

Decision No. 60640

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of R. C. Ellis, Agent, to publish rule permitting substitution of rail carrier service under the provisions of Section Nos. 490 and 491 of the Public Utilities Code.

} Application No. 42512

OPINION AND ORDER

R. C. Ellis, Agent, publishes, on behalf of California Motor Transport Co., Limited, tariffs setting forth rates, rules and regulations for the transportation of property between points within California.

By this application, filed July 26, 1960, authority is sought for R. C. Ellis, Agent, and Western Motor Tariff Bureau, Inc., Agent, to publish, on less than statutory notice, rules and regulations necessary to permit California Motor Transport Co., Limited, 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, Oakland, San Francisco, Bakersfield, Fresno and Stockton, on the other hand. California Motor Transport Co., Limited, possesses a certificate of public convenience and necessity from this Commission authorizing service between the points for which substituted service authority is herein sought. Authority is also sought to depart from the provisions of General Order No. 80 to permit publication of the tariff provisions.

The proposed tariff publication would provide that California Motor Transport Co., Limited, at its option, may substitute rail service for highway service unless the shipper directs that rail service shall not be performed. The tariff charges of California Motor Transport Co., Limited, would not be affected.

It appears that 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 Commission has granted similar authority to other highway carriers.

The application shows that on or about July 21, 1960, a copy was served on the California Trucking Associations, Inc. 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 five days' notice, will not be adverse to the public interest. A public hearing is not necessary. The application will be granted.

Therefore, good cause appearing,

IT IS ORDERED:

(1) That R. C. Ellis, Agent, and Western Motor Tariff Bureau, Inc., Agent, are hereby authorized to publish, on behalf of California Motor Transport Co., Limited, and Southern Pacific Company, on not less than five days' notice to the Commission and to the public, tariff provisions for substitute rail service as proposed in the above application and to depart from the provisions of General Order No. 80 to the extent necessary to publish the tariff provisions proposed in said application.

(2) 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 30<sup>th</sup> day of August, 1960.

*George A. ...*  
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President  
*W. F. ...*  
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*W. ...*  
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Commissioners