



## ADMINISTRATIVE RULES OF MONTANA



### 38.3.103 VICINITY, TRIBUTARY, RADIUS, BETWEEN

- (1) Unless otherwise specified the following words, terms and phrases used in the orders, certificates and permits issued by the commission shall be given the following meanings:
  - (a) The words, "adjacent to," "vicinity," "immediate vicinity" and "immediately tributary thereto" mean a distance not over ten miles from the point designated.
  - (b) The words "tributary thereto" mean a distance not over 50 miles from the point designated.
  - (c) The word "miles" means road miles and not straight line or "air miles," including when used in conjunction with "radius."
  - (d) The measure of "radius" or distance shall be by public roads and highways and not by straight line or by "air miles." All applications must be accompanied by maps showing distances by road or highway. The origin point of such "radius" is deemed to be the principal federal building in the municipality, town or community enumerated within the operating certificate. However, in the absence of such "principal federal building," the United States post office building of any municipality, town or community is deemed the origin point for determining the mileage of such "radius." In the event any "radius" arises from the geographical description of a county, then the origin point of such radius is deemed the point of intersection of the county line and the public highway being traversed.
  - (e) Unless otherwise specified, an order, certificate or permit granting authority to transport persons or property to or from places within a specified radius of distance tributary to a specified city, town or place does not authorize transportation within such radius or distance, unless either the point of origin or destination is the specified city, town or place.
  - (f) The word "between" in certificates authorizing common carrier regular route service between fixed termini, includes all intermediate points unless a specific exclusion or limitation appears in such certificates.

**Authorizing statute(s):** Sec. 69-12-201, MCA

**Implementing statute(s):** Secs. 69-12-101, et seq. , MCA

---

**History:** Eff. 12/31/72; AMD, 1992 MAR p. 2647, Eff. 12/11/92.