

Decision No. 29253

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the establishment of maximum or minimum or maximum and minimum rates, rules and regulations of all Radial Highway Common Carriers and Highway Contract Carriers operating motor vehicles over the public highways of the State of California pursuant to Chapter 223, Statutes 1935, for the transportation for compensation or hire of any and all commodities and accessorial services incident to such transportation.

Case No. 4088
Part "N"

(Establishment of Actual and Constructive Mileages)

ORIGINALAPPEARANCES:

WALLACE K. DOWNEY, for Pacific Freight Lines, Keystone Express System, Valley Motor Lines, Inc., interested parties.
 D. G. SHEARER, for Certificated Highway Carriers, interested party.
 C. A. HODGMAN, Assistant Traffic Manager, and C. F. REYNOLDS, Traffic Manager, by C. A. HODGMAN, for The Port of San Diego, Chamber of Commerce, and other shippers generally.
 C. O. BURGIN, for the Port of Stockton, interested party.
 EDWIN G. WILCOX, for the San Francisco Chamber of Commerce, interested party.
 R. E. WEDEKIND, a further appearance for Pacific Electric Railway Company, and for Pacific Motor Transport Company, interested parties.
 H. W. BAUER, for Motor Truck Association of Southern California, interested party.
 WM. E. SWAIN, JR., for Automotive Council of Orange County, interested party.
 J. J. DEUEL, for California Farm Bureau Federation.

BY THE COMMISSION:

INTERIM OPINION AND ORDER

Case No. 4088 was instituted pursuant to the mandate of the legislature contained in Section 10 of the Highway Carriers' Act (Chapter 223, Statutes of 1935). A full discussion of its purpose, the procedure to be followed, and other matters of general concern relating to the proceeding is contained in Decision No. 28761, dated April 27, 1936, in Part "A" of this case (37 C. R. C. 732).

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The subject of the establishment of an actual and constructive mileage table for radial highway common and highway contract carriers has for convenience been designated as Part "N" of Case No. 4088. Public hearings were conducted in this phase of the proceeding at San Francisco September 30th, and at Los Angeles October 20th and November 5th, 1936, by Examiner Hunter, and the taking of testimony with respect to part "N" was concluded at the latter hearing.

At the hearing in San Francisco on September 30th, 1936, members of the Commission's Transportation Department presented two different plans of determining highway "constructive mileages."⁽¹⁾

The first plan, hereinafter sometimes referred to as Plan No. 1,⁽²⁾ outlines a method of computing constructive mileage for any section of highway where the various factors are known or can be approximated. While this plan has the advantage of a more or less scientific method of considering each highway on a comparable basis, it has the disadvantage of requiring considerable study and time to complete such tabulation on a statewide basis.

A second plan was offered, hereinafter sometimes referred to as Plan No. 2,⁽³⁾ which proposes to classify the public highways of the State into two geographic groups or zones, one of which may be referred to as "valley" territory and the other as "penalty" territory. The zone suggested as "valley" territory may be generally described as including:

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- (1) The term "constructive mileages," as used herein, means an increased mileage obtained by adding an increment to the actual highway mileage. This increment is intended to compensate for adverse physical conditions of the highway, such as grades, curvature, traffic signals, congestion, etc., which add to the cost of truck operation over and above the normal expense encountered in operating over highways without such adverse physical conditions.
 - (2) Exhibits Nos. 1 and 2 were presented by Ward Hall of the Engineering Division.
 - (3) Exhibits Nos. 3 and 4 were presented by W. Johnson of the Rate Division.

- (a) Sacramento and San Joaquin Valleys, between Redding on the north and Bakersfield on the south.
- (b) San Francisco Bay district.
- (c) Territory traversed by U. S. Highway 101 from Ukiah on the north to the California-Mexican border on the south.
- (d) Los Angeles metropolitan area.
- (e) Coachella and Imperial Valleys.

The "penalty" territory embraces the remainder of the State.

In calculating "constructive mileage" tables under this plan, it is suggested that in the "valley" territory actual road mileage be used, and in "penalty" territory an increment of 50 per cent be added to the actual road mileage.

Plan No. 2 is in harmony with the practice employed by the rail carriers for many years. It was pointed out that in establishing rates on a mileage basis, this Commission authorized the use of 150 per cent of the actual short line rail mileage north of Red Bluff to the California-Oregon line⁽⁴⁾ and 41 "penalty" miles over the actual short line rail distance between Bakersfield and Los Angeles over Tehachapi grade.⁽⁵⁾

While it is recognized that plan No. 2 does not have the refinements which are contained in plan No. 1, it does have the advantage of providing a ready means of giving material consideration to a classification of truck operation, particularly pending the time a more refined method can be developed and put into service.

(4) San Francisco Chamber of Commerce vs. Southern Pacific Company, 11 C.R.C. 867, 12 C.R.C. 50, 522 (Sacramento Valley Class Rate Case).

(5) Traffic Bureau of the Merchants Exchange vs. Southern Pacific Co., et al, 1 C.R.C. 95 (San Joaquin Valley Class Rate Case).

Criticism to plan No. 2 was restricted largely to the boundary line between the two classes of territory. Mr. J. J. Deuel of the California Farm Bureau Federation contended that the "valley" territory should be extended not less than five miles beyond the limits proposed by the Commission's staff in Exhibit No. N-3. This change was based upon the contention that the proposed boundary lines in many cases were along main highways which traverse level productive areas of practically the same character for a distance of from 5 to 10 miles on either side of the road, therefore, the "valley" territory should be extended to include this border area. There were also other suggestions to the effect that minor changes should be made in the boundary lines of the "valley" territory to more properly meet the situation.

At this time the Commission has an immediate need for a "constructive mileage" table in connection with the issuance of rate tariffs to cover transportation of property over public highways in this State by motor vehicles operating under its jurisdiction.

A review of this record leads to the conclusion that said plan No. 2, with the modifications suggested above, should be adopted on a temporary basis, to remain in effect until further order of this Commission, and the following Order will so provide.

O R D E R

A public hearing having been held in the above entitled proceeding and the record justifying the issuance of an Interim Order to meet an immediate need,

IT IS HEREBY ORDERED that until further order of this Commission "constructive mileages" applicable to truck transportation of property for compensation over public highways in the State of California by motor vehicles under the Commission's jurisdiction

will be determined in accordance with the following plan:

- (1) "Valley" territory will include:
 - (a) Those portions of the State of California within the areas bounded by the descriptions set forth in Exhibit "A" attached hereto and made a part hereof.
 - (b) The border territory to a width of five miles lying adjacent to and immediately outside this described "valley" area.
- (2) Rates governing all transportation of property over public highways within the said "valley" and five-mile border territory will be based upon the actual road mileage.
- (3) Rates governing all transportation of property over public highways outside the said "valley" and five-mile border territory will be based upon 150 per cent of the actual road mileage in that district.

The effective date of this Order will be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 9th day of November, 1936.

M B Harris
Leon Whipple
W. J. Carr
Walter Brown
Frank P. Brown

Commissioners.

EXHIBIT "A"

STATEMENT DESCRIBING "VALLEY ROAD"

TERRITORY WITHIN THE STATE OF CALIFORNIA

"Valley Road" territory will include those portions of the State bounded as follows:

1. Commencing at Redding and following U. S. Highway No. 99 to Red Bluff; thence U. S. Highway No. 99-E to the point it intersects the county road extending southeasterly to Oroville from a point on U. S. Highway No. 99-E approximately 4 miles south of Chico; thence along said county road to Oroville; thence along State Highway No. 24 to Marysville; thence along U. S. Highway No. 99-E to Roseville; thence southerly along U. S. Highway No. 40 approximately 6 miles to the point it intersects the county road extending easterly to Folsom; thence easterly along said county road to Folsom; thence southwesterly along U. S. Highway No. 50 approximately 16 miles to the point it intersects State Highway No. 16 near the unincorporated town of Perkins; thence southeasterly approximately $9\frac{1}{2}$ miles along State Highway No. 16 to the point it intersects the county road extending southwesterly approximately 12 miles to U. S. Highway No. 99; thence southwesterly along said county road to U. S. Highway No. 99; thence southerly along U. S. Highway No. 99 approximately 17 miles to the point it intersects the county road known as Acampo Road; thence easterly approximately 6 miles to the point Acampo Road intersects State Highway No. 12 near the unincorporated town of Lockeford; thence easterly along State Highway No. 12 approximately $4\frac{1}{2}$ miles to the county road known as Clements Road; thence south along Clements Road to State Highway No. 8 at the unincorporated town of Linden; thence easterly along State Highway No. 8 approximately 5 miles to the county road known as Bellota Road at the unincorporated town of Bellota; thence southerly along Bellota Road through the unincorporated town of Farmington to State Highway No. 120 at the unincorporated town of Escalon; thence southeasterly along State Highway No. 120 to Oakdale; thence southeasterly along the county road extending from Oakdale to U. S. Highway No. 99 and passing through the unincorporated towns of Waterford and Montpelier; thence southeasterly along U. S. Highway No. 99 to State Highway No. 140; thence easterly approximately 10 miles along State Highway No. 140 to the point it intersects the county road extending southeasterly to the unincorporated town of Le Grand; thence southeasterly along said county road to Le Grand; thence westerly and southerly approximately 7 miles along the county road extending from Le Grand to U. S. Highway No. 99 at the unincorporated town of Minturn; thence southeasterly along U. S. Highway No. 99 to Madera; thence northeasterly to State Highway No. 41 along the state highway (unnumbered) extending from Madera and intersecting State Highway No. 41 at the unincorporated town of Bates Station; thence southerly along State Highway No. 41 to State Highway No. 168; thence easterly along State Highway No. 168 to Clovis; thence along the county road extending southerly from Clovis to State Highway No. 180 approximately 5 miles east of Fresno; thence easterly along State Highway No. 180 approximately 8 miles to the point it intersects the county road extending southerly to Sanger; thence southerly approx-

imately 7 miles along said county road through Sanger to the point it intersects the county road extending easterly through Parlier and the unincorporated town of Orange Cove; thence easterly along said county road approximately 1 mile beyond Orange Cove to the point it intersects the county road extending southerly through the unincorporated towns of Orosi and Cutler; thence southerly along said county road approximately $9\frac{1}{2}$ miles to the point it intersects the county road extending easterly to State Highway No. 95; thence easterly along said county road to State Highway No. 95; thence southerly along State Highway No. 95 to U. S. Highway No. 99 at the unincorporated town of Famosa; thence southerly along U. S. Highway No. 99 to the point it intersects the county road extending easterly through the unincorporated towns of Oildale and Oil Center; thence easterly along said county road approximately 5 miles to the point it intersects the county road extending southerly from Oil Center to Bakersfield; thence along said county road to Bakersfield; thence easterly along U. S. Highway No. 466 approximately 10 miles to the point it intersects the county road extending southerly and easterly to the unincorporated town of Arvin; thence southerly along said county road to Arvin; thence westerly along the county road extending from Arvin to U. S. Highway No. 99; thence northerly along U. S. Highway No. 99 approximately 2 miles to the point it intersects U. S. Highway No. 399; thence westerly along U. S. Highway No. 399 to Taft; thence northerly along State Highway No. 33 to State Highway No. 152; thence westerly along State Highway No. 152 to Los Banos; thence westerly and northerly along State Highway No. 33 to U. S. Highway No. 50; thence westerly along U. S. Highway No. 50 approximately 7.5 miles to the point it intersects the county road extending northwesterly to State Highway No. 4 approximately 1.5 miles north of Byron; thence northwesterly along said county road to State Highway No. 4; thence northerly and westerly along State Highway No. 4 to Martinez; thence northwesterly along the southwesterly tide flats of Suisun Bay and Carquinez Straits to the Carquinez Bridge (U. S. Highway No. 40); thence northerly and easterly along U. S. Highway No. 40 to Vacaville; thence northerly to Winters along the county road extending from Vacaville to Winters; thence northerly approximately 22 miles along the county road extending from Winters to U. S. Highway No. 99-W near the unincorporated town of Zamora; thence northerly along U. S. Highway No. 99-W to Red Bluff; thence northerly along U. S. Highway No. 99 to Redding.

2. Commencing at Crescent City and following northerly along the easterly and westerly boundaries of U. S. Highway No. 101 to the California-Oregon state line.

3. Commencing at Eureka and following southerly along the easterly and westerly boundaries of U. S. Highway No. 101 to the unincorporated town of Garberville.

4. Commencing at Fairfield and following U. S. Highway No. 40 to State Highway No. 29; thence northerly along State Highway No. 29 to Napa; thence northwesterly along the northeasterly and southwesterly boundaries of State Highway No. 29 to Calistoga; thence westerly along State Highway No. 37 from Napa to State Highway No. 12; thence northerly along State Highway No. 12 to Santa Rosa; thence

northerly along the easterly and westerly boundaries of U. S. Highway No. 101 to Ukiah; thence westerly along State Highway No. 12 from Santa Rosa to Sebastopol; thence southeasterly along the county road known as the Cravenstein Highway to U. S. Highway No. 101 to Sausalito; thence southeasterly from San Francisco along U. S. Highway No. 101 (El Camino Real) to State Highway No. 9; thence along State Highway No. 9 to the point it intersects the county road known as the Saratoga-Los Gatos Road; thence southeasterly along the Saratoga-Los Gatos Road to Los Gatos; thence northerly along State Highway No. 17 to State Highway No. 21 at the unincorporated town of Warm Springs; thence northerly along State Highway No. 21 to Niles; thence northeasterly along U. S. Highway No. 101-Alternate to Hayward; thence easterly along the southerly boundary of U. S. Highway No. 50 to the unincorporated town of Santa Rita; thence westerly along the northerly boundary of U. S. Highway No. 50 to Oakland; thence northerly along U. S. Highway No. 40 through Emeryville, Berkeley, Albany, El Cerrito and Richmond to the southerly approach to Carquinez Bridge.

5. Commencing at San Jose and following southeasterly along the northeasterly and southwesterly boundaries of U. S. Highway No. 101 to the point it intersects Chittenden Pass Road; thence westerly along Chittenden Pass Road to Watsonville; thence southerly along State Highway No. 1 to Monterey; thence easterly and northerly along the county road known as Canyon del Rey to Salinas; thence northerly and easterly along U. S. Highway No. 101 to the point it intersects Chittenden Pass Road; thence easterly and southerly to San Juan along the county road extending from said intersection; thence easterly to Hollister along the county road extending easterly to Hollister; thence northwesterly along State Highway No. 25 to U. S. Highway No. 101; thence northerly along U. S. Highway No. 101 to Gilroy.

6. Commencing at Salinas and following along the southwesterly and northeasterly boundaries of U. S. Highway No. 101 to Paso Robles.

7. Commencing at San Luis Obispo and following southeasterly along the northeasterly boundary of U. S. Highway No. 101 through Santa Maria to the point it intersects State Highway No. 1-T; thence southerly along State Highway No. 1-T to State Highway No. 1 at the unincorporated town of Orcutt; thence northerly along State Highway No. 1 to U. S. Highway No. 101 at the unincorporated town of Pismo; thence westerly and northerly along the southerly and westerly boundary of U. S. Highway No. 101 to San Luis Obispo.

8. Commencing at the intersection of U. S. Highway No. 101 and State Highway No. 1 at the unincorporated town of Las Cruces and following southerly and easterly along U. S. Highway No. 101 to State Highway No. 126 approximately 2½ miles beyond Ventura; thence easterly along State Highway No. 126 to State Highway No. 23 near Fillmore; thence southerly along State Highway No. 23 to State Highway No. 118; thence westerly approximately 7 miles along State Highway No. 118 to the point it intersects the county road extending southerly through the unincorporated town of Somis to the point it intersects U. S. Highway No. 101 at the unincorporated town of Camarillo; thence southerly along said county road to U. S. Highway No. 101; thence westerly approximately

9 miles to Oxnard along the road extending westerly from Camarillo; thence southeasterly along U.S. Highway No. 101-Alternate to State Highway No. 27; thence northerly along State Highway No. 27 to State Highway No. 118 at the unincorporated town of Chatsworth; thence easterly along State Highway No. 118 to Pasadena; thence easterly along Foothill Boulevard to the point it intersects Mountain Avenue at Claremont; thence northerly along Mountain Avenue to the point it intersects 19th Street; thence easterly along the county roads known as 19th Street, Olive Street and Highland Avenue to the point Highland Avenue intersects the county road known as Palm Avenue; thence southerly along Palm Avenue to the point it intersects the county road known as Base Line Road; thence easterly along Base Line Road to the point it intersects the county road known as Orange Street; thence southerly along Orange Street to Redlands; thence westerly along Brookside Avenue and the county road known as Barton Avenue to the point Barton Avenue intersects the county road extending southerly and westerly to the point it intersects the county road known as La Cadena Drive; thence southerly along La Cadena Drive to Riverside; thence southwesterly along State Highway No. 18 to the point it intersects Santiago Blvd. at the unincorporated town of Olive; thence easterly along Santiago Boulevard to Tustin Avenue; thence southerly along Tustin Avenue to U.S. Highway No. 101; thence southerly along U.S. Highway No. 101 to San Diego; thence easterly along the northern and southern boundaries of U.S. Highway No. 80 approximately 12 miles to the unincorporated town of La Mesa; thence southerly from San Diego along U.S. Highway No. 101 to the California-Mexico border; thence westerly along said border to the Pacific Ocean; thence northerly along the shore line of the Pacific Ocean to Ventura.

9. Commencing at Bishop and following southerly along the easterly and westerly boundaries of U.S. Highway No. 395 to the unincorporated town of Olancho.

10. Commencing at the unincorporated town of Palmdale and following northerly along the easterly and westerly boundaries of State Highway No. 7 to U.S. Highway No. 466 at the unincorporated town of Mojave; thence easterly along the northerly and southerly boundaries of U.S. Highway No. 466 to the unincorporated town of Midway, approximately 35 miles easterly from the unincorporated town of Barstow; then commencing at the unincorporated town of Victorville and following easterly along the northerly and southerly boundaries of U.S. Highway No. 66 to the unincorporated town of Amboy.

11. Commencing at Indio and following southeasterly along U.S. Highway No. 99 to the point it intersects State Highway No. 111 near the unincorporated town of Coachella; thence southerly along State Highway No. 111 to Calipatria; thence easterly and southerly to Holtville along the county road extending from Calipatria to Holtville through the unincorporated towns of Wiest and Alamo; thence easterly along the northerly and southerly boundaries of U.S. Highway No. 80 to the California-Arizona state line; then commencing at the point where State Highway No. 98 intersects U.S. Highway No. 80, approximately 19 miles southeast of Holtville; and following westerly along State Highway No. 98 to U.S. Highway No. 80 at the unincorporated town of Seeley; thence westerly along the northerly and southerly boundaries of U.S. Highway No. 80 for a distance of 12 miles; then

commencing at the intersection of U.S. Highway No. 80 and State Highway No. 98 near the unincorporated town of Seeley, and following easterly along U.S. Highway No. 80 to El Centro; thence northerly along U.S. Highway No. 99 to State Highway No. 78; thence westerly along the northerly and southerly boundaries of State Highway No. 78 for a distance of 8 miles; thence northerly along U.S. Highway No. 99 from the intersection of State Highway No. 78 to Indio.

12. Commencing at Blythe and following westerly along the northerly and southerly boundaries of U.S. Highway No. 60 to the unincorporated town of Desert Center.

13. Where the boundary line intersects the limits of an incorporated city "valley road" territory will include all points within the corporate limits of such city.