

ORIGINAL

Decision No. 78982

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

Case No. 7024
Petition for Modification No. 25
(Filed October 23, 1970; Amended
January 15, 1971)

Petition for Modification No. 26
(Filed February 22, 1971)

- R. W. Smith and A. D. Poe, Attorneys at Law, and
H. Kollmyer, for California Trucking Association,
petitioner.
- Milton A. Walker, for Fibreboard Corporation;
William D. Mayer, for Cannery League of
California; and A. L. Libra, Attorney at Law,
for California Manufacturers Association;
protestants.
- R. Canham, by A. A. Wright, for Standard Oil Company
of California; Ronald M. Zaller, for Continental
Can Company; Pat Murphree, for Traffic Managers
Conference of California; and Raymond Mosser, for
J. C. Penney Company; interested parties.
- Charles F. Gerughty, for the Commission staff.

O P I N I O N

The California Trucking Association (CTA) by Petition No. 25, in Case No. 7024, proposed to amend the Commission's Distance Table No. 7 (DT) by the establishment of a new rule to provide an alternative method for computing constructive mileage on shipments moving via the Antioch Bridge due to its closure. CTA amended its petition, due to the reopening of the bridge, prior to hearing. The relief sought under the amendment was to have the rule apply to any impassable highway segment and also to have the provisions apply in connection with the Antioch Bridge segment for a like period of time, in the future, that the bridge was inoperative. Petition No. 26 was

filed to have the proposed rule apply to segments of Interstate Highway 5 which were impassable. The affected area is located on Interstate Highway 5 from a point 3 miles north of its junction with State Route 14 to its intersection with Roxford Street in Sylmar.

Public hearings were held on January 25 and March 8, 1971, at San Francisco before Examiner Turpen. The proceedings were submitted upon the filing of a closing brief by the CTA on April 5, 1971.

The record shows that the Antioch Bridge was closed by reason of a collision by a ship on September 4, 1970, and reopened to traffic on January 18, 1971, prior to the initial hearing in this matter. The highway in southern California was closed by the earthquake on February 9, 1971. At the hearing on March 8, the evidence was inconclusive as to whether this highway had been reopened.

The CTA asks in these petitions that a provision be put into the distance table to provide that, following a Commission order, alternative mileages be applied when a major highway segment is closed by disaster, and secondly, that such alternative provisions be made effective for the same length of time as the closure is effective.

Petitioner proposes that the following rule be included in the distance table (as finally amended several times at the hearings):

DETERMINATION OF CONSTRUCTIVE
MILEAGE VIA IMPASSABLE HIGHWAY
SEGMENTS

(The provisions of this item apply only when specific reference is made hereto).

When the shortest highway route between two points would require traversing a highway segment made reference hereto, constructive mileage shall be computed from point of origin to point of destination of the shipment along the shortest, continuous alternate route available to the carrier, as shown on the maps in the Distance Table. For purposes of application of this rule, distances between points along such route shall be accumulated to determine total constructive mileage.

Petitioner's proposal is that, if this rule is adopted, it would apply only after an order is issued by the Commission putting it into effect, purportedly following a petition filed by the CTA or carriers affected. Also, according to petitioner, it would be invoked only in the case of a major highway closure.

Petitioner's allegations are that as the rates are based on costs over determined mileages, that when a condition occurs that requires carriers to travel a longer route they should be compensated for the additional mileage.

Protestants generally recognize the problem the carriers face, but state that usually they have to bill customers on pre-determined transportation costs, and a sudden and unexpected, and undeterminable additional cost makes it impossible to determine accurate transportation charges. The protestant shippers feel that as they are subject to certain hazards of cost in doing business, the carriers should likewise be able to absorb such unsuspected emergency costs. In respect to the "retrospective" phase of petitioner's request, the protestants point out that there is no assurance that during such period the same shippers were using the same carriers, or that the same commodities were being transported, or even between the same points.

The record shows that for the distances set forth between major points (red points) in the distance table, neither the table nor the related maps show the actual route used. Therefore, it cannot be readily determined if a particular highway segment is involved in the computation of mileages between two points. It is thus clear that petitioner's proposal would be impracticable to apply, and could only result in confusion.

The staff pointed out that permitted carriers need no authority to charge higher than the minimum, and common carriers can secure quick relief by the Shortened Procedure Tariff Docket when justified. One shipper witness testified that his company voluntarily paid permitted carriers higher rates while the Antioch Bridge was closed.

C. 7024, Pets. 25 & 26 EK

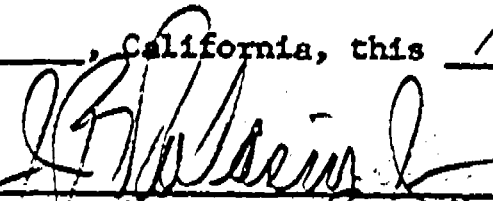
The Commission finds that petitioner's proposal is impracticable of application, and is not required to assure reasonable minimum rates. We conclude that the petitions should be denied.

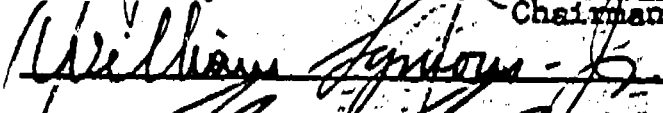
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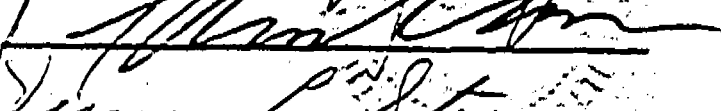
IT IS ORDERED that Petitions Nos. 25 and 26, as amended, in Case No. 7024, filed by California Trucking Association, are hereby denied.

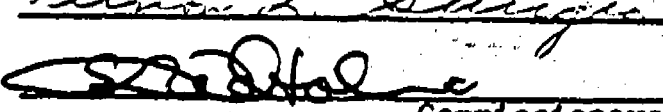
This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 10th day of AUGUST, 1971.



Chairman






Commissioners