

Decision No. 58353

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)
 INTERSTATE FREIGHT CARRIERS:)
 CONFERENCE, INC., AGENT, to establish)
 Substituted Freight Service Between)
 Los Angeles, California, on the one)
 hand, and San Jose, California, on)
 the other hand. For account of:)
 CONSOLIDATED FREIGHTWAYS, INC.,)
 SOUTHERN PACIFIC COMPANY)
 For an order to maintain authorized)
 departures from the provisions of)
 Article XII, Section 21, of the)
 Constitution of the State of)
 California and Sections 460 and 491)
 of the Public Utilities Code.)

Application No. 40962

OPINION AND ORDER

Interstate Freight Carriers' Conference, Inc., Agent, publishes, on behalf of its members, tariffs setting forth rates, rules and regulations for the transportation of property between points within California, and between California, on the one hand, and interstate points, on the other hand. The Conference membership consists of common carriers by motor vehicle, by water, and by railroad.

By this application the Conference seeks authority to publish, on less than statutory notice, rules and regulations necessary to permit Consolidated Freightways, Inc., to avail itself of trailer-on-flatcar facilities of Southern Pacific Company, as a substitute for highway service, between Los Angeles, on the one hand, and San Jose, on the other hand. Consolidated Freightways, Inc., possesses a certificate of public convenience and necessity from this Commission authorizing service between the points for which substituted service

1

Consolidated Freightways, Inc., currently has authority for the type of service herein sought between Los Angeles, on the one hand, and Mulford and San Francisco, on the other hand. (Decision No. 56621 of April 29, 1958, in Application No. 39921).

authority is herein sought. Authority is also sought to depart from the long-and-short-haul provisions of the Constitution of the State of California and the Public Utilities Code in connection with rates that are currently maintained for account of Consolidated Freightways, Inc., under outstanding long-and-short-haul authorities.

The application proposes that Southern Pacific Company will substitute its service for that of Consolidated Freightways, Inc., at the option of the latter, and at the rates published for the account of Consolidated Freightways, Inc., for service performed entirely by truck. The proposed tariff publication would provide that, if the shipper so directs, rail substituted service will not be used.

According to the application, substitution of trailer-on-flatcar service for motor carrier service, as herein sought, will be in the best interests of the carriers concerned and of their shippers.

The application shows that on or about March 19, 1959, competing carriers were notified of the filing of the application. No objection has been received to its being granted.

In the circumstances, it appears, and the Commission finds, that the establishment of the substituted service, on ten days' notice, will not be adverse to the public interest. The application will be granted. A public hearing is not necessary.

Therefore, good cause appearing,

IT IS ORDERED:

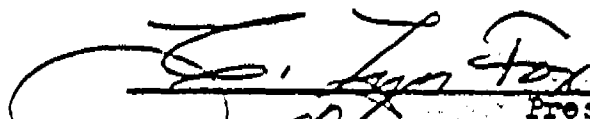
(1) That Interstate Freight Carriers' Conference, Inc., is hereby authorized to publish, on behalf of Consolidated Freightways, Inc., and Southern Pacific Company, on not less than ten days' notice to the Commission and to the public, tariff provisions for substitute rail service as proposed in Application No. 40962.


(2) That applicants are hereby authorized to depart from the long-and-short-haul provisions of Article XII, Section 21, of the Constitution of the State of California, and Section 460 of the Public Utilities Code in connection with rates that are currently maintained for the account of Consolidated Freightways, Inc., under outstanding long-and-short-haul authorities.

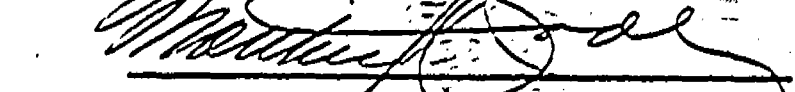
(3) That the authority herein granted shall expire unless exercised within ninety days after the effective date hereof.

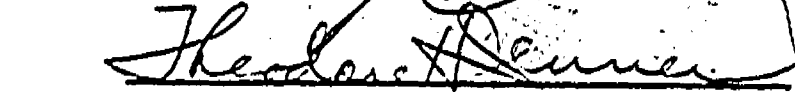
This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 5th day of May, 1959.



President






Commissioners