

ORIGINAL

Decision No. 75261

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of)	
Western Motor Tariff Bureau, Inc.,)	
to establish substitution of rail)	
carrier service for motor carrier)	Application No. 50706
service for and on behalf of Delta)	(Filed November 26, 1968)
Express, Inc., and Delta Lines,)	
Inc., in accordance with the pro-)	
visions of Section Nos. 490 and)	
491 of the Public Utilities Code.)	

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc. (WMTB), for and on behalf of the carriers parties hereto, seeks authority to publish, on five days' notice, tariff rules necessary to permit Delta Express, Inc., and Delta Lines, Inc., to avail themselves of trailer-on-flatcar facilities of Southern Pacific Company as a substitute for highway service between Bakersfield, Chico, Fresno, Los Angeles, Oakland, Redding, Roseville, Salinas, San Francisco, San Jose and Stockton.¹ Authority is also sought to depart from the provisions of Section 490 of the Public Utilities Code to permit the publication of the proposed tariff provisions.

Delta Express, Inc., and Delta Lines, Inc., possess certificates of public convenience and necessity from this Commission authorizing service between points for which substituted service authority is sought herein. According to the application, Southern Pacific Company will substitute its rail service for the

¹ Applicant proposes to amend: The participating carrier index and Item No. 30 of WMTB Substituted Freight Service Directory No. 1, Cal. P.U.C. No. 8; Item No. 370 of WMTB Tariff No. 109, Cal. P.U.C. No. 13; and Item No. 810 of WMTB Tariff No. 111, Cal. P.U.C. No. 15.

services of Delta Express, Inc., and Delta Lines, Inc., at the option of the latter two carriers, and at rates now applicable via Delta Express, Inc., and Delta Lines, Inc., for service performed entirely by truck. The proposed tariff publications would provide that rail substituted service will not be used if the shipper so directs.

The verified application shows that a copy thereof was served on California Trucking Association on or about November 25, 1968. The application was listed on the Commission's Daily Calendar of November 27, 1968. No objection to the granting of the application has been received.

In the circumstances, it appears, and the Commission finds, that the establishment of substituted rail 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 Commission concludes that the application should be granted.

IT IS ORDERED that:

1. Western Motor Tariff Bureau, Inc., is hereby authorized to publish, on behalf of Delta Express, Inc., Delta Lines, Inc., and Southern Pacific Company, tariff provisions for substituted rail service as proposed in the 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 said 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 Delta Express, Inc., and Delta Lines, Inc., under outstanding long- and short-haul authorities.

3. Tariff publications authorized to be made as a result of the order herein shall be filed not earlier than the effective date of this order and 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 28th day of January, 1969.

William S. Brown, Jr.
President

Augusta

Stuart P. Morsussey

W. H. Brown, Jr.

Thomas Moran
Commissioners