

Decision No. 33547

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of INTER-
URBAN EXPRESS CORPORATION, a corporation,)
KELLOGG EXPRESS AND DRAYING COMPANY, a)
corporation, HASLETT WAREHOUSE COMPANY, a)
corporation doing business as PEOPLES EX-)
PRESS COMPANY, a corporation, and UNITED)
TRANSFER COMPANY, a corporation, for cer-)
tificates of public convenience and neces-)
sity extending their highway common car-)
rier operative rights to include: Orinda,)
Upton, Bryant, Glorietta and intermediate)
points.)

Application No. 23188

ORIGINAL

DOUGLAS BROOKMAN and REGINALD L. VAUGHAN, for
Inter-Urban Express Corporation, Kellogg
Express and Draying Company, Peoples Ex-
press Company and United Transfer Company,
Applicants.

DOUGLAS BROOKMAN, for Robert G. Anderson, doing
business as Petaluma & Santa Rosa Express
Company and Sausalito-Mill Valley & San
Francisco Express Co., a corporation,
Interested Parties.

FITZGERALD, ABBOTT and BEARDSLEY, by L. W.
Skinner and F. M. Mott, for Merchants
Express Corporation, Interested Party.

EDWIN G. WILCOX, for Oakland Chamber of Commerce.

WALTER A. RHODE, for San Francisco Chamber of
Commerce.

BAKER, COMMISSIONER:

O P I N I O N

The above-numbered application, as amended, requests an order of
this Commission granting individual certificates of public convenience and
necessity to Inter-Urban Express Corporation, Kellogg Express and Draying
Company, Peoples Express Company and United Transfer Company, all corpora-
tions, authorizing the establishment and operation of highway common carrier

services between Orinda, Upton, Bryant, Glorietta and Santa Rita Acres as an extension and enlargement of the existing rights of these carriers.

This application was publicly heard in connection with Application No. 22993 of Merchants Express Corporation for similar authority and having been duly submitted on briefs, is now ready for separate adjudication and decision as agreed upon by all of the parties to both applications.

Repetitious discussion of the record adduced in these matters and heretofore dealt with in Decision No. 33549 would appear to serve no practical purpose. Therefore, except to refer to the opinion and findings in this matter as discussed and disposed of in the said Decision No. 33549, in Application No. 22993, no further mention need be made thereof.

Suffice it to say that based upon the facts of record, it appears to me that applicants Inter-Urban Express Corporation, Kellogg Express and Draying Company, Peoples Express Company and United Transfer Company have failed at this time to sustain the burden of proof of showing that public convenience and necessity require their proposed services.

However, the circumstances are such as to recommend the advisability of further discussion of the matter of service here involved and to that end I recommend that Application No. 23188 be denied, without prejudice, and suggest that the Commission check from time to time the development and trend of public transportation needs in the area under discussion with a view to reopening these proceedings at some future date for the purpose of determining what change, if any, may be required or dictated by subsequent area development. For the present, it would appear that ample transportation facilities have been provided through the instrumentality of Merchants Express Corporation, which first recognized and thereafter sought to satisfy the public need thereunder.

I recommend the following form of order.

ORDER

A public hearing having been had in the above-entitled proceedings, evidence having been received, the matters having been duly submitted, briefs therein having been filed, and the Commission now being duly advised,

IT IS HEREBY ORDERED that the Application No. 23188 be and the same hereby is denied without prejudice.

The effective date of this order shall be twenty (20) days from the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 1st day of October, 1940.

Ray L. Riley
George D. Miller
Frank W. [unclear]
H. Baker
Justin J. Cassin
Commissioners.