continued)																																																									
	<p>APPLICATION OF RATES FOR USE OF EQUIPMENT OTHER THAN TRACTOR WITH BOTTOM DUMP DOUBLES IN TRAIN</p> <p>The provisions of this item do not apply to rates contained in Items 300, 330, 340 and 350.</p> <p>(a) When the unloading condition at the point of destination requires the use of a dump truck with transfer type and dump pull trailer, the rates in this section shall be increased as follows, subject to a minimum weight of 24 tons transported in one unit of equipment at one time:</p> <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th style="text-align: center;">Rates in Cents Per Ton Northern Territory (See Item 160)</th> <th style="text-align: center;">Southern Territory (See Item 160)</th> </tr> </thead> <tbody> <tr> <td>Commodities, other than Asphaltic Concrete and Cold Road Oil Mixture.....</td> <td style="text-align: center;">30</td> <td style="text-align: center;">33</td> </tr> </tbody> </table> <p>(b) When transportation service is requested to be performed by two or three-axle truck without trailing equipment the rates in this section shall be increased by the following percentages: subject to the minimum charge of 12 tons transported in one truck at one time:</p> <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">Miles</th> <th style="text-align: center;">But Not Over</th> <th style="text-align: center;">Percent Increase (1) (2)</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Over</td> <td style="text-align: center;">Over</td> <td></td> </tr> <tr> <td style="text-align: center;">0</td> <td style="text-align: center;">5</td> <td style="text-align: center;">75</td> </tr> <tr> <td style="text-align: center;">5</td> <td style="text-align: center;">35</td> <td style="text-align: center;">70</td> </tr> <tr> <td style="text-align: center;">35</td> <td style="text-align: center;">-</td> <td style="text-align: center;">65</td> </tr> </tbody> </table> <p>270 (c) When the unloading condition at the point of destination requires the use of dump truck equipment other than described in paragraphs (a) and (b) above and other than tractors with bottom dump doubles in train, the rates in this section shall be increased, subject to a minimum weight of 23 tons transported in one unit of equipment at one time, as follows: (See Exception.)</p> <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">Miles</th> <th style="text-align: center;">But Not Over</th> <th style="text-align: center;">Rate in Cents Per Ton (2)</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Over</td> <td style="text-align: center;">Over</td> <td></td> </tr> <tr> <td style="text-align: center;">0</td> <td style="text-align: center;">5</td> <td style="text-align: center;">15</td> </tr> <tr> <td style="text-align: center;">5</td> <td style="text-align: center;">10</td> <td style="text-align: center;">14</td> </tr> <tr> <td style="text-align: center;">10</td> <td style="text-align: center;">15</td> <td style="text-align: center;">14</td> </tr> <tr> <td style="text-align: center;">15</td> <td style="text-align: center;">20</td> <td style="text-align: center;">13</td> </tr> <tr> <td style="text-align: center;">20</td> <td style="text-align: center;">30</td> <td style="text-align: center;">12</td> </tr> <tr> <td style="text-align: center;">30</td> <td style="text-align: center;">40</td> <td style="text-align: center;">11</td> </tr> <tr> <td style="text-align: center;">40</td> <td style="text-align: center;">50</td> <td style="text-align: center;">8</td> </tr> <tr> <td style="text-align: center;">50</td> <td style="text-align: center;">60</td> <td style="text-align: center;">7</td> </tr> <tr> <td style="text-align: center;">60</td> <td style="text-align: center;">70</td> <td style="text-align: center;">6</td> </tr> <tr> <td style="text-align: center;">70</td> <td style="text-align: center;">-</td> <td style="text-align: center;">5</td> </tr> </tbody> </table> <p>(1) In computing a rate based on a multiple or proportion of another rate, the following will govern in the disposition of fractions: Fractions of less than $\frac{1}{4}$ or .50 of a cent, omit. Fractions of $\frac{1}{4}$ or .50 of a cent or greater, increase to next whole figure.</p> <p>(2) Commodities, other than Asphaltic Concrete and Cold Road Oil Mixture.</p> <p>EXCEPTION: The minimum weight for shipment transported by a 2-axle tractor with semitrailer shall be 10 tons.</p>		Rates in Cents Per Ton Northern Territory (See Item 160)	Southern Territory (See Item 160)	Commodities, other than Asphaltic Concrete and Cold Road Oil Mixture.....	30	33	Miles	But Not Over	Percent Increase (1) (2)	Over	Over		0	5	75	5	35	70	35	-	65	Miles	But Not Over	Rate in Cents Per Ton (2)	Over	Over		0	5	15	5	10	14	10	15	14	15	20	13	20	30	12	30	40	11	40	50	8	50	60	7	60	70	6	70	-	5
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Correction	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>																																																									

SECTION 3--HOURLY RATES (Concluded)	ITEM
<p style="text-align: center;">EXPLANATION OF COLUMN LETTERS USED IN ITEMS 390 and 400</p> <p>COLUMN "M" rates apply on all days except the days on which the Column "O" or Column "P" rates apply.</p> <p>COLUMN "O" rates apply on every Sunday and on the day legally observed as New Year's Day, (1) Washington's Birthday, Memorial Day, Independence Day, Labor Day, ** (2) Veteran's Day, Thanksgiving Day, the Friday immediately following Thanksgiving Day, and Christmas Day.</p> <p>COLUMN "P" rates apply on every Saturday, except as provided in Column "O".</p> <p>(1) Applicable only to rates from points of origin in Northern Territory.</p> <p>(2) Applicable only to rates from points of origin in Southern Territory.</p> <p>--</p> <p>--</p>	<p style="text-align: center;">O410</p>
<p> ◊ Increase) Decision No. ** Eliminated) </p> <p style="text-align: center; font-size: 24pt;">93228</p>	
<p style="text-align: right;">EFFECTIVE <i>7/4/81</i> <i>6/22/81</i></p>	
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	

MINIMUM RATE TARIFF 7-A

SECTION 4--RATES FROM PRODUCTION AREAS TO DELIVERY ZONES (Continued)	ITEM						
<p style="text-align: center;">APPLICATION OF ZONE RATES</p> <p>(a) (Applies only in Southern Territory.) Zone rates contained in this section will apply to all points within the described boundaries of the respective zones, provided however, that deliveries may be made to the property lines of streets used as the boundaries of delivery zones.</p> <p>(b) (Applies only in Northern Territory.) The rates in this section apply as follows:</p> <p>(1) From a commercial producing plant as defined in Item 10, located within a defined producing area, to a railhead, hot plant, batching plant, sewage disposal plant, concrete article factory or a distributing yard, as defined in Item 10 located within a defined delivery zone, subject to subparagraph (3). or</p> <p>(2) (Applies only for the transportation of cold road oil mixture (otherwise known as "Plant Mix"). From a hot plant, as defined in Item 10, located within a defined producing area to a distributing yard within a defined delivery zone, subject to subparagraph (3).</p> <p>(3) Unloading shall be effected by dumping into a stock pile, a fixed receiving hopper or a railroad car.</p> <p>(4) The rates do not apply to any location at which grading, excavating, paving or construction activity is in progress.</p>	420						
<p style="text-align: center;">APPLICATION OF RATES-COMMODITIES</p> <p>When reference is made to this item rates apply for the transportation of the following commodities: (See Exception.)</p> <p>Concrete Aggregates and other Articles, viz.:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Gravel;</td> <td style="width: 50%;">Stone, natural</td> </tr> <tr> <td>Mixture, Cold Road Oil;</td> <td>Chips or waste;</td> </tr> <tr> <td>Sand;</td> <td>Stone, natural, not sawed or finished.</td> </tr> </table> <p>EXCEPTION: Rates subject to this item will not apply on the commodities described in Item 50.</p>	Gravel;	Stone, natural	Mixture, Cold Road Oil;	Chips or waste;	Sand;	Stone, natural, not sawed or finished.	430
Gravel;	Stone, natural						
Mixture, Cold Road Oil;	Chips or waste;						
Sand;	Stone, natural, not sawed or finished.						
<p style="text-align: center;">ADDITIONAL CHARGE FOR SERVICE PERFORMED ON *SATURDAYS, SUNDAYS AND HOLIDAYS (Applies only within Southern Territory)</p> <p>*Rates provided in Items 480, 490, and 510 of this section shall be increased by the applicable percent shown in item 260 for Southern Territory for service performed on a Saturday, Sunday, or holiday specified in the item for this territory.</p> <p style="text-align: center;">**</p>	400 440						
<p style="text-align: center;">RATES BASED ON VARYING MINIMUM TRUCKLOAD WEIGHTS (Applies only in connection with rates making reference to this item)</p> <p>When charges on a shipment transported in one unit of dump truck equipment at one time based on actual weight exceed the charges which would accrue if charges were computed upon a rate based upon a higher minimum weight, the latter will apply.</p>	450						
<table style="width: 100%; border: none;"> <tr> <td style="width: 30%;"> ◊ Change) ◊ Increase) ◊ Reduction) * Addition) ** Eliminated) </td> <td style="width: 30%; vertical-align: middle;">Decision No. 93228</td> <td style="width: 40%;"></td> </tr> </table>		◊ Change) ◊ Increase) ◊ Reduction) * Addition) ** Eliminated)	Decision No. 93228				
◊ Change) ◊ Increase) ◊ Reduction) * Addition) ** Eliminated)	Decision No. 93228						
<p>EFFECTIVE 7/4/81 6/1/81</p>							
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>							

Correction

ITEM	SECTION 4--RATES FROM PRODUCTION AREAS TO DELIVERY ZONES (Continued)
460	<p style="text-align: center;">ALTERNATIVE APPLICATION OF DISTANCE RATES WITH COMBINATION RATES BASED UPON ZONE RATES</p> <p>When the point of origin of a shipment is within one of the Los Angeles County Production Areas, and when the point of destination is outside of but the route of movement is through any of the Los Angeles County, Orange County, San Bernardino County or San Diego County Delivery Zones, the zone rates in this section may be used as a basis for computing charges as follows:</p> <p>Add to the rate applicable for the transportation of a like shipment from the same point of origin to the last delivery zone passed through on the route of movement a rate of 10 cents per ton per mile for each mile or fraction thereof actually traversed from the point of departure from the last delivery zone to the point of destination.</p> <p>If the charge accruing under the distance rates in Section 2 is lower than the charge accruing under the provisions of this rule on the same shipment between the same points, the charge accruing under said distance rates shall apply.</p>
470	<p style="text-align: center;">RULES GOVERNING BOUNDARY DESCRIPTIONS</p> <p>Rules applicable to the descriptions of boundaries of Delivery Zones and Production Areas contained in this section</p> <p>Where streets, railway lines, rights of way of railway companies and water courses are used to define boundaries or are used as the line or point from which boundaries are measured, the center line of such streets, railway lines, rights of way and water courses will constitute the definite boundary line or the definite line or point from which boundaries are measured. Where such a street is divided, the center line of the dividing strip will constitute the definite boundary line or the line or the line or point from which boundaries are measured.</p> <p>(Applies only in connection with descriptions of Antelope Valley Production Area and Delivery Zones appearing on Pages 53 to 74, inclusive.) Where streets and highways, in connection with Antelope Valley, are used in describing zone boundaries, the words "and extension thereof" will be considered as inherent in the description whenever appropriate for the purpose of completing closure of a zone.</p> <p>Unless otherwise noted, where a street is named as a boundary line which has an offset at any intersecting street, and carries the same name at either side of the offset, such portion of the intersecting street encompassed in the offset will become a part of such boundary line.</p> <p>The term "street" as used above will be synonymous with "avenue," "boulevard," "drive," "lane," "terrace," "road," or other designations thereof.</p> <p>Where the term "shoreline" is employed as a boundary line, such boundary lines shall be construed to embrace any pier or wharf extending into the adjacent body of water.</p> <p>Where the terms "north," "west," "south," and "east" are used on a course in the following descriptions, they are referenced to the true meridian and indicative of a true direction.</p> <p>The term "parallel" as used herein denotes an equidistant course with relation to the line referred to whether said line is straight or curved.</p> <p>Where section lines are employed in Southern Territory they are in each instance referenced to the San Bernardino Base and Meridian; in Northern Territory they are referenced to Mount Diablo Base and Meridian.</p> <p>At the beginning of Northern Territory boundary descriptions a name is shown for convenience in referring to the zone or area. This name may also be the name of a city, community, street or other feature; but it is not to be construed as extending the boundaries beyond those which follow the name.</p>
No change on this page, Decision No. 93228	
EFFECTIVE <u>7/4/81</u> 6/21/81	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	

Correction

APPENDIX B

LIST OF REVISED PAGES
TO MINIMUM RATE TARIFF 17-A

SEVENTH	REVISED	PAGE	111
SECOND	REVISED	PAGE	1-7
SECOND	REVISED	PAGE	1-8

(END OF APPENDIX B)

TABLE OF CONTENTS (Concluded)		ITEM
RULES (Continued)		
Accessorial Charges-----		180
Additional Charge for Service Performed on Saturdays, Sundays and Holidays-----		210
Alternative Application of Common Carrier Rates-----		200
Application of Area-to-Point Rates-----		220
Application of Other Minimum Rate Tariffs-----		3000
Application of Tariff--Carriers-----		160
Application of Tariff--Commodities (Rock, Sand and Gravel)-----		40
Application of Tariff--Commodities (Asphaltic Concrete, Cold Road Oil Mixture)-----		60
Application of Tariff--Commodities (Decomposed Granite)-----		65
Application of Tariff--Commodities (Slag)-----		70
Application of Tariff--Exception Rates-----		75
Application of Tariff--General-----		130
Application of Tariff--Rates-----		80
Application of Tariff--Rates--San Diego County Origins-----		100
Application of Tariff--Territories-----		120
Area-to-Point Rates-----		140
Bond Requirement-----		3020
Charge for Tractor and Driver without Trailing Equipment-----		240
Charge for Tractor and Driver without Trailing Equipment (By Overlying Carrier)-----		250
Collection of Charges-----		255
Collect on Delivery (C.O.D.) Shipments-----		260
Computation of Charges--Returned or Diverted shipments-----		280
Computation of Charges for Shipments to Delivery Zones for which Specific Zone Rates Are Not Provided-----		300
Computation of Charges for Shipments to Destinations Outside of a System of Delivery Zones-----		320
Computation of Distances-----		340
Debris Cleanup-----		360
Disposition of Fractions-----		380
Issuance of Shipping Document-----		390
Loss or Damage, Handling of Claims For-----		400
Method of Determining Weight of Shipment-----		420
Minimum Charge-----		440
Payments to Underlying Carriers-----		460
Rates for Dry Mixtures of Rock, Sand and Gravel (with or without Cement), in Batches-----		480
References to Items and Other Tariffs-----		500
Repairs or Replacements to Trailing Equipment-----		515
Shipments, Mixed-----		528
Shipments Transported in Multiple Lots-----		520
Units of Measurement to be Observed-----		540
Unloading and Spreading Service-----		560
TECHNICAL TERMS, Definition of-----		20
) Change) Addition) Decision No.		
93228		
7/4/81 EFFECTIVE 6/21/87		
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.		
Correction		

SECTION 1--RULES (CONTINUED)	ITEM				
<p style="text-align: center;">ALTERNATIVE APPLICATION OF COMMON CARRIER RATES</p> <p>Common carrier rates by land may be applied in lieu of the rates provided in this tariff, when such common carrier rates produce a lower aggregate charge for the same transportation, from the same point of origin to the same point of destination, than results from the application of the rates herein provided. For charges for loading and unloading, see Note 1, Item 220. (See Notes)</p> <p>NOTE 1.--When a rail carload rate is subject to varying minimum weights, dependent upon the size of the car ordered or used, the lowest minimum weight obtainable under such minimum weight provisions may be used in applying the basis provided in this item. When the rail carload weight is subject to a specified minimum weight, subject to the condition that, if the car is loaded to full visible or weight carrying capacity, actual weight will apply, or to actual weight but not less than a lesser carload minimum weight, the actual weight will apply subject to the lesser carload minimum weight, if any.</p> <p>NOTE 2.--In applying the provisions of this item, a rate no lower than the common carrier rate and a weight no lower than the actual weight or published minimum weight (whichever is the higher) applicable in connection with the common carrier rate shall be used.</p> <p>NOTE 3.--When rail switching charges are applicable in connection with line-haul movements by rail and the gross weight of the shipment exceeds the applicable carload minimum weight, only one rail switching charge shall be assessed.</p>	200				
<p style="text-align: center;">ADDITIONAL CHARGE FOR SERVICE PERFORMED ON SATURDAYS, SUNDAYS AND HOLIDAYS</p> <p>When commodities for which rates are provided in this tariff are picked up at point of origin and transported on Saturday, Sunday and/or the day legally observed as New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, the Friday immediately following Thanksgiving Day, and Christmas Day, the area-to-point or zone rates provided therefor in this tariff shall be increased by the percent shown below:</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;"><u>Saturday</u></td> <td style="text-align: center;"><u>Sunday and Holiday</u></td> </tr> <tr> <td style="text-align: center;">2%</td> <td style="text-align: center;">3%</td> </tr> </table>	<u>Saturday</u>	<u>Sunday and Holiday</u>	2%	3%	220
<u>Saturday</u>	<u>Sunday and Holiday</u>				
2%	3%				
<p>* Addition, Decision No. 93228</p>					
<p>EFFECTIVE <u>7/4/81</u> <u>6/21/81</u></p>					
<p>Correction</p>	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>				

ITEM	SECTION 1--RULES (CONTINUED)
220	<p style="text-align: center;">ALTERNATIVE APPLICATION OF COMBINATIONS WITH COMMON CARRIER RATES</p> <p>When lower aggregate charges result, rates provided in this tariff may be used in combination with common carrier rates by land for the same transportation as follows:</p> <p>(a) When point of origin is located beyond railhead and point of destination is located at railhead, add to the common carrier rate applying from any (1) team track or (2) private railhead which is owned or leased by the party who contracts with the carrier for the performance of the transportation service, to point of destination the rate provided in this tariff, applicable to the weight of entire shipment, from point of origin to any such team track or private railhead from which the common carrier rate used applies. (See Notes 1, 2 and 3)</p> <p>(b) When point of origin is located at railhead and point of destination is located beyond railhead, add to the common carrier rate applying from point of origin to any (1) team track or (2) private railhead which is owned or leased by the party who contracts with the carrier for the performance of the transportation service, 6 cents per ton per mile for each mile or fraction thereof traversed from any such team track or private railhead to which the common carrier rate used applies to point of destination. (See Notes 1, 2 and 3)</p> <p>(c) When both point of origin and point of destination are located beyond railhead, add to the common carrier rate applying between any railheads (A) the rate provided in this tariff, applicable to the weight of the entire shipment, from point of origin to any (1) team track or (2) private railhead which is owned or leased by the party who contracts with the carrier for the performance of the transportation service, from which the common carrier rate used applies, and (B) 6 cents per ton per mile for each mile or fraction thereof traversed from any (1) team track or (2) private railhead which is owned or leased by the party who contracts with the carrier for the performance of the transportation service, to which the common carrier rate used applies to point of destination. (See Notes 1, 2 and 3)</p> <p>NOTE 1.--In the event the common carrier rate which is used for the construction of a rate for highway transportation does not include loading and/or unloading services, and in the event that said services are provided by a highway carrier in connection with the transportation involved, the following charges shall be added to the common carrier rate:</p> <p style="padding-left: 40px;">For loading 10 cents per ton; for unloading 10 cents per ton.</p> <p>NOTE 2.--When the rail carload rate is subject to varying minimum weights, dependent upon the size of the car ordered or used, the lowest minimum weight obtainable under such minimum weight provisions may be used in applying the basis provided in this item.</p> <p>NOTE 3.--In applying the provisions of this item, a rate no lower than the common carrier rate and a weight no lower than the actual weight or published minimum weight (whichever is the higher) applicable in connection with the common carrier rate shall be used.</p>
240	<p style="text-align: center;">BOND REQUIREMENT</p> <p>No carrier subject to the provisions of this tariff shall engage any underlying carrier or lease any equipment as lessee unless and until it has on file with the Commission a bond in the form and amount specified in General Order No. 102-F.</p>
No change on this page, Decision No.	
93228	
EFFECTIVE <u>7/4/81</u> <i>[Signature]</i>	
Correction	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.

APPENDIX C

LIST OF REVISED PAGES
TO MINIMUM RATE TARIFF 20

SIXTH	REVISED	PAGE	11
SIXTH	REVISED	PAGE	111
FIRST	REVISED	PAGE	1-8-A

(END OF APPENDIX C)

TABLE OF CONTENTS	PAGE OR SECTION
ARRANGEMENT OF TARIFF-----	Page 111
CORRECTION NUMBER CHECKING SHEET-----	Page 1
FORM OF SHIPPING DOCUMENT-----	Section 7
RATES:	
ZONE RATES TO DELIVERY ZONES	
From Alameda County Production Areas-----	Section 2
From Contra Costa County Production Areas-----	Section 3
From San Mateo County Production Areas-----	Section 4
From Santa Clara County Production Areas-----	Section 5
From Santa Cruz County Production Areas-----	Section 6
RULES:	
Accessorial Charges-----	180, 190
*Additional Charge for Service Performed on Saturdays, Sundays and Holidays-----	270
Alternative Application of Common Carrier Rates-----	200
Alternative Application of Combinations with Common Carrier Rates-----	220
Application of Other Minimum Rate Tariffs-----	160
Application of Tariff--Carriers-----	40
Application of Tariff--Commodities-----	60
Application of Tariff--General-----	80
Application of Tariff--Rates-----	100
Application of Tariff--Territories-----	120
Application of Tariff--Types of Equipment-----	140
Bond Requirement-----	240
Charge for Tractor and Driver without Trailing Equipment-----	250
Charge for Tractor and Driver without Trailing Equipment (By Overlying Carrier)-----	255
Collection of Charges-----	260
Collect on Delivery (C.O.D.) Shipments-----	280
Computation of Charges for Shipments to Delivery Zones For Which Specific Zone Rates Are Not Provided-----	300
Computation of Charges for Shipments to Destinations Outside of a System of Delivery Zones-----	320
Computation of Charges--Returned or Diverted Shipments-----	340
Computation of Distances-----	360
Disposition of Fractions-----	370
Issuance of Shipping Document-----	400
Loss or Damage, Handling of Claims For-----	85
Method of Determining Weight of Shipment-----	420
Minimum Charge-----	440
Payments to Underlying Carriers-----	460
References to Items and Other Tariffs-----	500
Repairs or Replacements to Trailing Equipment-----	510
Shipments, Mixed-----	515
Shipments Transported in Multiple Lots-----	520
Units of Measurement to be Observed-----	540
TECHNICAL TERMS, Definition of-----	20
§ Change) Decision No. * Addition)	
93228	
7/4/81 EFFECTIVE <i>[Signature]</i>	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	
Correction	

ARRANGEMENT OF TARIFF

This is a loose-leaf tariff consisting of seven sections.

SECTION 1 - Rules

SECTION 2 - Zone Rates for the Transportation of Rock, Sand and Gravel from Alameda County Production Areas to Delivery Zones

SECTION 3 - Zone Rates for the Transportation of Rock, Sand and Gravel from Contra Costa County Production Areas to Delivery Zones

SECTION 4 - Zone Rates for the Transportation of Rock, Sand and Gravel from San Mateo County Production Areas to Delivery Zones

SECTION 5 - Zone Rates for the Transportation of Rock, Sand and Gravel from Santa Clara County Production Areas to Delivery Zones

SECTION 6 - Zone Rates for the Transportation of Rock, Sand and Gravel from Santa Cruz County Production Areas to Delivery Zones

SECTION 7 - Form of Shipping Document

No change on this page, Decision No.

93228

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

Correction

SECTION 1--RULES (CONTINUED)	ITEM				
<p style="text-align: center;">COLLECTION OF CHARGES</p> <p>(a) Except as otherwise provided in this item, transportation and accessorial charges shall be collected by the carriers prior to relinquishing possession of property entrusted to them for transportation; said charges shall be collected in cash or in the form of valid checks, drafts or money orders.</p> <p>(b) Upon taking precautions deemed by them to be sufficient to assure payment of charges within the credit period herein specified, carriers may relinquish possession of freight in advance of the payment of the charges thereon and may extend credit in the amount of such charges to debtors for a period not to exceed the 15th day following the last day of the calendar month in which the transportation was performed.</p> <p>(c) Where the carrier has relinquished possession of freight and collected the amount of charges represented in a freight bill presented by it as the total amount of such charges, and another freight bill for additional charges is thereafter presented to the debtor, the carrier may extend credit in the amount of such additional charges for a period of 30 calendar days to be computed from the first 12 o'clock midnight following the presentation of the subsequently presented freight bill.</p> <p>(d) Freight bills for all transportation and accessorial charges shall be presented to the debtor within 5 days after the last calendar day of the month in which transportation was performed.</p> <p>(e) Debtors may elect to have their freight bills presented by means of the United States mail, and when the mail service is so used the time of mailing by the carrier, as evidenced by the postmark, shall be deemed to be the time of presentation of the freight bills.</p> <p>(f) The mailing by the debtor of valid checks, drafts, or money orders, which are satisfactory to the carrier, in payment of freight charges within the credit period allowed such debtor may be deemed to be the collection of the charges within the credit period for the purpose of these rules. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.</p>	260				
<p style="text-align: center;">ADDITIONAL CHARGE FOR SERVICE PERFORMED ON SATURDAYS, SUNDAYS AND HOLIDAYS</p> <p>When commodities for which rates are provided in this tariff are picked up at point of origin and transported on Saturday, Sunday and/or the day legally observed as New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the Friday immediately following Thanksgiving Day, Christmas Day and Washington's Birthday, the zone rates provided therefor in this tariff shall be increased by the percent shown below:</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;"><u>Saturday</u></td> <td style="text-align: center;"><u>Sunday and Holiday</u></td> </tr> <tr> <td style="text-align: center;">5%</td> <td style="text-align: center;">25%</td> </tr> </table>	<u>Saturday</u>	<u>Sunday and Holiday</u>	5%	25%	*270
<u>Saturday</u>	<u>Sunday and Holiday</u>				
5%	25%				
<p>* Addition, Decision No. 93228</p>					
<p>EFFECTIVE <u>7/4/81</u> <u>6/24/81</u></p>					
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>					

Correction