

ORIGINAL

Decision No. 79158

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 service for)	Application No. 52757
and on behalf of Arthur R. Altnow, dba)	(Filed July 16, 1971)
Lodi Truck Service in accordance with)	
the provisions of Section Nos. 490 and)	
491 of the Public Utilities Code.)	

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc. (WMTB), on behalf of Arthur R. Altnow, dba Lodi Truck Service (Altnow), seeks authority to publish, on five days' notice, tariff rules necessary to permit Altnow to avail himself of trailer-on-flatcar facilities of Southern Pacific Transportation Company as a substitute for highway service between Los Angeles, on the one hand, and Fresno, Oakland, Roseville, Sacramento, San Jose and Stockton, on the other hand.¹ Authority is also sought under Sections 490 and 491 of the Public Utilities Code to permit publication of the proposed tariff provisions and to establish such proposed provisions on five days' notice to the Commission and to the public, respectively.

Altnow possesses a certificate of public convenience and necessity from this Commission authorizing service between the points for which substituted rail service authority is sought herein. The rates published for the account of Altnow for service performed entirely by truck will be assessed the shipper when Southern Pacific Transportation Company substitutes its service for that of Altnow

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. 715 of WMTB Tariff No. 101, Cal.P.U.C. No. 4; 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.

at the option of the latter. The proposed tariff would provide that if the shipper so directs, rail substituted service will not be used.

The verified application shows that a copy thereof was served on California Trucking Association on or about July 15, 1971. The application was listed on the Commission's Daily Calendar of July 19, 1971. No objection to the granting of the application has been received.

Commission staff analysis discloses that rules providing for the substitution of rail carrier service for motor carrier service are currently applicable to other motor carriers who are parties to WMTB tariffs and that such substituted rail service can result in certain operating efficiencies to the motor carriers involved. The staff recommends that the application be granted by ex parte order.

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, would 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 Arthur R. Altnow, dba Lodi Truck Service, and Southern Pacific Transportation 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 carrier named in the above-numbered application is 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 Arthur R. Altnow, dba Lodi Truck Service, under outstanding long- and short-haul authorities.

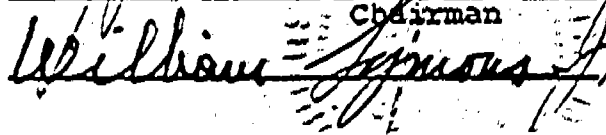
3. Tariff publications authorized to be made as a result of the order herein shall be filed not earlier than the effective date of this order and may be made effective not earlier than five days after the effective date hereof on not less than five days' notice to the Commission and to the public.

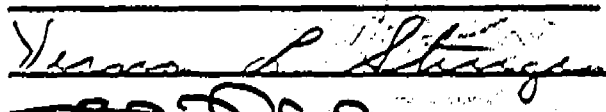
4. The authority herein granted shall expire unless exercised within 120 days after the effective date hereof.


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

Dated at San Francisco, California, this 21st day of September, 1971.



Chairman





Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.