

**ORIGINAL**

Decision No. 65472

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 )	Case No. 7024
common carriers, highway carriers )	(Petitions for Modification Nos.
and city carriers relating to the )	5 and 6)
transportation of any and all com- )	(Filed January 15 and February 1,
modities between all points in )	1963)
California (including, but not )	
limited to, constructive mileages )	
provided in the Distance Table). )	

OPINION AND ORDER

By the above-numbered petitions for modification, California Trucking Association seeks the establishment of constructive mileages in the Commission's Distance Table No. 4 to and from Spreckels Sugar Factory No. 4 and to and from Sun-Maid Station, both in Fresno County. The former point is located in the vicinity of Mendota and the latter point is located in the vicinity of Selma.

These points are not included in Distance Table No. 4 as named points; however, they are located on segments of highways shown on the maps which constitute a portion of the distance table. Spreckels Sugar Factory No. 4 is located on a segment of highway (State Sign Route 180) between Ingle and an unnamed highway junction two miles southeast of Mendota. Sun-Maid Station is located on a segment of highway (U.S. Highway 99) between Selma and Kingsburg. The distance table specifies that under such circumstances the actual highway mileage shall be used for any portion less than the total length of a segment of highway.

Petitioner alleges that the constructive mileages established by the Commission in Distance Table No. 4 have not been subject to general revision since the issuance of Decision No. 46022 on July 31,

1951; that, since such revision, further development in the Mendota and Selma areas of Fresno County is occurring because of the development of beet sugar production and raisin processing facilities at these locations; that the development of said facilities has created the necessity for bases for determining reasonable and suitable constructive mileages; that present provisions of Distance Table No. 4 do not include these facilities as named points; and that constructive mileage calculations are made subject to Rule 5 therein.

Petitioner alleges that it is informed and believes that the constructive mileages so determined are unreasonable and insufficient; that distance rates determined therefrom, under the provisions of the various minimum rate tariffs involved, are correspondingly unreasonable and insufficient;<sup>1</sup> that the lack of definite and certain bases of mileage determination may create competitive disadvantages to carriers and shippers serving these locations and will create enforcement difficulties for the Commission; and that there is no adequate or practical method of correction other than by the appropriate amendment of Distance Table No. 4.

Petitioner avers 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 translation of actual highway miles into constructive mileages; that such formula is applicable to the situations herein; and that application of such formula will permit the establishment of reasonable constructive mileages. Attached to the petitions are two suggested forms of revision by

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<sup>1</sup> 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, 12 and 14.

which an amendment of Distance Table No. 4 may be accomplished. The constructive mileages between Spreckels Sugar Factory No. 4 and Ingle and the unnamed highway junction point heretofore described and between Sun-Maid Station and Selma and Kingsburg, 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.

By letter dated January 17, 1963, Spreckels Sugar Company informed the Commission that Petition No. 5 had been filed on its behalf; that the point of Spreckels Sugar Factory No. 4 will become an important shipping center for large quantities of inbound raw materials as well as outbound sugar and sugar products; and that it is imperative that an official determination of the proper constructive mileages be ascertained as soon as possible. It also requests that the petition be handled ex parte since no other party has a direct interest and that Distance Table No. 4 be amended as sought by petitioner. The written comment is received in evidence in this proceeding as Ex Parte Exhibit No. 1.

Appropriate mileages have been developed and determined as set forth in two reports prepared by the Engineering Economics Branch of the Commission's Transportation Division staff. The staff reports separately covering Petitions Nos. 5 and 6 are received in evidence in these proceedings as Ex Parte Exhibits Nos. 2 and 1, respectively.

The transmittal letters accompanying Petitions Nos. 5 and 6 in these proceedings state that, on or about January 11 and 31, 1963, respectively, a copy of each of the petitions was mailed to all known interested parties. No objection has been received to the granting of the petitions.

Upon consideration of the evidence in these proceedings, 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 petitions will be granted. In the interest of tariff simplification, the supplement to be issued to Distance Table No. 4 will incorporate the provisions of a similar existing supplement thereby reducing the current number of 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 July 13, 1963, Supplement No. 11 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 July 13, 1963.

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. 20-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 27<sup>th</sup> day of May, 1963.

Commissioner George G. Grover, being necessarily absent, did not participate in the disposition of this proceeding.

Robert E. Mitchell President  
Acting President

Frederick B. Hallock

Stallman W. Brunell

Commissioner Everett C. ... necessarily absent, did not participate in the disposition of this proceeding.

Commissioners

SUPPLEMENT NO. 11  
 (Cancels Supplement No. 10)  
 (Supplements Nos. 4, 9 and 11 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

**101** Constructive mileage distances from and to the Port of Sacramento are, and for the future will be, the mileages from and to West Sacramento.

Constructive mileage distances between the locations specified below are, and for the future will be, as shown below and these mileage distances shall be used as bases in determining the constructive mileage distances from and to Spreckels Sugar Factory No. 4 and Sun-Maid Station, as the case may be:

BETWEEN	AND	CONSTRUCTIVE MILEAGE DISTANCES
* Spreckels Sugar Factory No. 4 (Fresno County)	(Ingle ( Unnamed highway (junction of State (Sign Route 180 (and County Road, (2 miles southeast- (erly of Mendota	4           2
*Sun-Maid Station (Fresno County)	(Selma ( Kingsburg	3  2

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

\* Addition, Decision No. **65472**

EFFECTIVE JULY 13, 1963