

Decision No. 61390

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application	)	
of HILLS TRANSPORTATION CO., a	)	
corporation, to publish rule	)	Application No. 42905
permitting substitution of rail	)	
carrier service for motor	)	
carrier service.	)	

OPINION AND ORDER

By this application, filed November 28, 1960, Hills Transportation Co. seeks authority to publish, on less than statutory notice, rules and regulations necessary to permit applicant 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, and San Francisco, on the other hand. Authority is also sought to depart from the 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 by applicant.

Hills Transportation Co. possesses a certificate of public convenience and necessity from this Commission authorizing service between the points for which substituted service authority is herein sought. An exhibit submitted with the application shows that Southern Pacific Company has informed applicant by letter that it is agreeable to the substitute rail for truck service.

The application states that the proposed substituted service rule will permit applicant, at its option, to avail itself of trailer-on-flatcar service facilities of the Southern

Pacific Company to the extent that traffic and economic conditions may justify the rendition of such substituted service.

According to the application, Hills Transportation Co. will, under the proposed publication, only exercise its option when the bill of lading or other shipping document issued is free and clear of any annotation requesting through truck service. Whenever such notation is made, the application recites, the provisions of the proposed publication will not apply and through truck service will be rendered, thereby preserving the rights of the shipping public to demand and receive through motor truck service.

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 application shows that on or about November 28, 1960, a copy was served on interested parties, including 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, 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 Hills Transportation Co. is hereby authorized to publish, on not less than ten days' notice to the Commission and to the public, tariff provisions for substitute rail service with Southern Pacific Company as proposed in Application No. 42905,

subject to the conditions that the tariff rules to be published (a) shall clearly state the conditions of the substituted service, (b) shall clearly provide that the shipper will have the option of specifying through single line service if desired and (c) that the tariff filings issued pursuant to the authority herein granted shall comply in all respects with the provisions of General Order No. 80.

(2) That Hills Transportation Co. and Southern Pacific Company 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 under outstanding long-and-short-haul authorities.

(3) That the authority herein granted shall expire unless exercised within 120 days after the effective date hereof.

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

Dated at San Francisco, California, this 24<sup>th</sup> day of January, 1961.

*Carroll Page*  
President  
*Ed. [unclear]*  
*E. [unclear]*  
\_\_\_\_\_  
Commissioners