

ORIGINAL

Decision No. 68757

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)
 F. S. KOHLES, AGENT)
 To establish Substituted Freight)
 Service)
 For account of:)
 VALLEY MOTOR LINES, INC.)
 SOUTHERN PACIFIC COMPANY)
 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.)

Application No. 47253
(Filed January 14, 1965)

OPINION AND ORDER

By this application, F.S. Kohles, Agent, for and on behalf of the carriers parties hereto, seeks authority to publish tariff rules and regulations necessary to permit Valley Motor Lines, Inc., to avail itself of trailer-on-flatcar facilities of Southern Pacific Company, as a substitute for highway service, between Bakersfield, Fresno, Oakland and Stockton, on the one hand, and Los Angeles, on the other hand. Authority is also sought to depart from the long- and short-haul provisions of Section 460 of the Public Utilities Code in connection with rates that are currently maintained for the account of Valley Motor Lines, Inc., under outstanding long- and short-haul authorities and to make the tariff publication effective on five days' notice to the Commission and to the public.

Valley Motor Lines, Inc., possesses a certificate of public convenience and necessity from this Commission authorizing highway common carrier service between the points for which substituted service is sought herein. According to the application, Southern

Pacific Company will substitute its rail service for that of Valley Motor Lines, Inc., at the option of the latter, and at the rates now applicable via Valley Motor Lines, Inc., for service performed entirely by truck. The proposed tariff amendment would provide that if the shipper so directs, rail substituted service will not be used.

Applicant alleges that a more adequate service can be offered to the general public by use of the proposed substituted service for the following reasons:

1. Line-haul power equipment during the heavy hauling season is utilized to capacity and many times is not readily available for long distance operation, thus causing delays and loss of traffic;
2. On other occasions, experienced line-haul drivers are not always available.

The certificate of service shows that a copy of the application was mailed to various interested parties named in the application and to California Trucking Association on January 14, 1965. No objection to the granting of the application has been received.

In the circumstances, it appears, and the Commission finds, that the establishment of the substituted service as specifically proposed in the application, on five days' notice, will not be adverse to the public interest. A public hearing is not necessary. The application should be granted.

IT IS ORDERED that:

1. F.S. Kohles, Agent, is hereby authorized to publish, on behalf of Valley Motor Lines, Inc., and Southern Pacific Company, tariff provisions for substitute rail service as specifically proposed in the above application and to depart from the provisions

of General Order No. 80-A to the extent necessary to publish the tariff provisions as proposed in the application.

2. The carriers named in the above-numbered application are hereby authorized to depart from the long- and short-haul provisions of Section 460 of the Public Utilities Code in connection with rates that are currently maintained for the account of Valley Motor Lines, Inc., under outstanding long- and short-haul authorities.

3. Tariff publications authorized to be made as a result of the order herein may be made effective not earlier than five days after the effective date hereof on not less than five days' notice to the Commission and the public.

4. 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 17th day of March, 1965.

Frederick B. Halchoff
President
John P. Mitchell
George J. Grover
Augustus
William W. Beardsley
Commissioners