

Decision No. 62868**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 the TURLOCK CHAMBER OF COMMERCE for)
 extension of the pickup and delivery)
 limits of Turlock, California.)

Application No. 43485

In the Matter of the Investigation)
 into the rates, rules, regulations,)
 charges, allowances and practices of)
 all common carriers, highway car-)
 riers and city carriers relating to)
 the transportation of any and all)
 commodities between and within all)
 points and places in the State of)
 California (including, but not)
 limited to, transportation for)
 which rates are provided in Minimum)
 Rate Tariff No. 2).)

Case No. 5432
 (Order Setting Hearing
 dated July 25, 1961)

John A. Swenson, for applicant.
C. J. Boddington, for Oregon-Nevada-California
 Fast Freight, Inc., and Southern California
 Freight Lines; John E. Cardoza, for Valley
 Motor Lines, Inc.; Charles Gore, for Pacific
 Motor Trucking Company; respondents in Case
 No. 5432 and interested parties in Application
 No. 43485.
J. C. Kaspar, A. D. Poe and J. X. Quintrall, for
 California Trucking Associations, Inc.,
 interested party.
M. J. Gagnon, for the Commission's staff.

O P I N I O N

By Application No. 43485, Turlock Chamber of Commerce seeks the enlargement of the pickup and delivery zone of Turlock, as set forth in Minimum Rate Tariff No. 2.¹ Since a change in the minimum rate tariff is proposed, the Commission, by its Order Setting Hearing dated July 25, 1961, directed that hearings on the question at issue be held in Case No. 5432 on a consolidated record with Application No. 43485.

¹ Minimum Rate Tariff No. 2 contains statewide minimum rates, rules and regulations for the transportation of so-called "general" commodities.

Public hearing of these matters was held before Examiner Carter R. Bishop at Turlock on September 19 and 20, 1961. Evidence was offered on behalf of applicant by eight witnesses.² The parties stipulated that 26 other persons, business men of the community, also would have testified in support of the proposal, had they been called. Representatives of California Trucking Associations, Inc., and of the Commission's Rate Branch staff assisted in the development of the record through examination of applicant's witnesses.

The pickup and delivery limits of Turlock, as presently published in Minimum Rate Tariff No. 2, embrace all of the City of Turlock and two unincorporated sections adjacent to the city limits on the north and south, respectively. These latter areas are relatively small. The extensions beyond the present limits, as proposed herein by petitioners, are of large magnitude. Expansion of the present zone is proposed in all directions from the city center except to the east and northeast. The greatest extensions would be to the west, with one portion of the proposed westerly zone limits located more than five miles beyond the present westerly limits. Whereas the present pickup and delivery zone of Turlock covers 2.5 square miles, the proposed zone would include more than 20 square miles.

Applicant offered evidence purporting to show that the commercial and industrial community of Turlock has expanded far beyond the city limits and that such expansion has been predominantly to the south and west of U. S. Highway 99, which passes

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The witnesses included applicant's secretary-manager, the chairman of applicant's industrial committee, the mayor of Turlock, the postmaster of that city, the Stanislaus County Planning director, the chairman of the Board of directors of the Turlock Irrigation District, the executive dean of Stanislaus State College, and the traffic manager of Southern California Freight Lines and Oregon-California-Nevada Fast Freight, Inc.

through Turlock from the northwest to the southeast. The Chamber manager introduced a map showing the present and proposed pickup and delivery zones. On this map were plotted those commercial and industrial establishments which lie outside the present limits but within those which are proposed. Fifty-four concerns were so plotted. In another exhibit each establishment was identified by name.

Analysis discloses that most of the businesses plotted on the map are concentrated along U. S. Highway 99 and in sections north and south of the present limits. There is a scattering of concerns in the large proposed western extension of the Turlock pickup and delivery zone. This latter group consists mainly of enterprises that are typical of rural areas, such as turkey farms, turkey hatcheries, feed mills and nurseries. One large fertilizer manufacturing plant, together with an affiliated company, is located in the southwest corner of the proposed extension. It lies over four miles, airline distance, from the center of Turlock in an area which is essentially agricultural.

A large part of the testimony of applicant's witnesses was in the nature of forecasting the future population growth of Turlock and its environs. These witnesses, experts in their respective fields, predicted a substantial population growth for the area during the next decade, with corresponding industrial expansion. The lack of available land within the city limits of Turlock, the record indicates, will require the development of industrial sites outside those limits. These experts envisioned the ultimate industrialization of the entire area which applicant now seeks to add to the present pickup and delivery zone.³

³ According to the director of planning for Stanislaus County, the pattern of growth for San Joaquin Valley communities east of the San Joaquin River has been as follows: residential areas of these communities expand to the north and east; industrial expansion is to the south and west.

On a second map, showing present and proposed pickup and delivery limits, the Chamber manager had drawn two circles of three-mile radius. The first of these was centered at the intersection of U. S. Highway 99 and East Main Street. This is the mileage base point for Turlock as set forth in the Commission's Distance Table No. 4. The second circle was centered at a point on West Main Street where the latter will cross the proposed Highway 99 Freeway. This location is outside the city limits and present pickup and delivery limits, and is one mile west of the above-mentioned mileage base point.

The purpose of the first circle, it appears, is to show the area which would be subject to Turlock rates if a staff proposal in another proceeding, now pending before the Commission, were to be adopted. The proceeding in question is Case No. 7024, in which the proposed issuance of Distance Table No. 5, to supersede Distance Table No. 4, is being considered.⁴ Under a rule in the proposed distance table Turlock rates would apply to all points within a three-mile radius of the aforementioned intersection of East Main Street and U. S. Highway 99. The manager explained that he had also shown the more westerly circle on the map because applicant feels that said circle is more logically centered with reference to the future industrial area of Turlock. While both circles include large sections that are outside the proposed zone extensions, neither circle circumscribes all of the land which applicant seeks to include in the Turlock pickup and delivery limits.

The addition of the sought area to the Turlock zone, the manager testified, will eliminate alleged rate inequalities which are experienced by shippers located outside, as compared with those located inside, the present limits. Other witnesses also testified

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Distance Table No. 4 contains constructive highway distances for application in connection with distance rates named in Minimum Rate Tariff No. 2 and in certain other minimum rate tariffs.

to the desirability, for purposes of competition, of rate uniformity for all shippers in the Turlock industrial and commercial area. The record shows, however, that granting of the application would, in some instances, result in increased rates for shippers who are now outside said limits.

The traffic manager of Oregon-Nevada-California Fast Freight, testifying in support of applicant's proposal, stated that his company, with trucks based at Modesto, served the proposed extended area at no greater cost than was entailed in serving industries now located in the Turlock pickup and delivery zone. He did not support this statement with specific cost data.

The mayor of Turlock presented a resolution which the city council of that city had adopted expressing strong endorsement of the proposed zone extension.

A representative of California Trucking Associations, Inc., moved that the instant proceedings be consolidated for decision with the aforesaid Case No. 7024. In the alternative he further moved that any action taken herein be on an interim basis, final disposition of the instant matters to be made concurrently with the final decision in Case No. 7024. Counsel for applicant urged, on the other hand, that the application herein be decided promptly on its merits, independently of conclusions to be later reached with reference to the proposed Distance Table No. 5.⁵

Upon careful consideration of all the evidence and argument of record we make the following findings of fact:

⁵ Case No. 7024 is now under submission. The understanding is that if the Commission, in its decision in that case, should adopt Distance Table No. 5, none of the Commission's minimum rate tariffs will, by the terms of said decision, be made subject to said distance table. In event of adoption, subsequent thereto hearings will be held to determine what adjustments in the various minimum rate tariffs will be required concurrently with orders directing that said tariffs be made subject to the new distance table.

1. The commercial and industrial area of Turlock extends beyond the city limits.
2. Said commercial and industrial area does not extend so far as to include all of the territory herein sought to be added to the Turlock pickup and delivery zone of Minimum Rate Tariff No. 2.
3. A circle of three miles airline radius, centering on the intersection of East Main Street and U. S. Highway 99, will circumscribe all those enterprises which may reasonably be considered as being situated within said commercial and industrial area.

Based upon the foregoing findings of fact, we conclude that the present pickup and delivery limits of Turlock as set forth in Item No. 260-9 of Minimum Rate Tariff No. 2 should be revised to include all of the territory defined by finding No. 3, above. To this extent the application will be granted.

The motion of California Trucking Associations, Inc., will be denied.⁶

O R D E R

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

IT IS ORDERED that:

1. Minimum Rate Tariff No. 2 (Appendix "D" of Decision No. 31606, as amended) is further amended by incorporating thereon, to become effective January 13, 1962, Third Revised Page 31-C, which page is attached hereto and by this reference made a part hereof.
2. Tariff publications required to be made by common carriers as a result of the order herein may be filed not earlier than the effective date hereof, to become effective on not less than five

⁶As hereinbefore stated, in the event that Distance Table No. 5 is adopted by the Commission, hearings will be held subsequently to determine what changes should be made in Minimum Rate Tariff No. 2 concurrently with the action by which that tariff will be made subject to the provisions of said Distance Table. In view of these circumstances no useful purpose will be served by designating the order herein as an interim order.

days' notice to the Commission and to the public, and that such tariff publications shall be made effective not later than January 13, 1962; and that tariff publications which are authorized but not required to be made by common carriers as a result of the order herein may be filed not earlier than the effective date of this order, and may be made effective on not less than five days' notice to the Commission and to the public if filed not later than sixty days after the effective date of the minimum rate tariff pages incorporated in this order.


3. In all other respects Application No. 43485 is denied.

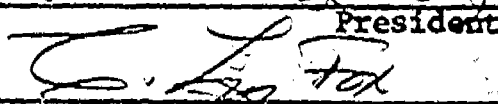
4. In all other respects said Decision No. 31606, as amended, shall remain in full force and effect.


5. The motion of California Trucking Associations, Inc., is denied.


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

Dated at San Francisco, California, this 29th day of NOVEMBER, 1961.



President






Commissioners

Commissioner ~~Robert E. Mitchell~~, being necessarily absent, did not participate in the disposition of this proceeding.

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
*260-9	<p style="text-align: center;">PICKUP AND DELIVERY ZONES (Continued)</p> <p>STOCKTON: (Mileage Basing Point, Stockton.) All of the City of Stockton, also the territory bounded as follows:</p> <p>Beginning at the junction of the San Joaquin and the Calaveras Rivers, easterly along the Calaveras River to the city limits, northerly on an imaginary line to March Lane, westerly, northerly and easterly along the west boundary of the city limits to Don Road, northerly on Don Road to Lucille Avenue, easterly on Lucille Avenue to Thornton Road, southeasterly along Thornton Road to Paloma Avenue, easterly along Paloma Avenue to Lower Sacramento Road, northerly on Lower Sacramento Road to Wakefield Road, easterly on Wakefield Road to the right-of-way of the Western Pacific Railroad Company, southerly on Western Pacific Railroad Company's right-of-way to Hammer Lane, easterly along Hammer Lane to U. S. Highway 99, southerly along U. S. Highway 99 to the Central California Traction Company's right-of-way, easterly to Hubbard Avenue, southerly along Hubbard Avenue and an imaginary line including the Wilcox Road to the Diverting Canal, southeasterly along the Diverting Canal to the Southern Pacific Company's right-of-way, easterly along the Southern Pacific Company's right-of-way, to a point opposite to the Budd Road, southerly to East Main Street, westerly along East Main Street to Walker Lane, southerly on Walker Lane and an imaginary line to the Carpenter Road, westerly along the Carpenter Road to Sharps Lane, southerly on Sharps Lane to the Sperry Road, including Stockton Field Airport, westerly on Sperry Road and continuing westerly along an imaginary line to U. S. Highway 50 and the French Camp Slough, northerly along the French Camp Slough to the San Joaquin River, northerly along the San Joaquin River to the junction of the Calaveras River, and including the U. S. Naval Supply Annex on Rough and Ready Island.</p> <p>♦TURLOCK: (Mileage Basing Point, Turlock.) All of the City of Turlock, also the territory lying outside said city but within an air-line distance of three miles of the intersection of East Main Street and U. S. Highway 99.</p> <p>UKIAH: (Mileage Basing Point, Ukiah.) All of the City of Ukiah, also the territory bounded as follows:</p> <p>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.</p> <p>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 style="text-align: center;">(Continued)</p>

* Change)
o Increase)
o Reduction)

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EFFECTIVE JANUARY 13, 1962

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.

Correction No. 1211