

**ORIGINAL**

Decision No. 67365

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of: )  
C. R. NICKERSON, Attorney and Agent, )  
to establish Substituted Freight Service )

For Account of: )

INSURED TRANSPORTERS, INC. )  
PACIFIC ELECTRIC RAILWAY COMPANY )  
SOUTHERN PACIFIC COMPANY )

Application No. 46618  
(Filed May 8, 1964)

For an order to maintain authorized de- )  
partures from the provisions of Article )  
XII, Section 21, of the Constitution of )  
the State of California, and Sections )  
460 and 491 of the Public Utilities )  
Code. )

OPINION AND ORDER

By this application, C. R. Nickerson, for and on behalf of the carriers parties to this application, seeks authority to publish tariff rules to permit Insured Transporters, Inc., to avail itself of trailer-on-flatcar facilities of Southern Pacific Company and Pacific Electric Railway Company, as a substitute for highway service, from Warm Springs to Los Nietos for the transportation of automobiles in initial movement only.<sup>1</sup> Authority is also sought to depart from the provisions of Section 460 of the Public Utilities Code, and to make the tariff publications effective on five days' notice to the Commission and to the public.

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<sup>1</sup> The substituted service would apply via Southern Pacific Company to Los Angeles, thence Pacific Electric Railway Company; or via Southern Pacific Company to Los Nietos, thence Pacific Electric Railway Company.

Insured Transporters, Inc., possesses a certificate of public convenience and necessity from this Commission authorizing highway common carrier service between the points for which substituted service authority is sought herein. The rates to be assessed when the substituted rail service is performed would be the same as those applicable under the tariff of Insured Transporters, Inc., when the substituted service is not performed. The tariff would provide also that rail service shall not be substituted if the shipper directs otherwise.

Applicant alleges that a more adequate service can be offered to the general public by use of the substituted service herein sought for the following reasons:

1. Inability of Insured Transporters, Inc., to obtain experienced line-haul drivers during the heavy hauling season;
2. The necessity to overhaul power units at times when volume cargo is available for transportation;
3. To afford this motor common carrier the opportunity of using its line-haul power equipment to areas not served by substituted freight service;
4. Under certain conditions it is more economical for Insured Transporters, Inc., to utilize substituted freight service between the points here involved than to acquire additional line-haul equipment during the heavy traffic season, particularly during the period when new models are advertised.

According to applicant, the shippers and receivers to be served under this proposal have requested that the substituted service be made available as soon as possible.

The certificate of service shows that a copy of the application was mailed to each of the carriers named in the application and to California Trucking Association on May 7, 1964. No objection to the granting of the application has been received.

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

In view of the apparent urgency of this matter, the order which follows will be made effective on the date hereof.

IT IS ORDERED that:

1. C. R. Nickerson is hereby authorized to publish, on behalf of Insured Transporters, Inc., Southern Pacific Company and Pacific Electric Railway Company, tariff provisions for substitute rail service as specifically proposed in the above 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 Insured Transporters, Inc., under outstanding long- and short-haul authorities.

3. Tariff publications authorized to be made as a result of the order herein 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 the public.

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

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 10th day of June, 1964.

William B. Bernard  
President  
Arthur E. Mitchell  
Conrad W. Rago  
George A. Thayer  
Friedrich B. Halbluff  
Commissioners