

ORIGINAL

Decision No. 65644

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 com-)
modities between all points in)
California (including, but not)
limited to, constructive mileages)
provided in the Distance Table).)

Case No. 7024

SUPPLEMENTAL OPINION AND ORDER

Distance Table No. 4 names constructive mileages between all points within California. The constructive mileages named in the distance table are the constructive distances between mileage basing points. The term "mileage basing point" is defined as "the precise location designated to represent a named community or unnamed highway junction point shown on the maps in Section 4." The distance table specifies particular locations as the mileage basing points for the communities named in red on the maps in Section 4. For those communities named in black on the maps, the mileage basing points are specified by means of a general rule which provides that for each such community the mileage basing point "shall be an established railroad depot, or if there is no such depot it shall be the Post Office, or if there is no such Post Office it shall be the center of the community." (Rule 3, Item No. 20.)

It has come to the Commission's attention that the question has been raised whether the foregoing general rule may permit more than one mileage basing point in any community named in

black on the maps if there is no established railroad depot therein but there is within the community, in addition to a main Post Office, one or more branch post offices.

The Commission has construed the rule to mean only the main Post Office and not a branch thereof or substation.¹ Any other construction would make the mileage and rate determinations indefinite and uncertain. In order that there may be no ambiguity in the tariff, the reference to "the Post Office" in the distance table rule will be clarified as meaning the main Post Office if there is more than one.

The following order will so provide. A public hearing is not necessary.

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 August 24, 1963, Third Revised Page 29 and Third Revised Page 30 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 August 24, 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

¹ Decision No. 65311 dated May 1, 1963, in Case No. 7461, Investigation of Roy E. Jay doing business as Roy E. Jay Trucking.

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 July, 1963.

George H. Grover
President
John H. [unclear]
Wesley W. [unclear]
Frederick B. Holdoff
William L. Beard
Commissioners

Item No.

SECTION 1

DEFINITIONS

CONSTRUCTIVE MILEAGE is that mileage used for rate-making purposes in the transportation of property, and is determined in accordance with the rules herein.

A POINT means the precise location to or from which constructive mileage distance is to be determined.

MILEAGE BASING POINT means the precise location designated to represent a named community or unnamed highway junction point shown on the maps in Section 4, as follows:

- Indicates mileage basing points for communities named in red on the maps in Section 4 (See Rule 3). Constructive mileage distances between these mileage basing points appear in Sections 2 or 3.
- Indicates mileage basing points for communities named in black on the maps in Section 4 (See Rule 3).
- Indicates unnamed highway junction points shown on the maps in Section 4.

ACTUAL HIGHWAY MILEAGE between two points, as used herein, means the lowest actual highway distance along the shortest usable route connecting the points.

A SEGMENT of highway means that portion of a highway between two consecutive mileage basing points as shown on the maps in Section 4.

RULES

RULE 1

Constructive mileage distances between mileage basing points for communities named in red on the maps in Section 4 (See Item No. 30) shall be the distances set forth in Section 2 or 3 which shall take precedence over any constructive mileage distances otherwise developed between such mileage basing points. If any constructive mileage distance shown in Section 2 differs from the corresponding distance in Section 3, the Section 3 distance shall apply.

RULE 2

Constructive mileage distance between any two mileage basing points shall be the total of the mileages shown on the maps in Section 4 along the continuous route which results in the least constructive mileage distance between said points. Distances determined in accordance with the provisions of Rule 1 shall be employed between mileage basing points for communities named in red on said maps which are located along the continuous route.

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RULE 3

Mileage basing points for the communities named in red on the maps in Section 4 shall be those shown in Item 30. For all communities named in black on the maps in Section 4 the mileage basing point shall be an established railroad depot, or if there be no such depot it shall be the Post Office *(the main Post Office if there be more than one Post Office), or if there be no such Post Office it shall be the center of the community.

RULE 4

(A) When a point falls within the limits of an incorporated city, or within a mile radius of the mileage basing point for that city (community), the mileage basing point shall be used as a terminal point in constructive mileage determination, with the exception of points falling within the boundary of any Los Angeles Zone described in Item 40, and points falling within the boundary of any San Diego Zone described in Item 50.

(B) When a point falls within the boundary of a Los Angeles Zone, as described in Item 40, or a San Diego Zone, as described in Item 50, the mileage basing point for that zone shall be used as a terminal point in constructive mileage determination. The Los Angeles and San Diego Zones embrace all points within their respective boundaries and include both sides of streets, boulevards, roads, avenues or highways named. Where railway lines, rights of way, water courses or freeways are used to define boundaries of the San Diego Zones, the center line of such railway lines, rights of way and water courses will constitute the boundary line except as otherwise specifically designated. Where the term "shoreline," "ocean" or "bay" is employed as a boundary line, such boundary line shall be construed to embrace any pier, wharf or other structure extending into the adjacent body of water. The mileage basing points shown below shall be used as mileage basing points for the zones indicated:

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

∅ Change
* Addition

} Decision No.

65544

EFFECTIVE AUGUST 24, 1963

Correction No. 38

Item No.

SECTION NO. 1

RULES (Cont.)

RULE 4 (Cont.)

Los Angeles Zones

Zone 1 - Los Angeles	Zone 11 - Glendale
" 2 - Canoga Park	" 12 - Highland Park
" 3 - San Fernando	" 13 - Venice
" 4 - Sunland	" 14 - Culver City
" 5 - Van Nuys	" 15 - El Segundo
" 6 - Sun Valley	" 16 - Inglewood
" 7 - North Hollywood	" 17 - Lynwood
" 8 - Santa Monica	" 18 - Gardena
" 9 - West Los Angeles	" 19 - Torrance
" 10 - Hollywood	" 20 - Wilmington

San Diego Zones

Zone 21 - San Diego	Zone 26 - Clairemont
" 22 - El Cajon	" 27 - La Jolla
" 23 - Chula Vista	" 28 - Del Mar
" 24 - Coronado	" 29 - Miramar Station
" 25 - Point Loma	" 30 - Imperial Beach
	" 31 - San Ysidro

(C) When a point falls within a mile radius of the mileage basing point of a named community appearing on the maps in Section 4, with the exception of points within incorporated cities, Los Angeles Zones or San Diego Zones, the mileage basing point shall be used as a terminal point in constructive mileage determination. The nearest mileage basing point shall be used if the point falls within an overlap of mile radius areas.

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(Cont.)

(D) When a point falls within a mile radius of an unnamed highway junction point appearing on the maps in Section 4, with the exception of points within incorporated cities, Los Angeles Zones, San Diego Zones, or within a mile radius of any named community appearing on the maps in Section 4, the junction point shall be used as a terminal point in constructive mileage determination. The nearest unnamed junction point shall be used if the point falls within an overlap of such mile radius areas.

RULE 5

(A) This rule shall apply only when the location of a point is other than that described in Rule 4.

(B) Constructive mileage developed by the following methods shall be used in the same manner as highway segment constructive mileages in the application of Rule 2:

(1) The constructive mileage for any portion less than the total length of a segment of highways as shown on the maps in Section 4 shall be the actual highway mileage.

(2) The constructive mileage along any highway not shown on the maps in Section 4 shall be the actual highway mileage along said highway.

(3) The constructive mileage along a railroad which contacts non-highway point or points shall be the rail mileage between non-highway point and first highway contact, or shall be the rail mileage between non-highway points if no highway contact is made between the points.

(C) No portion of the continuous route, between points used under this rule shall have a constructive mileage distance less than that developed between the same points under the provisions of Rules 2, 3, and 4, or under the combination of the provisions of Paragraph (B) Part (1) of this rule with Rules 2, 3, and 4.

(D) Constructive mileage between points within any of the San Diego Zones described in Item 50 shall be the shortest actual mileage via any public highway route over which the shipment lawfully may be transported.

RULE 6

(A) This rule shall apply only if the appropriate constructive mileage cannot be determined under the provisions of Rules 1 through 5.

(B) Constructive mileage shall be the shortest actual highway mileage via any public highway route over which the shipment lawfully may be transported.

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

NO CHANGE ON THIS PAGE, Decision No. **65644**

EFFECTIVE AUGUST 24, 1963