

Decision No. 79609

ORIGINAL

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)
and on behalf of City Transfer, Inc.)
in accordance with the provisions of)
Section Nos. 490 and 491 of the Public)
Utilities Code.)

Application No. 52969
(Filed November 3, 1971)

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc. (WMTB), on behalf of City Transfer, Inc. (City), seeks authority to establish substitution of rail carrier service for motor carrier service jointly between City Transfer, Inc., and Southern Pacific Transportation Company between San Francisco and Oakland, on the one hand, and Los Angeles, on the other hand. Authority is sought under Sections 490 and 491 of the Public Utilities Code to permit publication of the proposed tariff provisions¹ and to establish such proposed provisions on five days' notice to the Commission and to the public, respectively.

Applicant states that City operates as a highway common carrier between various points in the State of California and rates for its California intrastate operations are published in WMTB Tariff No. 111. Applicant asserts that there is available to highway common carriers on a contractual basis a special service offered by Southern Pacific Transportation Company between points served by it as a railroad involving the transportation of trailers for highway common carriers on flat cars owned and operated by the railroad where rail carrier service is substituted for motor carrier service. Applicant avers that City desires to take advantage of this service.

¹Applicant proposes to add City Transfer, Inc., as a participating carrier and amend Item No. 30 (A) of WMTB, Agent, Substituted Freight Service Directory No. 1, Cal.P.U.C. No. 8, and Item No. 810 of WMTB, Agent, Local, Joint and Proportional Freight and Express Tariff No. 111, Cal.P.U.C. No. 15.

The verified application shows that a copy thereof was served on California Trucking Association on or about November 2, 1971. The application was listed on the Commission's Daily Calendar of November 4, 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 highway common carriers operating between the same points as City. The tariff rules involved provide that rail carrier service shall not be performed if the shipper so directs; otherwise, carriers may at their option substitute rail carrier service for motor carrier service between the points the motor carrier is lawfully authorized to operate and that rates published in the motor carrier's tariffs will apply in connection with the substituted service. The staff has determined that certain operating efficiencies can result to the motor carrier by using the substituted service and 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 City Transfer, Inc., 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 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 City Transfer, 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 to the public.

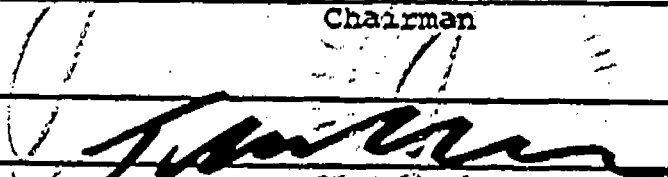
4. The authority herein granted shall expire unless exercised within 120 days after the effective date hereof.


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


Dated at San Francisco, California, this 17th day of January, 1972.



Chairman







Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.