

**ORIGINAL**

Decision No. 69509

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)

WEST TRANSPORTATION, INC. )

To establish Substituted Freight )  
Service for the account of: )

WEST TRANSPORTATION, INC. and )  
SOUTHERN PACIFIC COMPANY )

Application No. 47634  
(Filed June 2, 1965)

For an order to maintain )  
authorized departures 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, West Transportation, Inc., for and on behalf of the carriers parties to this application, seeks authority to publish rules and regulations necessary to permit it to avail itself of trailer-on-flatcar facilities of Southern Pacific Company, as a substitute for highway service between San Francisco, Oakland, San Jose, Salinas and Fresno, on the one hand, and Bakersfield, Fresno, Los Angeles, San Luis Obispo and Santa Barbara, on the other hand. Authority is also sought to depart from the long- and short-haul provisions of Section 460 of the Public Utilities Code in connection with rates that are currently in effect in West Transportation, Inc., Local and Joint Freight Tariff No. 1, Cal. P.U.C. No. 1, under outstanding long- and short-haul authorities, and to make the tariff publication effective on five days' notice to the Commission and to the public.

West Transportation, Inc., possesses a certificate of public convenience and necessity from this Commission authorizing

service between points for which substituted service authority is sought herein. According to the application, Southern Pacific Company will substitute its rail service for that of West Transportation, Inc., at the option of the latter, and at the rates now applicable via West Transportation, Inc., for service performed entirely by truck. The proposed tariff amendment would provide that, if the shipper so directs, rail substituted service will not be used.

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

1. Line-haul power equipment during the heavy hauling season is utilized to capacity and many times is not readily available for long distance operation, thus causing delays and loss of traffic;
2. On other occasions, experienced line-haul drivers are not always available;
3. Under certain conditions it is more economical for West Transportation, Inc., to utilize substituted freight service between the points herein involved than it is to acquire additional line-haul equipment during the heavy traffic season.

The application was listed on the Commission's Daily Calendar of June 3, 1965. The certificate of service shows that a copy of the application was mailed to interested parties named in the application and to California Trucking Association on June 1, 1965. 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 should be granted.

IT IS ORDERED that:

1. West Transportation, Inc., is hereby authorized to publish 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 the 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 published by West Transportation, 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.

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 3<sup>rd</sup> day of August, 1965.

Frederick B. Hallock  
President  
George G. Grever  
William C. Brown  
Commissioners