

ORIGINAL

Decision No. 71322

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 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
(Petition for Modification
No. 432)
(Filed August 10, 1966)

OPINION AND ORDER

Minimum Rate Tariff No. 2 (Tariff No. 2) names rates for the transportation of general commodities between all points in California except for local transportation within incorporated cities, within described areas adjacent to certain cities, and between said cities and the adjacent areas. One of the areas includes the City of Fresno and certain other unincorporated areas adjacent thereto.

By this petition, California Trucking Association seeks to exclude from the application of the minimum rates named in Tariff No. 2 the transportation of general commodities between points in a defined metropolitan Fresno area and the adjacent plant of Pittsburgh Plate Glass Company (Pittsburgh) at 3333 South Peach Street.¹

Petitioner asks that common carriers be authorized to establish in their respective tariffs such modifications as may be prescribed by the Commission's order in this proceeding, including relief from the long- and short-haul provisions of Section 460 of the Public Utilities Code.

¹ By letter dated August 18, 1966, Pittsburgh informed the Commission that the address of its plant is 3333 South Peach Avenue rather than South Peach Street.

Petitioner suggests that the Commission issue an Order Instituting Investigation into the need and feasibility of establishing, in a single tariff, local drayage rates and zones within the greater Fresno area, direct its staff to make such necessary cost and rate studies as will permit the development of an appropriate tariff and hold public hearings thereon.

Petitioner states that Tariff No. 2 provides descriptions of a metropolitan Fresno area and other local areas in the State within which the tariff is not applicable, and that the more important metropolitan areas of California are presently subject to individualized local drayage tariffs.² Petitioner alleges that such handling does not properly provide for the emerging status of Fresno as a major metropolitan area of this State. Petitioner points out that the Commission is familiar with the need for tariff revisions to accommodate the growth of the Fresno area from the evidence presented at recent hearings establishing Distance Table No. 5 and that, based on that evidence, the Fresno Extended Area was established as the largest extended area in the State.³ Petitioner asserts that the Commission has previously approved filings by it, and by others regarding specific aspects and problems of the location of the Pittsburgh plant at South Peach Avenue.⁴

Copies of the verified petition were mailed to various chambers of commerce, shipper organizations and carrier representatives on or about August 9, 1966. The petition was listed on the

² These tariffs include City Carriers' Tariff No. 1-A (San Francisco) and Minimum Rate Tariffs Nos. 1-B (East Bay Area), 5 (Los Angeles Area) and 9-B (San Diego Area).

³ Decision No. 64802, dated January 15, 1963, in Case No. 7024 (Order Setting Hearing of December 20, 1960).

⁴ Decisions Nos. 70308 and 71005, dated February 1, 1966 and July 19, 1966, in Case No. 7024 (Petition for Modification No. 18) and Application No. 48516, respectively.

Commission's Daily Calendar of August 11, 1966. No objection to the granting of the petition has been received.

In the circumstances, it appears, and the Commission finds, that (1) the Pittsburgh Plate Glass Company plant at 3333 South Peach Avenue is a part of the commercial and industrial area of Fresno, (2) transportation between said plant and points in the metropolitan Fresno area defined in Item No. 30(g) is similar to transportation within said metropolitan Fresno area and (3) all such transportation should be accorded like treatment. The Commission concludes that the petition should be granted to the extent hereinafter indicated. With respect to petitioner's request that the Commission issue an Order Instituting Investigation, this does not appear to be a matter in which such an order should be instituted at this time. Should petitioner desire, it may file a petition seeking the establishment of a local drayage tariff for the Fresno area.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 2 (Appendix "D" to Decision No. 31606, as amended) is further amended by incorporating therein, to become effective November 5, 1966, Twenty-third Revised Page 13 attached hereto and by this reference made a part hereof.

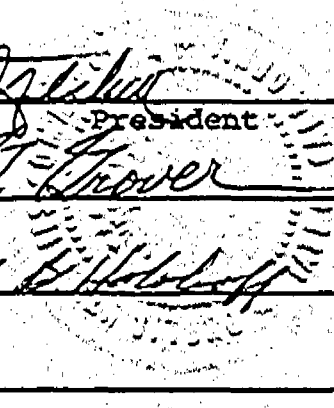
2. Tariff publications authorized to be made by common carriers as a result of the order herein may be made effective not earlier than the tenth day after the effective date of this order, and may be made effective on not less than ten days' notice to the Commission and to the public if filed not later than sixty days after the effective date of the minimum rate tariff page incorporated in this order.

3. Common carriers, in establishing and maintaining the rule authorized hereinabove, are hereby authorized to depart from the provisions of Section 460 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; such outstanding authorizations are hereby modified only to the extent necessary to comply with this order; and schedules containing the rule published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

4. In all other respects Decision No. 31606, 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 27th day of September, 1966.


John E. [Signature] President
George T. Hoover
Frederick B. [Signature]
[Signature]
Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
	<p data-bbox="645 377 1191 448" style="text-align: center;">APPLICATION OF TARIFF - TERRITORIAL (Items Nos. 30 and 31)</p> <p data-bbox="299 473 1405 575">Subject to Note 1 of Item No. 31 the rates in this tariff apply for transportation of shipments between all points within the State of California, except:</p> <ul style="list-style-type: none"><li data-bbox="299 601 1400 703">(a) Shipments having point of origin in Alameda, Albany, Berkeley, Emeryville, Oakland or Piedmont, and point of destination in another of those cities;<li data-bbox="299 728 1405 830">(b) Shipments having both point of origin and point of destination within the San Diego Drayage Area as described in Minimum Rate Tariff No. 9-B;<li data-bbox="299 856 1410 958">(c) Shipments having both point of origin and point of destination within the Los Angeles Drayage Area, as described in Minimum Rate Tariff No. 5;<li data-bbox="299 983 1478 1340">(d) Shipments (1) between Sacramento and North Sacramento; (2) between said cities on the one hand and the adjacent plants of the Lumbermen's Supply, Inc., Essex Lumber Company, Campbell Soup Company, McKesson & Robbins, Inc., Howard Terminal Warehouse, Royal Packing Company, Procter & Gamble Manufacturing Company, Fort Sutter Warehouse Co., Libby, McNeill & Libby, Boone Warehouses, Inc., and Graybar Electric Company, Inc., on the other hand; (3) between said cities and plants on the one hand and the Sacramento Air Depot, the Sacramento Municipal Airport and the Sacramento Signal Depot on the other hand; (4) between the Sacramento Air Depot, the Sacramento Municipal Airport and the Sacramento Signal Depot; (5) between points and places within the area described as follows: <p data-bbox="389 1365 1463 1824" style="margin-left: 40px;">Beginning at the junction of the Sacramento River Barge Canal and the Sacramento River, westerly along the Sacramento River Barge Canal to Jefferson Boulevard, southwesterly along Jefferson Boulevard to Arlington Road, northerly along Arlington Road to Thorpe Road, westerly along Thorpe Road and its meanderings, thence along the westerly prolongation of Thorpe Road to the east levee of the Yolo Bypass, northerly along the east levee of the Yolo Bypass to the right of way of the Southern Pacific Company, northeasterly along the right of way of the Southern Pacific Company to Harbor Boulevard, northerly along Harbor Boulevard to Riverbank Road, thence northerly along an imaginary line to the Sacramento River, easterly and southerly along the Sacramento River to its junction with the Sacramento River Barge Canal, the point of beginning (includes Port of Sacramento and the communities of West Sacramento, Broderick and Bryte); and</p><li data-bbox="299 1849 1348 1926">(6) between any of the communities, plants, or other locations identified in paragraph (d) hereof;<li data-bbox="299 1951 1364 2053">(e) Shipments between Marysville and Yuba City and between said cities on the one hand and the adjacent plant of the Harter Packing Company on the other hand;<li data-bbox="299 2079 1414 2155">(f) Shipments between the Sonora freight depot of the Sierra Railroad Company and Sonora;

§(g) Shipments (1) having both point of origin and point of destination within the metropolitan Fresno area embraced by the following boundaries (includes both sides of streets, boulevards, roads, avenues or highways named):

Beginning at the intersection of Hayes Avenue and Shaw Avenue, easterly along Shaw Avenue to U.S. Highway 99, northwesterly along U.S. Highway 99 to the San Joaquin River, easterly along the San Joaquin River to Friant Road, southerly along Friant Road to Alluvial Avenue, easterly along Alluvial Avenue to Fresno Avenue, southerly along Fresno Avenue to Herndon Avenue, easterly along Herndon Avenue to Chestnut Avenue, southerly along Chestnut Avenue to Shaw Avenue, easterly along Shaw Avenue to Fowler Avenue, southerly along Fowler Avenue to Jensen Avenue, westerly along Jensen Avenue to Willow Avenue, southerly along Willow Avenue to Central Avenue, westerly along Central Avenue to U.S. Highway 99, northwesterly along U.S. Highway 99 to North Avenue, westerly along North Avenue to Marks Avenue, northerly along Marks Avenue to Jensen Avenue, westerly along Jensen Avenue to Cornelia Avenue, northerly along Cornelia Avenue to Kearney Avenue, westerly along Kearney Avenue to Hayes Avenue, northerly along Hayes Avenue to point of beginning; and
*§(2) between points in the area described in paragraph (1) hereof and the adjacent plant of Pittsburgh Plate Glass Company at 3333 South Peach Avenue.

(Continued in Item No. 31)

§ Change)
* Addition) Decision No. 71322
& Reduction)

EFFECTIVE NOVEMBER 5, 1966

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

Correction No. 1807