

ORIGINAL

Decision No. 5172

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Applica- )  
 tion of Western Motor Tariff )  
 Bureau, Inc. to establish sub- )  
 stitution of rail carrier ser- )  
 vice for motor carrier service )  
 for and on behalf of Cargo )  
 Carriers, Inc. in accordance )  
 with the provisions of Section )  
 Nos. 490 and 491 of the Public )  
 Utilities Code. )

Application No. 55943  
 (Filed September 18, 1975)

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc. (WMTB), on behalf of Cargo Carriers, Inc. (CCI), seeks authority to publish tariff rules necessary to permit CCI to avail itself of trailer-on-flatcar facilities of Southern Pacific Transportation Company as a substitute for highway service between Los Angeles and Fresno, Oakland, Roseville, Sacramento, San Francisco, San Jose and Stockton.<sup>1</sup> 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.

CCI 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 CCI for service performed entirely by truck will be assessed the shipper when Southern Pacific Transportation Company substitutes its service for that of CCI at the option of the latter. The proposed tariff would provide that, if the shipper so directs, rail substituted service will not be used.

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<sup>1</sup> Applicant proposes to amend Item 30 of WMTB Substituted Freight Service Directory No. 1, Cal. P.U.C. No. 8.

The verified application shows that a copy thereof was served on California Trucking Association on or about September 18, 1975. The application was listed on the Commission's Daily Calendar of September 22, 1975. No objection to the granting of the application has been received.


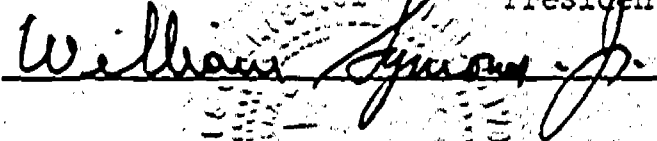


In the circumstances, the Commission finds that the establishment of substituted rail service as specifically proposed in the application, on five days' notice, would not be adverse to the public interest. A public hearing is not necessary. The Commission concludes that the application should be granted.

IT IS ORDERED that:

1. Western Motor Tariff Bureau, Inc., is hereby authorized to publish, on behalf of Cargo Carriers, 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 said tariff provisions.
2. The carrier named in the above-numbered application is hereby authorized to depart from the long- and short-haul provisions of Section 461.5 of the Public Utilities Code in connection with rates that are currently maintained for the account of Cargo Carriers, 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 25<sup>th</sup> day of November, 1975.

  
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President  
  
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Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.