

SURFACE TRANSPORTATION BOARD<sup>1</sup>

DECISION

No. MC-247354 (C) and (P)

ALLEN FREIGHT TRAILER BRIDGE, INC., COMMON AND CONTRACT  
CARRIER APPLICATION

No. 40783

MARINE TRANSPORTATION SERVICES SEA BARGE GROUP, INC.

v.

ALLEN FREIGHT TRAILER BRIDGE, INC.

Decided: October 10, 1997

On October 15, 1991, Trailer Bridge, Inc., predecessor in interest to Allen Freight Trailer Bridge, Inc. (Trailer Bridge),<sup>2</sup> filed an application in Docket No. MC-247354 (C) and (P) for motor common and contract carrier authority to transport general commodities (with exceptions) between points in the United States (except Alaska and Hawaii). Marine Transportation Services Sea Barge Group, Inc. (Sea Barge), filed a protest to the application. Trailer Bridge began operations under temporary authority on February 5, 1992. In Docket No. 40783, Sea Barge filed a complaint alleging that Trailer Bridge's operations under temporary authority were unlawful.

By decision served September 15, 1992, the ICC consolidated Trailer Bridge's application for motor common and contract carriage authority with Sea Barge's complaint, reopened the record in Docket No. MC-247354 (C) and (P) for the receipt of additional evidence, and requested comments from the Federal Maritime Commission and other interested parties.<sup>3</sup> By decision served September 4, 1997, the Board directed the parties to show cause why these proceedings should not be dismissed. The Board noted that most of the issues in contention appear either to be outside of the Board's jurisdiction or to have been largely resolved by the ICCTA, and stated that, unless a party files a pleading demonstrating that there is a good reason to continue these proceedings, they will be dismissed.

No party to these proceedings responded to the show cause decision. Under these circumstances, these proceedings will be dismissed.

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<sup>1</sup> The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (ICCTA), abolished the Interstate Commerce Commission (ICC) and transferred certain functions and proceedings to the Surface Transportation Board (Board), effective January 1, 1996. Section 204(b)(1) of the ICCTA provides, in general, that proceedings pending before the ICC on the effective date of that legislation shall be decided under the law in effect prior to January 1, 1996, insofar as they involve functions retained by the ICCTA. This decision relates to a proceeding that was pending with the ICC prior to January 1, 1996, and to functions that are subject to the Board's jurisdiction pursuant to 49 U.S.C. 13501, 13521, and 13702. Other licensing-related functions that were involved in the proceeding, such as those governed by 49 U.S.C. 13902, have not been transferred to the Board.

<sup>2</sup> The merger of Allen Freight Lines, Inc. (AFL), into Trailer Bridge, Inc., was approved by the ICC in Docket No. MC-FC-86166. Trailer Bridge, Inc., changed its name to Allen Freight Trailer Bridge, Inc. (AFTB), on November 1, 1992. On November 16, 1992, AFL's operating authorities were reissued to AFTB in Certificate No. MC-164771 (Sub-No. 5) and Permit No. MC-164771 (Sub-No. 6).

<sup>3</sup> Additionally, the September 15, 1992 decision specifically authorized Trailer Bridge to continue its operations until a final decision is reached in these proceedings.

It is ordered:

1. These proceedings are dismissed.
2. This decision is effective on the service date.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams  
Secretary