

Decision No. 31556

ORIGINAL

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 regu-)
lations of all common carriers as)
defined in the Public Utilities)
Act of the State of California, as)
amended, and all highway carriers)
as defined in Chapter 223, Statutes)
of 1935, as amended, for the trans-)
portation, for compensation or)
hire, of any and all commodities.)

Case No. 4246

BY THE COMMISSION:

SUPPLEMENTAL OPINION

By prior orders in this proceeding (Decision No. 31606, 41 C.R.C. 671, as amended) minimum rates, rules and regulations have been established for the transportation of property by common, radial highway common and highway contract carriers. By petition, Southern Pacific Company and Pacific Motor Trucking Company seek revision of certain of the pickup and delivery zones heretofore prescribed to define and limit the areas within which the established minimum rates for pickup or delivery service are applicable. Also by petition, Sacramento Chamber of Commerce seeks exemption from the established rates, rules and regulations for transportation between Sacramento and designated points grouped therewith and Sacramento Municipal Airport. Evidence relative to the petitions of Southern Pacific Company and Pacific Motor Trucking Company was received at a public hearing had at San Francisco on August 29, 1941, before Examiner Mulgrew. The petition of Sacramento Chamber of Commerce appears to be a matter in which a public hearing is not

necessary.

The pickup and delivery zones which petitioners contend are in need of revision are those established for the unincorporated communities of Capitola and Soquel and the cities of Santa Cruz, St. Helena and Vallejo.¹ At Capitola the present zone embraces territory within one mile of the Southern Pacific Company's depot; at Soquel the zone embraces territory within one mile of the center of that community; at Santa Cruz and St. Helena the zones and the incorporated areas are coextensive; and at Vallejo the zone includes, in addition to the incorporated area, designated contiguous territory.

Petitioners point out that the Capitola and Soquel zones overlap and, they contend, also include limited areas which are in reality a part of Santa Cruz although not within the corporate boundaries of that city. A witness for petitioners testified that he had made a survey of the industrial and residential development of Capitola, Soquel and Santa Cruz; that this survey had disclosed that territory within an area approximately two miles east of the corporate limits of the city of Santa Cruz now forms a part of that city although not within its corporate limits; and that with certain designated exceptions State Highway 1 provides a suitable boundary between the communities of Capitola and Soquel, points south of that highway being identified with the community of Capitola and points on the highway and north being identified with the community of Soquel. The witness recommended specific boundaries for the three communities which, he said, would reflect the full growth of each and remove the conflict in established minimum rates resulting from the

1

The proposals affecting Capitola, Soquel and Santa Cruz are covered by a joint petition filed by Southern Pacific Company and Pacific Motor Trucking Company. Those affecting St. Helena and Vallejo are covered by petitions filed by Southern Pacific Company.

overlapping of the Capitola and Soquel zones. Within these boundaries, he also said, the service involved would be comparable to that now rendered within the existing zones. Statements submitted by petitioners show that the adoption of their proposals would result in relatively few rate changes and that such increases and reductions as would follow would not be substantial.

At St. Helena and Vallejo it is proposed that limited areas adjacent to the present zones be added thereto. Each of these areas is represented as consisting of territory which has become a part of the adjoining city as a result of the industrial and residential development of the city. As in the case of Capitola, Soquel and Santa Cruz, petitioners' witness said that service within the proposed zones would be substantially similar to that now performed within the present limits. Similarly, the proposed rate changes are shown by petitioners' statements to be relatively few and not substantial in volume.

No one opposed the revisions of pickup and delivery zones sought by petitioners.

On this record it appears that in each of the communities involved transportation conditions surrounding shipments from and to the proposed added territory are substantially similar to those surrounding like shipments from and to the present pickup and delivery zone, that the sought modifications of pickup and delivery zones reflect the full growth of the communities, and that rate equality between all points within each community, as sought, is justified. The petitions will be granted, with the understanding, however, that this action in no way determines the nature and extent of whatever operating rights petitioners and other respondent carriers may possess. Operating rights of respondents are not here in issue.

Transportation between Sacramento and North Sacramento and West

Sacramento, and between those points and designated locations in the same vicinity, including the Sacramento Air Depot, has been exempted from the established minimum rates, rules and regulations. Sacramento Chamber of Commerce seeks exemption of transportation between Sacramento and the other points above referred to, except the Air Depot, on the one hand and Sacramento Municipal Airport, approximately 1½ miles from the southern city limits of Sacramento, on the other hand. It represents that the transportation in question involves local drayage rather than line-haul operations and that this transportation is, in all material respects, similar to transportation in the same vicinity now exempted from the established rates. The established rates, petitioner contends, are not designed for nor suitable to drayage operations such as those said to be here involved. According to petitioner, the granting of its request would give the Municipal Airport the same rate treatment as that now given the Air Depot by permitting the application of drayage rates. This, it claims, is justified by the similarity in transportation conditions. Improvement of the airport, it is represented, is about to be undertaken as a National Defense measure.

It appears that transportation between the points in question and the Sacramento Municipal Airport is substantially similar to like transportation in the same vicinity now exempted from the established rates, and that the petition should be granted.

O R D E R

Based upon the evidence of record and upon the conclusions and findings set forth in the preceding opinion,

IT IS HEREBY ORDERED that Highway Carriers' Tariff No. 2 (Appendix "D" to Decision No. 31606, as amended, in this proceeding)

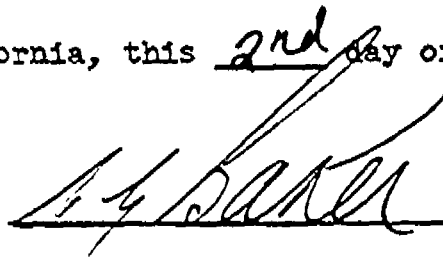
be and it is hereby amended by substituting therein, to become effective September 10, 1941, Third Revised Page 13 Cancels Second Revised Page 13, and to become effective October 10, 1941, Fourth Revised Page 28 Cancels Third Revised Page 28, Third Revised Page 31 Cancels Second Revised Page 31, and Second Revised Page 31-A Cancels First Revised Page 31-A, which pages are attached hereto and by this reference made a part hereof.

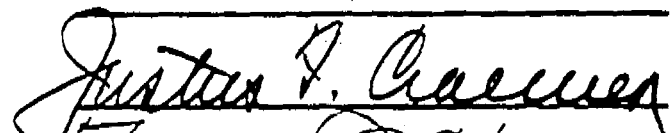

IT IS HEREBY FURTHER ORDERED that the tariff publications required to be made by common carriers as a result of the amendment herein of the aforesaid tariff shall be made effective on October 10, 1941, on not less than three (3) days' notice to the Commission and to the public; and that tariff publications which are not required to be made but are herein authorized may be made effective not earlier than September 10, 1941, in connection with rates from and to Sacramento Municipal Airport and not earlier than October 10, 1941, in connection with other rates, and on not less than one (1) day's notice to the Commission and to the public if published to become effective within sixty (60) days from the date hereof.

IT IS HEREBY FURTHER ORDERED that in all other respects Decision No. 31606, as amended, shall remain in full force and effect.

This order shall become effective five (5) days from the date hereof.

Dated at San Francisco, California, this 2nd day of September, 1941.



Commissioners

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
20 8-7-39	<p style="text-align: center;">APPLICATION OF TARIFF - CARRIERS</p> <p>Rates provided in this tariff are minimum rates, established pursuant to the Highway Carriers' Act (Chapter 223, Statutes of 1935, as amended) and apply for transportation of property by radial highway common carriers and highway contract carriers, as defined in said Act.</p> <p>When property in continuous through movement is transported by two or more such carriers, the rates (including minimum charges) provided herein shall be the minimum rates for the combined transportation.</p>
30-C Cancels 30-B	<p style="text-align: center;">APPLICATION OF TARIFF - TERRITORIAL</p> <p>Rates in this tariff apply for transportation of shipments between all points within the State of California, except:</p> <p>(a) Shipments having point of origin in Alameda, Albany, Berkeley, Emeryville, Oakland or Piedmont, and point of destination in another of those cities;</p> <p>(b) Shipments between San Francisco and South San Francisco;</p> <p>(c) Shipments having point of origin in San Diego, Chula Vista, Coronado or National City, and point of destination in another of those cities;</p> <p>(d) Shipments having both point of origin and point of destination within the Los Angeles Drayage Area, as described in Items Nos. 30 to 33 series, inclusive, of City Carriers' Tariff No. 4 and Highway Carriers' Tariff No. 5 (Appendix "A" of Decision No. 32504 in Case No. 4121);</p> <p>• (e) Shipments (1) between Sacramento and North Sacramento; (2) between Sacramento and West Sacramento; (3) between said cities on the one hand and the adjacent plants of the Lumbermen's Supply, Inc., Swanston & Son, Sacramento Wool Company, Sacramento Feed Company and Essex Lumber Company on the other hand; and (4) between said cities and plants on the one hand and the Sacramento Air Depot and the Sacramento Municipal Airport on the other hand;</p> <p>(f) Shipments between Marysville and Yuba City and between said cities on the one hand and the adjacent plant of the Harter Packing Company on the other hand;</p> <p>(g) Shipments between the Sonora freight depot of the Sierra Railroad Company and Sonora.</p>
	<p>• Reduction, Decision No. 34556</p>
	<p style="text-align: right;">EFFECTIVE SEPTEMBER 10, 1941</p>
Correction No. 224	<p style="text-align: center;">Issued by The Railroad Commission of the State of California, San Francisco, California.</p>

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
	<p style="text-align: center;">PICKUP AND DELIVERY ZONES</p> <p>*Except as otherwise provided, pickup and delivery zones include both sides of streets, boulevards, roads, avenues or highways named. See Item No. 100 series for application of mileages to pickup and delivery zones in these and other incorporated cities or unincorporated communities.</p> <p>Rates in this tariff from or to incorporated cities or unincorporated communities for which pickup and delivery zones are described herein shall apply from or to all points located within such described zones.</p> <p>◆ CAPITOLA: (Mileage Basing Point, Capitola.) The territory bounded as follows:</p> <p>Beginning at the intersection of the shore line of Monterey Bay and the prolongation of 41st Avenue thence northerly along said prolongation and 41st Avenue to Lower Soquel Road, westerly along Lower Soquel Road but not including points situated on that road to Rodeo Creek, northerly along Rodeo Creek to State Highway 1, easterly along State Highway 1 but not including points situated on that highway to Rodeo Gulch Road, southerly and easterly along Rodeo Gulch Road but not including points situated on that road to 41st Avenue, northerly along 41st Avenue but not including points situated on that avenue to State Highway 1, easterly along State Highway 1 but not including points situated on that highway to Robertson Street, southerly along Robertson Street but not including points situated on that street to Porter Street, southerly along an imaginary line projected from that intersection to Soquel Creek, northeasterly along Soquel Creek and an imaginary line projected to the intersection of Main and Walnut Streets, northeasterly along Walnut Street but not including points situated on that street to State Highway 1, easterly along State Highway 1 but not including points situated on that highway to Park Avenue, southerly along Park Avenue to the point on that avenue opposite the intersection of the Southern Pacific Company's tracks and Parker Creek, easterly along an imaginary line projected from the said point on Park Avenue to the said intersection, southerly along Parker Creek to the shore line of Monterey Bay, and westerly along said shore line to point of beginning.</p> <p>COYOTE: (Mileage Basing Point, Coyote.) Within a radius of one mile of the Southern Pacific Company's depot; also beyond one mile from that depot southerly along Highway U.S. 101 for a distance of six-tenths of a mile.</p> <p>GILROY: (Mileage Basing Point, Gilroy.) All of the City of Gilroy, also from the intersection of the northern city limits and Highway U.S. 101 (Monterey Street) northerly along said highway for a distance of three-tenths of a mile, from the intersection of the eastern city limits and State Highway 152 (Old Gilroy Road) easterly along said highway for a distance of one mile, and from the intersection of the southern city limits and Highway U.S. 101 (Monterey Street) southerly along said highway for a distance of three-tenths of a mile.</p> <p>GOLDTREE: (Mileage Basing Point, Goldtree.) Within a radius of one mile of the Southern Pacific Company's depot; also beyond one mile from that depot along State Highway 1 to and including Camp San Luis Obispo.</p> <p>HANFORD: (Mileage Basing Point, Hanford.) All of the City of Hanford, also from the intersection of the western city limits and State Highway 198 (Lacey Boulevard) westerly along said highway for a distance of one-half mile, that territory east of the eastern city limits bounded on the north by State Highway 198 (Seventh Street) on the east by the</p>
260-1-B	
Cancels	
260-1-A	

Peoples Ditch Company Canal and on the south by the Southern Pacific Company right-of-way and from the intersection of State Highway 198 easterly for a distance of one and two-tenths miles.

HOLLISTER: (Mileage Basing Point, Hollister.) All of the City of Hollister, also from the intersection of the western city limits and San Juan Road (Fourth Street) westerly along said road for a distance of one mile, from the intersection of the southeastern city limits and Prospect Avenue southeasterly along said avenue for a distance of one-half mile from the intersection of the eastern city limits and South Street easterly along said street for a distance of one-half mile, and that territory bounded as follows:

Beginning at the intersection of Pacheco Pass Road (San Benito Street) and the northern city limits, westerly along the city limits to Southern Pacific Company right-of-way, northwesterly along said right-of-way to the prolongation of Maple Avenue, easterly along said prolongation to Pacheco Pass Road, northerly along said road for a distance of one and one-half miles and return via said road to the prolongation of Maple Avenue, easterly along said prolongation and Maple Avenue to Chappell Street, southerly along Chappell Street to Santa Ana Road, westerly along Santa Ana Road to the city limits, westerly along the city limits to point of beginning.

(Continued)

*Change)
◆ Increase)
● Reduction)

Decision No. 34576

EFFECTIVE OCTOBER 10, 1941

Correction No. 225

Issued by The Railroad Commission of the State of California,
San Francisco, California.

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
<p>260-6-A Cancel 260-6</p>	<p style="text-align: center;">PICKUP AND DELIVERY ZONES (Continued)</p> <p>*STOCKTON: (Mileage Basing Point, Stockton.) All of the City of Stockton, also from the intersection of McKinley Avenue and the corporate boundary of the City of Stockton, southerly along McKinley Avenue to a point 600 feet south of Ivy Avenue and the territory bounded as follows: Beginning at the northeasterly corner of Oak Park, thence easterly along Calaveras Avenue to West Lane, southerly along West Lane to County Road, easterly along County Road to Sanguinetti Lane, southerly along Sanguinetti Lane to Waterloo Road, northeasterly along Waterloo Road to Washington Street, southerly along Washington Street and Epstein Avenue to Linden Road, easterly along Linden Road to David Avenue, southerly along David Avenue and its prolongation to the right of way of the Southern Pacific Company (Oakdale Branch), westerly along the Southern Pacific Company right of way to Monterey Street, southerly along Monterey Street and its prolongation to Copperopolis Road, westerly along Copperopolis Road to the corporate boundary of the City of Stockton, northerly and westerly along said corporate boundary to point of beginning. Beginning at the intersection of Moss Avenue and the corporate boundary of the City of Stockton, thence westerly along Moss Avenue to French Camp Turnpike, northerly along French Camp Turnpike to Garwood Ferry Road, westerly along Garwood Ferry Road to the San Joaquin River, northwesterly along the east bank of the San Joaquin River to the corporate boundary of the City of Stockton, easterly and southerly along said corporate boundary to point of beginning. SANTA CRUZ: (Mileage Basing Point, Santa Cruz.) All of the City of Santa Cruz, also the territory bounded as follows: Beginning at the intersection of the eastern city limits and State Highway 1, easterly along State Highway 1 to Mattison Lane, from that point easterly along State Highway 1 but not including points situated on that highway to Rodeo Creek, southerly along Rodeo Creek to Lower Soquel Road, easterly along Lower Soquel Road to 41st Avenue, southerly along 41st Avenue but not including points situated on that avenue and along the prolongation of that avenue to the shore line of Monterey Bay, westerly along said shore line to Woods Lagoon, and northerly along Woods Lagoon and the eastern city limits to point of beginning. ◆SOQUEL: (Mileage Basing Point, Soquel.) All points within a one-mile radius of the intersection of Main Street and State Highway 1, except the territory within that radius located south of the following boundary: Beginning at the intersection of Mattison Lane and State Highway 1, easterly along State Highway 1 to Rodeo Gulch Road, southerly and easterly along Rodeo Gulch Road to 41st Avenue, northerly along 41st Avenue to State Highway 1, easterly along State Highway 1 to Robertson Street, southerly along Robertson Street to Porter Street, southerly along an imaginary line projected from that intersection to Soquel Creek, northeasterly along Soquel Creek and an imaginary line projected to the intersection of Main and Walnut Streets, northeasterly along Walnut Street to State Highway 1, and easterly along State Highway 1 to Park Avenue. ST. HELENA: (Mileage Basing Point, St. Helena.) All of the City of St. Helena, also from the intersection of State Highway 29 (Main Street) and the northwest city limits northwesterly along said highway for a distance of one mile, and from the intersection of State Highway 29</p>

(Main Street) and the southeast city limits southeasterly along said highway for a distance of one-half mile.

(Continued)

*Change)
◆ Increase) Decision No. 34576
◆ Reduction)

Turlock's zone formerly shown on this page transferred to Second Revised Page 31-A.

EFFECTIVE OCTOBER 10, 1941

Correction No. 226

Issued by The Railroad Commission of the State of California,
San Francisco, California.

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
<p>260-7-B Cancel 260-7-A</p>	<p style="text-align: center;">PICKUP AND DELIVERY ZONES (Concluded)</p> <p>*TURLOCK: (Mileage Basing Point, Turlock.) All of the City of Turlock, also the territory bounded as follows: Beginning at the intersection of the northern city limits and North Broadway, thence northwesterly along North Broadway to old Highway U.S. 99 at Almond Avenue, northwesterly along old Highway U.S. 99 to new Highway U.S. 99, southeasterly along new Highway U.S. 99 to Almond Avenue, easterly along Almond Avenue to Geer Avenue, northerly along Geer Avenue to Wayside Drive, easterly along Wayside Drive to Pioneer Avenue, southerly along Pioneer Avenue to its intersection with the northern city limits. Beginning at the intersection of the southeastern city limits and South Center Street, thence southeasterly along South Center Street to old Highway U.S. 99, northerly along old Highway U.S. 99 to its intersection with the city limits at D Street.</p> <p>UKIAH: (Mileage Basing Point, Ukiah.) All of the City of Ukiah, also the territory bounded as follows: Beginning at the intersection of the northern city limits and Highway U.S. 101, northerly along Highway U.S. 101 to Brush Street, easterly along Brush Street to Orr Street, southerly along Orr Street to the northern city limits. Beginning at the intersection of the southern city limits and Northwestern Pacific Railroad Company right of way, southerly along said right of way to Talmadge Road, westerly along Talmadge Road to Highway U.S. 101, northerly along Highway U.S. 101 to southern city limits.</p> <p>◆ VALLEJO: (Mileage Basing Point, Vallejo.) All of the City of Vallejo and Mare Island Navy Yard, also the territory bounded as follows: Beginning at the intersection of the northern city limits and Mare Island Street, thence northwesterly along the shore line of said street to Sears Point Road, northeasterly along Sears Point Road and State Highway No. 29 to County Road 594, southeasterly along County Road 594 to Sacramento Street, southerly along Sacramento Street to Missouri Street, easterly along Missouri Street to Sonoma Street, southerly along Sonoma Street to Mississippi Street, easterly along Mississippi Street to County Road 598, northerly along County Road 598 to County Road 85 and southerly along County Road 85 to its intersection with the northern city limits. Beginning at the intersection of the northern city limits and Valle Vista Avenue northeasterly along Valle Vista Avenue to Mountain View Avenue, southerly along Mountain View Avenue to Greenfield Road, northeasterly along Greenfield Road and County Road 638 to Highway U.S. 40, from that intersection along an imaginary line for one mile due east thereof thence due south to Benicia Road, southeasterly along Benicia Road to County Road 267, southwesterly along County Road 267 to Lewis Avenue, northwesterly along Lewis Avenue to Home Acres Avenue, northeasterly along Home Acres Avenue to Reis Avenue, northwesterly along Reis Avenue to Highway U.S. 40, southerly along Highway U.S. 40 to CWA Road, and northwesterly along CWA Road to the southern city limits.</p>

WATSONVILLE: (Mileage Basing Point, Watsonville.) All of the City of Watsonville, also from the intersection of the easterly city limits and East Lake Avenue northerly along East Lake Avenue to Holohan Road, from the intersection of the southeastern city limits and Bridge Street, northeasterly, easterly and northwesterly along Bridge Street, Riverside Road and Lakeview Road for a distance of one mile, from the intersection of Beach Road and the southwestern city limits westerly and northwesterly along Beach Road and La Porte Road for a distance of one and four-tenths miles, and all territory within 1,000 feet of the city limits from the intersection of the city limits and Beach Road northwesterly to the northwestern boundary of the city.

*Change)
◆ Increase) Decision No. 34556
◆ Reduction)

EFFECTIVE OCTOBER 10, 1941

Correction No. 227 Issued by The Railroad Commission of the State of California,
San Francisco, California.