

ORIGINALDecision No. 70682

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation
 into the rates, rules, regulations,
 charges, allowances and practices of
 all common carriers, highway carriers
 and city carriers relating to the
 transportation of property within and
 between all points and places in
 Orange County and portions of Los
 Angeles and San Bernardino Counties.

Case No. 6322

(Appearances are listed in Appendix A)

O P I N I O N

By Decision No. 69533, dated August 10, 1965, the Commission approved a system of zones to be used in the establishment of revised minimum rates for the transportation of general commodities by for-hire highway carriers within the Los Angeles-Orange Counties metropolitan area, which area, in general, lies between the San Gabriel Mountains on the north, the Pacific Ocean on the south, Pomona and Santa Ana on the east and San Fernando and Topanga Canyon on the west. The decision left for subsequent consideration a question of what should constitute the precise boundaries between the zones

themselves. Further investigation and hearing on this question was directed by order dated June 15, 1965.¹

On February 16, 1966, a further hearing was held before Examiner Abernathy at Los Angeles. Evidence was presented by a rate expert of the Commission's staff and by representatives of the California Trucking Association, the Traffic Managers' Conference of California, the California Manufacturers' Association, and the Los Angeles Chamber of Commerce.

The record as developed at the hearings on October 6, 1964, and February 16, 1966, relative to the matters involved is as follows:

The zone boundary proposals of the Commission's staff are part of a program which the staff has undertaken in order to improve the Commission's minimum rate tariffs. The staff has

¹ Pertinent particulars of said order are as follows:

"It appearing that on October 6, 1964, a public hearing was held ... for the purpose of receiving proposals from the Commission's staff and others concerning the establishment of zones ... that as part of its proposals the Commission's staff recommended that where streets are used to designate boundaries between zones, the center lines of said streets constitute the precise boundaries ... that the staff's recommendation would change a rule which has applied for more than twenty years in connection with the Commission's minimum rate tariffs ... that shippers and carriers may not be able to ascertain, reasonably and practicably, the zone locations ... with the exactitude necessary to the correct determination of the minimum rates ... that the staff's recommendation presupposes the use of a directory which allegedly ... does set forth ... the exact zone locations of addresses along street boundaries ... that said directory has not been brought before the Commission in order that the Commission may find whether said directory does ... constitute a reasonable and appropriate basis ... for zone determinations ... (therefore) the record ... on these matters should be further developed."

found from experience over the past years that where both sides of streets are included in zone boundaries the resulting boundaries are indefinite, and that as a consequence numerous problems arise concerning correct application of minimum rate provisions which are subject to said boundaries. In contrast, where street center lines constitute the boundaries, the boundaries are definite and readily determinable.

Pursuant to the aforesaid tariff improvement program, a number of the Commission's minimum rate tariffs have been amended by the adoption of a rule designating street center lines as the boundaries between zones. The staff urges that in the development of a revised minimum rate structure for the Los Angeles-Orange Counties metropolitan area, street center lines be designated as the lines of demarcation between zones -- not only because said lines are more definite boundaries, but also for the purpose of achieving uniform boundary rules amongst the Commission's several minimum rate tariffs.

At the hearing on February 16, 1966, the staff's proposals were supported by the Traffic Managers' Conference of California, the California Manufacturers' Association, the Los Angeles Chamber of Commerce and the California Trucking Association.² The support of these parties was based on essentially

² At the hearing on October 6, 1964, the staff's proposals were opposed by the California Manufacturers' Association, and supported by the California Trucking Association. No specific position relative to the proposals was taken by other parties.

the same grounds as those on which the staff proposals were presented, namely, the certainty and uniformity of zone descriptions which would result were the proposed centerline rule to be adopted. No particular difficulty in making necessary address locations with respect to the sides of the streets involved was indicated or foreseen by the parties.

The record shows that on November 1, 1964, subsequent to the initial hearing in this phase of Case No. 6322 (zoning and zone boundaries), the rule that street center lines constitute the precise boundaries between zones was made applicable to Minimum Rate Tariff No. 2, which sets forth the Commission's minimum rates and rules for the transportation of general commodities on a statewide basis. Thus, since November 1, 1964, the rule has been tested by experience in relation to the transportation of the same kind of commodities as that which is involved in this matter.

In this background the evidence and recommendations of the Commission's staff and interested parties are persuasive that the proposed centerline rule can be applied reasonably and practicably by the shippers and carriers who would be subject thereto. Upon consideration of this circumstance and of the other evidence and recommendations advanced in support of said rule, we find that the rule is reasonable. It will be adopted.

O R D E R

IT IS ORDERED that a rule to the following effect shall

apply in connection with the system of zones adopted by Decision No. 69533:

Where a street is used to define a boundary, the center line of such street will constitute the definite boundary line.

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

Dated at San Francisco, California, this 10th day of MAY, 1966.

Fredrick B. Holdoff
President

George T. Grover

Augusta

William V. Bernard
Commissioners

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

APPENDIX A

List of Appearances

Charlie Johnson (by William A. Large), for Consolidated Freightways, respondent.

John R. Burbidge (by William A. Large), for Clark Inland Cartage, respondent.

Clyde R. Hoagland, for Redway Truck & Warehouse Co., respondent.

Jackson W. Kendall, for Bekins Van & Storage Co., respondent.

Anthony J. Konicki, for Pacific Motor Trucking Co., respondent.

Otto Broyles, for Anaheim Truck & Transfer Co., respondent.

William Davidson, for C & H Trucking and Ace Truck Lines, respondents.

LeRoy E. Bell, for Bargaten Truck Lines, respondent.

Don Wollen, for the City of Industry, interested party.

John T. Reed and Eugene A. Read, for California Manufacturers Association, interested party.

Morton S. Colgrove and Fred W. Burtner, for Pomona Chamber of Commerce, interested party.

A. Stanley Hayes, for Sears Roebuck and Co., interested party.

Gordon Larsen, for American Can Co., interested party.

Thomas B. Kircher, for Spreckels Sugar Company, interested party.

William H. McGurty, for San Bernardino County Board of Trade, interested party.

LeRoy E. Bell, for Fullerton Chamber of Commerce, interested party.

Morton S. Colgrove, for Northwest Paper Co., interested party.

Paul J. Fumenik and D. M. Becker, for Suncoast Growers, Inc., interested party.

Lane Martin, for Gould National Battery, interested party.

A. E. Norrbom, for Traffic Managers Conference of California, interested party.

J. P. Hellman, for Allied Chemical Co., interested party.

E. F. Westerberg (by R. M. Shillito), for California Retailers Association, interested party.

William J. Newlove, for Radio Corporation of America, interested party.

Edwin L. McDonald, for the City of Fountain Valley and the Orange County Coastal Chamber of Commerce, interested parties.

Donald L. Vinnege, for General Electric Company, interested party.

Donald M. Enos (by Joseph D. Stava and David L. Borunda), for Owens-Illinois Glass Co., interested party.

J. C. Kaspar, E. A. Poe, and H. Kallmyer, for California Trucking Association, interested party.

R. C. Fels, for Furniture Manufacturers Association of California, interested party.

C. L. Wadsworth, for Bethlehem Steel Corporation, interested party.

V. A. Bordelon and Eugene A. Swenson, for the Los Angeles Chamber of Commerce, interested party.

E. J. Langhofer, for the San Diego Chamber of Commerce, interested party.

Keith E. Miller, for Miller Traffic Service, interested party.

Louis Posner, for the Bureau of Franchises and Public Utilities, City of Long Beach, interested party.

D. H. Marten, for Drew Foods, Inc., interested party.

Robert A. Lane, for the Commission's staff.

(page 2)

(End of Appendix)