

**§ 356.5**

from such authorized route may not be over a public road.

(b) This section does not apply to those motor passenger common carriers authorized to operate within:

- (1) New York, NY;
- (2) Rockland, Westchester, Orange, or Nassau Counties, NY;
- (3) Fairfield County, CT; and
- (4) Passaic, Bergen, Essex, Hudson, Union, Morris, Somerset, Middlesex, or Monmouth Counties, NJ.

**§ 356.5 Traversal authority.**

(a) *Scope.* An irregular route motor carrier may operate between authorized service points over any reasonably direct or logical route unless expressly prohibited.

(b) *Requirements.* Before commencing operations, the carrier must, regarding each State traversed:

- (1) Notify the State regulatory body in writing, attaching a copy of its operating rights;
- (2) Designate a process agent; and
- (3) Comply with 49 CFR 387.315.

**§ 356.7 Tacking.**

Unless expressly prohibited, a motor common carrier of property holding separate authorities which have common service points may join, or *tack*, those authorities at the common point, or *gateway*, for the purpose of performing through service as follows:

- (a) Regular route authorities may be tacked with one another;
- (b) Regular route authority may be tacked with irregular route authority;
- (c) Irregular route authorities may be tacked with one another if the authorities were granted pursuant to application filed on or before November 23, 1973, and the distance between the points at which service is provided, when measured through the gateway point, is 300 miles or less; and
- (d) Irregular route authorities may be tacked with one another if the authorities involved contain a specific provision granting the right to tack.

**§ 356.9 Elimination of routing restrictions—regular route carriers.**

(a) *Regular route authorities—construction.* All certificates that, either singly or in combination, authorize the trans-

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portation by a motor common carrier of property over:

- (1) A single regular route or;
- (2) Over two or more regular routes that can lawfully be tacked at a common service point, shall be construed as authorizing transportation between authorized service points over any available route.

(b) *Service at authorized points.* A common carrier departing from its authorized service routes under paragraph (a) of this section shall continue to serve points authorized to be served on or in connection with its authorized service routes.

(c) *Intermediate point service.* A common carrier conducting operations under paragraph (a) of this section may serve points on, and within one airline mile of, an alternative route it elects to use if all the following conditions are met:

- (1) The carrier is authorized to serve all intermediate points (without regard to nominal restrictions) on the underlying service route;
- (2) The alternative route involves the use of a superhighway (i.e., a limited access highway with split-level crossings);
- (3) The alternative superhighway route, including highways connecting the superhighway portion of the route with the carrier's authorized service route,
  - (i) Extends in the same general direction as the carrier's authorized service route and
  - (ii) Is wholly within 25 airline miles of the carrier's authorized service route; and
- (4) Service is provided in the same manner as, and subject to any restrictions that apply to, service over the authorized service route.

**§ 356.11 Elimination of gateways—regular and irregular route carriers.**

A motor common carrier of property holding separate grants of authority (including regular route authority), one or more of which authorizes transportation over irregular routes, where the authorities have a common service point at which they can lawfully be tacked to perform through service, may perform such through service over any available route.