

Decision No. 51101

**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: )  
STERLING TRANSIT COMPANY, INC. )  
SOUTHERN PACIFIC COMPANY )

Application No. 42763

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. )

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, and railroad. Sterling Transit Company, Inc., 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 October 17, 1960, the Conference seeks authority to publish, on less than statutory notice, rules and regulations necessary to permit Sterling Transit Company, 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 Oakland, San Francisco and San Jose on the other. 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 Sterling Transit Company, Inc., under outstanding long-and-short-haul authorities.

The application proposes that Southern Pacific Company will substitute its service for that of Sterling Transit Company, Inc., at the option of the latter and at the rates published for the account of Sterling Transit Company, Inc., for service performed entirely by truck. The proposed tariff 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., Agent, is hereby authorized to publish, on behalf of Sterling Transit Company, 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. 42763.

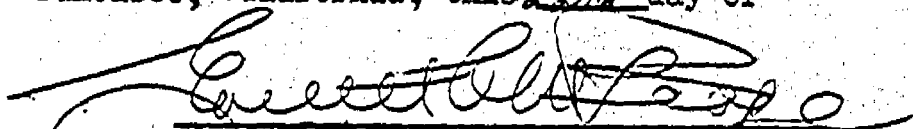
(2) That the carriers named in the above-numbered application are hereby authorized to depart from the long-and-short-haul provisions of Article XII, Section 21, of the Constitution of


the State of California, and Section 460 of the Public Utilities Code in connection with rates that are currently maintained for the account of Sterling Transit Company, 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.

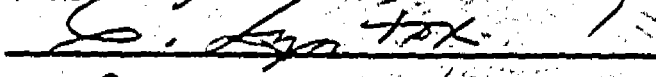
This order shall become effective twenty days after the date hereof.

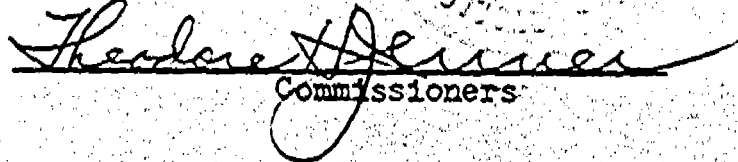
Dated at San Francisco, California, this 22nd day of November, 1960.

  
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President

  
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William J. Mitchell

  
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William J. Mitchell

  
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E. Lynn Fox

  
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Commissioners