

**ORIGINAL**

Decision No. 61635

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of )  
WESTERN MOTOR TARIFF BUREAU, INC., )  
to publish rule permitting substi- )  
tution of rail carrier service for )  
motor carrier service under the )  
provisions of Section Nos. 490 and )  
491 of the Public Utilities Code. )

Application No. 43137

OPINION AND ORDER

Western Motor Tariff Bureau, Inc., publishes, on behalf of its members, tariffs setting forth rates, rules and regulations for the transportation of property between points within California.

By this application, filed February 7, 1961, the Bureau seeks authority to publish, on less than statutory notice, rules and regulations necessary to permit Santa Fe Transportation Company to avail itself of trailer-on-flatcar facilities of The Atchison, Topeka and Santa Fe Railway Company as a substitute for highway service from, to or between all points served jointly by the aforementioned carriers. Santa Fe Transportation Company 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 application proposes that The Atchison, Topeka and Santa Fe Railway Company will substitute its service for that of Santa Fe Transportation Company at the option of the latter and at the rates published for the account of Santa Fe Transportation Company for service performed entirely by truck. The proposed tariff would provide that if the shipper so directs, rail substituted service will not be used.

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 January 27, 1961, 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 ten 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 Western Motor Tariff Bureau, Inc., is hereby authorized to publish, on behalf of Santa Fe Transportation Company and The Atchison, Topeka and Santa Fe Railway Company, on not less than ten 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 120 days after the effective date hereof.

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

Dated at San Francisco, California, this 7<sup>th</sup> day of March, 1961.

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President  
*E. J. Fox*  
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*George E. Brown*  
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*Fredrick B. Holbrook*  
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Commissioners