

Decision No. 87039

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 California Freightways in ac-)
cordance with the provisions of)
Section Nos. 490 and 491 of the)
Public Utilities Code.)

Application No. 57020
(Filed January 20, 1977)

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc. (WMTB), on behalf of California Freightways (CF), seeks authority to publish tariff rules necessary to permit CF to avail itself of trailer-on-flatcar facilities of Southern Pacific Transportation Company as a substitute for highway service between Los Angeles and Roseville, San Jose and Stockton.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.

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

¹ Applicant proposes to amend Item 100 of WMTB Substituted Freight Service Directory No. 1-A, Cal. P.U.C. No. 38.

The verified application shows that a copy thereof was served on California Trucking Association on or about January 19, 1977. The application was listed on the Commission's Daily Calendar of January 21, 1977. 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. It is further found that the long- and short-haul departure as requested is justified. 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 California Freightways 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 highway carrier named in the above-mentioned application is hereby authorized to depart from the long- and short-haul provisions of Section 461.5 of the Public Utilities Code under the same conditions as were heretofore authorized the applicant as to rates that are currently maintained for the account of California Freightways 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 1st day of March, 1977.

Robert Bateman
President
William J. Sproule
James L. Sturgeon
John
Charles D. Hoode
Commissioners