

Decision No. 27893.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Suspension by the
Commission on its own motion of Rule
No. 15-A, Seventh Revised Page 17,
Local Express Tariff No. 9, C.R.C. No.
13 and Rule No. 20-A, First Revised
Page 8, Local Express Tariff No. 12-A,
C.R.C. No. 21 of the PACIFIC MOTOR
TRANSPORT COMPANY.

Case No. 3253.

Jas. E. Lyons and A. L. Whittle for respondent,
Pacific Motor Transport Company, and Southern
Pacific Company, as their interests may appear.

G. E. Duffy and Berne Levy, for The Atchison,
Topeka and Santa Fe Railway Company, as its
interests may appear.

W. S. Johnson and Wallace K. Downey, for Motor
Freight Terminal Company, Valley Motor Lines
and Valley Express Company.

C. S. McLenegan and E. M. Hayes, for Intercity
Transport Lines, Inc., protestant.

BY THE COMMISSION:

ORDER VACATING ORDER OF SUSPENSION AND INVESTIGATION

This proceeding involves the legality of an amendment to certain tariffs of respondent wherein it is proposed to change the rules providing for "Advancing Charges on Shipments" by exempting from their provisions all trucking charges and drayage charges (other than drayage charges assessed against shipments transferred at a terminal to or from carrier's stations).

A public hearing was had before Examiner Brown.

The proposed amended rules were suspended upon protest from competing truck lines that the amended rules would be discrim-

inatory and prejudicial to the truck lines. However, protestants offered no evidence in support of their allegations. On the other hand, respondents showed that under existing conditions the proposed rule was necessary to protect their interests. It may be that on a more comprehensive record and under changed conditions the proposed rules would be prejudicial or discriminatory to the truck carriers. But on this record we must conclude that the item has been justified.

Our order will be vacated. Therefore, good cause appearing,

IT IS HEREBY ORDERED that our order of June 14, 1934, and subsequent orders in the above entitled proceeding suspending Rule No. 15-A, Seventh Revised Page 17, and Rule No. 20-A, First Revised Page 8 of Local Express Tariff No. 9, C.R.C. No. 13, and Local Express Tariff No. 12-A, C.R.C. No. 21, be and they are hereby vacated and set aside and this proceeding discontinued.

Dated at San Francisco, California, this 13th day of April, 1935.

Leon C. Whaley

M. J. Con

M. B. Harris

Walter H. ...

Frank R. ...
Commissioners.