

Decision No. 30888

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)

ORIGINAL

BY THE COMMISSION:

FIRST SUPPLEMENTAL ORDER

By the order in Decision No. 30000, dated August 9, 1937, the Commission prescribed the method of determining constructive mileage and assigned such constructive mileage to a network of highways in the State of California. The highways for which constructive mileage have been determined are shown upon a map marked Appendix "A" attached to and made a part of said Decision No. 30000.

It was announced in the opinion of said Decision No. 30000 that: "It is expected that the Commission will expand its constructive mileage study to cover highways other than those shown on the map***."

In recent orders of the Commission⁽¹⁾ all common carriers and highway carriers are required to base their minimum rates upon highway constructive mileage as prescribed in Decision No. 30000. In order to facilitate the establishment of these minimum rates the Commission will, by the following order, approve constructive mileages on certain additional roads and highways as shown on map

(1) Decision No. 30370, Case No. 4088, Parts "U" and "V", and Case No. 4145, Parts "F" and "G".
Decision No. 30085, Cases Nos. 4079 and 4191.

marked First Supplement to Appendix "A" of Decision No. 30000, attached hereto. The method set forth in said Decision No. 30000 has been used in establishing these constructive mileages.

Where common carrier rail rates are determined by employing highway constructive mileages, it becomes necessary to determine a method of computing constructive mileage to rail points which are not served by highway. These points fall in two classes, viz.,

- (1) Stations on a railroad which are not served by a highway and which are located between two points for which constructive mileage has been determined, and
- (2) Stations on a railroad which are not served by a highway and are not intermediate between any two points for which constructive mileage has been determined.

To meet the situation presented under the conditions to which we have alluded, the following additional rules are hereby adopted. Since they are designed to supplement those appearing in the findings contained in Decision No. 30000, these rules will be designated, for convenience, as Findings Nos. 8 and 9, respectively. They are as follows:

FINDING NO. 8

That where the constructive mileage has been determined between any two points served both by highway and rail which have no such common point intermediate, for example "A" and "B," and it becomes necessary or desirable to establish the constructive mileage to an intermediate rail point "C" not located upon any highway, the following method will be employed.

The constructive mileage between "A" and "C" shall be that percentage of the constructive mileage between "A" and "B" which the actual rail mileage between "A" and "C" bears to the actual rail mileage between "A" and "B."

FINDING NO. 9

That when it becomes necessary to determine the constructive mileage to a rail point not located upon any highway and not intermediate between any two points for which constructive mileage has been determined, the constructive mileage from said point or points to the point of connection with the system of highways for which constructive mileage has been determined shall be the actual rail mileage, subject, however, to the finding above.

IT IS HEREBY ORDERED:

I. That the computations or figures appearing upon the map attached hereto, marked First Supplement to Appendix "A," and made a part hereof, setting forth distances between the points and over the routes shown thereon, respectively, be and they are hereby established as and for the constructive mileage distances between the points and over the routes to which they respectively relate, as more specifically appears upon said map. Said constructive mileages are in addition to the constructive mileages shown on Appendix "A" attached to Decision No. 30000.

II. That the above-mentioned rules and regulations, designated as "Findings Nos. 8 and 9," respectively, be and they are hereby established and approved, respectively, as rules and regulations governing the determination of constructive mileage, supplemental and in addition to the rules and regulations prescribed and established in and by Paragraph IV of the order in Decision No. 30000.

III. That this order shall become effective on March 1, 1938.

In all other respects said Decision No. 30000 shall remain in full force and effect.

Dated at San Francisco, California, this 14th day of February, 1938.

Walter Brown
John A. Whittell
James P. Newlin

Commissioners