

64349

ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)
into the constructive mileages and)
related rules and provisions of)
all common carriers, highway carriers)
and city carriers relating to the)
transportation of any and all commodi-)
ties between all points in California)
(including, but not limited to,)
constructive mileages provided in)
the Distance Table).)

Case No. 7024
(Petition for Modification
No. 3)
(Filed June 11, 1962)

SUPPLEMENTAL OPINION AND ORDER

By the above-numbered petition for modification, California Trucking Associations, Inc., seeks the establishment of constructive mileages in the Commission's Distance Table No. 4 to and from the United Technology Development Center, a new testing facility in the Metcalf Canyon area of Santa Clara County. Present provisions of Distance Table No. 4 do not include this point nor are the roads connecting with this point shown on the maps which constitute a portion of the distance table. The rules of the distance table currently provide that actual highway mileages shall be used in such circumstances.

Petitioner states that it is necessary to provide reasonable and suitable constructive mileages from and to United Technology Development Center because the continuing development as well as the normal conduct of its operations will require substantial service by highway carriers. Petitioner alleges that mileages computed under the present rules are unreasonable and insufficient and that rates determined therefrom, under the provisions of the various minimum rate tariffs subject thereto, are correspondingly unreasonable and insufficient.¹ Petitioner states that there is no adequate or practical way to rectify this situation other than by appropriate amendment of Distance Table No. 4.

¹
The Commission tariffs subject to Distance Table No. 4 for computation of distances between points in California are Minimum Rate Tariffs Nos. 2, 3-A, 4-A, 6, 8, 10, 11-A and 12.

Petitioner states that it is informed and believes that in the development of constructive mileages as provided in Distance Table No. 4 the Commission utilized a formula for the conversion of actual highway miles into constructive mileage; that such formula is applicable to the situation presented herein; and that application of such formula would permit the establishment of reasonable constructive mileages from and to the United Technology Development Center. Attached to the petition are two suggested forms of revision by which an amendment of Distance Table No. 4 may be accomplished. The constructive mileages from and to the facility, according to petitioner, are ascertainable from facts which are within the official knowledge of the Commission or which may be readily ascertained by its staff.

One of the methods suggested by petitioner would involve map supplementation, and the other would require that specified constructive mileages apply via designated routes only. Neither method is deemed by the Commission to be desirable or suitable. Reasonable results consistent with petitioner's objectives may be achieved by prescribing the constructive mileages to be applicable between the United Technology Development Center on the one hand and San Jose and Morgan Hill on the other hand. San Jose and Morgan Hill are incorporated cities having a common boundary; and all existing highway approaches to the development center pass through one or both of these cities. Under the rules of Distance Table No. 4, the constructive mileages hereinafter prescribed may be combined as required with mileages already provided in the distance table between San Jose or Morgan Hill on the one hand and other points of origin or destination throughout the State on the other hand.

Appropriate mileages have been developed and determined as set forth in a report prepared by the Engineering Economics Branch of the Commission's Transportation Division staff. The staff report is received in evidence in this proceeding as Ex Parte Exhibit No. 2.

Upon consideration of the evidence in this proceeding, it appears, and the Commission finds, (1) that the constructive mileages set forth in the supplement attached hereto are reasonable and justified; (2) that the proposed revisions of Distance Table No. 4, when applied in conjunction with the minimum rate tariffs subject thereto, will result in just, reasonable and nondiscriminatory minimum rates for transportation governed by said tariffs; (3) that, to the extent the provisions of Distance Table No. 4 heretofore have been found to constitute reasonable rules, regulations and distances for common carriers as defined in the Public Utilities Code, the provisions of said distance table as hereinafter modified are, and will be, reasonable provisions for said carriers; and (4) that to this same extent existing rules, regulations and distances which are maintained by said common carriers for transportation within California are and, for the future, will be unreasonable, insufficient and not justified by the actual competitive rates of competing carriers or by the cost of other means of transportation insofar as they are lower in volume or effect than those set forth in Distance Table No. 4, as hereinafter adjusted.

A public hearing is not necessary. The petition will be granted. In the interest of tariff simplification the supplement to be issued to Distance Table No. 4 will incorporate the provisions of several similar existing supplements, thereby reducing the number of current supplements.

Good cause appearing,

IT IS ORDERED that:

1. Distance Table No. 4 (Appendix "A" of Decision No. 46022, as amended) is hereby further amended by incorporating therein, to become effective November 24, 1962, Supplement No. 9 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 made effective not earlier than the tenth day after the effective date of this order on not less than ten days' notice to the Commission and to the public and shall be made effective not later than November 24, 1962.

3. Common carriers are hereby authorized to depart from the long- and short-haul provisions of Section 460 of the Public Utilities Code and from the provisions of Tariff Circular No. 2 and General Order No. 80-A to the extent necessary to carry out the effect of the order herein.

4. In all other respects said Decision No. 46022, as amended, shall remain in full force and effect.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 2nd day of October, 1962.

George E. Grover
President
John C. Lippell
Robert H. Page
Fredrick B. Hildehoff
Commissioners

Commissioner C. Lyn Fox, being necessarily absent, did not participate in the disposition of this proceeding.

SUPPLEMENT NO. 9

(Cancels Supplements Nos. 5, 6, 7 and 8)

(Supplements Nos. 4 and 9 Contain All Changes)

TO

DISTANCE TABLE NO. 4

CONTAINING

REGULATIONS, MILEAGE TABLES, AND MAPS

FOR THE DETERMINATION OF

HIGHWAY CONSTRUCTIVE MILEAGE

DISTANCES

BETWEEN

POINTS WITHIN THE STATE OF CALIFORNIA

5 Constructive mileage distances from and to National City and La Mesa are canceled, and, for the future, will be the mileages from and to San Diego and El Cajon, respectively.

Constructive mileages between the locations specified below are, and for the future will be, as shown below, and these mileages shall be used as bases in determining the constructive mileages from and to Santa Susana Test Facility, The Geysers, Ice House Dam, Jaybird Powerhouse, Jaybird Tunnel, Junction Dam, Marin Rock Plant, Union Valley Dam and United Technology Development Center, as the case may be:

BETWEEN	AND	Constructive Mileages
	(Canoga Park -----	12.5
6 Santa Susana Test Facility	(Unnamed point located at the inter- section of State Routes 27 and 118, 4 constructive miles north of Canoga Park -----	10.5
7 The Geysers (Sonoma County)	(Preston ----- (Alexander Valley ----- (Geyserville -----	19.0 35.0 38.0
8 Riverton	(Ice House Dam ----- (Jaybird Powerhouse ----- (Jaybird Tunnel ----- (Junction Dam ----- (Marin Rock Plant ----- (Union Valley Dam -----	19.0 37.0 25.0 23.0 16.0 24.0

*United Tech-	(
nology	(
Development	(Morgan Hill -----	32.0
Center (Santa	(San Jose -----	22.0
Clara County)	(

(With number enclosed). Reissued from Supplement bearing number enclosed within the square.

* Addition, Decision No. 64329

EFFECTIVE NOVEMBER 24, 1962

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