

Decision No. 60794

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)
 For account of:)
 FORTIER TRANSPORTATION COMPANY)
 SOUTHERN PACIFIC COMPANY)
 For an order to maintain authorized)
 departures from the provisions of)
 Article XIII, Section 21, of the)
 Constitution of the State of)
 California and Section 460 and 491)
 of the Public Utilities Code.)

Application No. 42613

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, water and railroad. Fortier Transportation Company possesses a certificate of public convenience and necessity from this Commission authorizing service as a highway common carrier between the points involved in this proceeding.

By this application, filed August 29, 1960, the Conference seeks authority to publish, on less than statutory notice, rules and regulations necessary to permit Fortier Transportation Company to avail itself of trailer-on-flatcar facilities of Southern Pacific Company as a substitute for highway service between points specifically set forth in paragraph I of the application. 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 Fortier Transportation Company under outstanding long-and-short-haul authorities.

The application proposes that Southern Pacific Company will substitute its service for that of Fortier Transportation Company at the option of the latter and at the rates published for the account of Fortier Transportation Company 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-flat-car 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 copies thereof were served on competing carriers and 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, as set forth in the following order, 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:

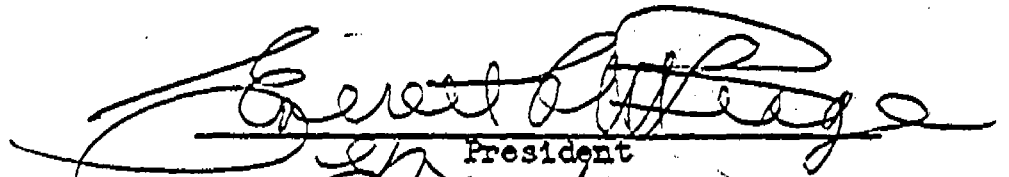
(1) That Interstate Freight Carriers' Conference, Inc., is hereby authorized to publish, on behalf of Fortier Transportation Company and Southern Pacific Company, on not less than ten days' notice to the Commission and to the public, tariff provisions for substitute rail service as proposed in Application No. 42613.

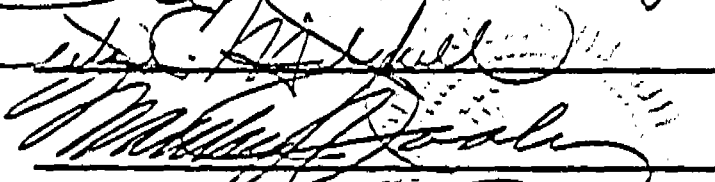
(2) That the carriers named in the above-numbered application are hereby authorized to depart from the long-and-short-haul provisions of Article XII, Section 21 of the Constitution of the State of California, and Section 460 of the Public Utilities Code in connection with rates that are currently maintained for the account of Fortier Transportation Company under outstanding long-and-short-haul authorities.

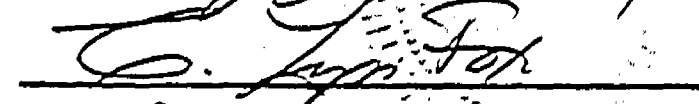
(3) That the authority herein granted shall expire unless exercised within ninety days after the effective date hereof.

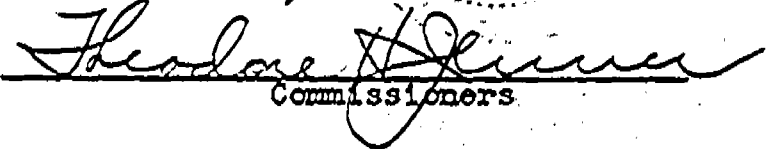
This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 27th day of SEPTEMBER, 1960.



President






Commissioners