

Decision No. 34219

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 RAILWAY EXPRESS AGENCY, INCORPORATED,
 OF CALIFORNIA, for a certificate of
 public convenience and necessity for
 the transportation of property by
 motor truck for RAILWAY EXPRESS AGENCY,
 INCORPORATED, OF DELAWARE, and for other
 common carriers between San Francisco
 and Sausalito, respectively, upon the
 discontinuance of passenger ferry oper-
 ation of the Northwestern Pacific Rail-
 road Company.)
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) Application No. 24048
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EDWARD STERN, for Applicant.

R. C. FELS, for Western Traffic Conference,
Central Division, Interested Party.

W. J. CUMMINGS, for Northwestern Pacific
Railroad, Interested Party.

WALTER A. ROHDE, for the San Francisco Chamber
of Commerce, Interested Party.

BY THE COMMISSION:

O P I N I O N

By this application the Railway Express Agency, Inc. seeks a certificate of public convenience and necessity to operate motor vehicles as a highway common carrier for the transportation of property between San Francisco and Sausalito via the Golden Gate Bridge.

A public hearing was had before Examiner Broz at San Francisco at which time testimony was offered in support of the application, the matter was submitted, and it is now ready for

decision. No one appeared in opposition to the granting of the authority sought.⁽¹⁾

The applicant's superintendent testified that for many years the Railway Express Agency and its predecessors transported property between San Francisco and Sausalito via the ferries of the Northwestern Pacific Railroad Company, connecting at Sausalito with the rail service of the latter company. With the cessation of Northwestern Pacific ferry service between these points on March 1, 1941, pursuant to authority granted by this Commission, the Express Agency was deprived of a means of conveying its shipments to the Sausalito depot of the Northwestern Pacific. It is to render this service by means of automotive equipment that the present application was filed.

Applicant proposes to operate four schedules of service a day in each direction between San Francisco and Sausalito arranged to connect with the trains of the Northwestern Pacific Railroad operating between Sausalito and Eureka and intermediate points. The route over which applicant proposes to operate its trucks begins at Pier 14 at the foot of Mission Street in San Francisco, thence along the Embarcadero to North Point Street, thence via Van Ness Avenue and Lombard Street to the Golden Gate Bridge, thence via Waldo Junction, Bridgeway Boulevard and El

(1) The Kellogg Express and Draying Co., Paul Ludolph Company, Northwestern Pacific Railroad Company, Pacific Greyhound Lines Pacific Motor Trucking Company, Sausalito-Mill Valley & San Francisco Express Company, and United Parcel Service are the carriers presently operating as for-hire carriers between San Francisco and Sausalito. They advised the applicant, in writing, that they have no objection to the application being granted. Copies of their letters are attached to the application.

Portel to the Express Agency's office at the Northwestern Pacific depot at Sausalito, the total distance via this route being 13.6 (2) miles.

The witness testified that four units of automotive equipment are to be operated in the proposed service, consisting of one tractor, one semi-trailer, one four-wheel trailer, and one two-ton truck. The operation of these vehicles would be under the jurisdiction of and operated from applicant's San Francisco terminal.

The rates to be charged the public for transportation services proposed to be performed will be those published in the tariff schedules of Railway Express Agency, Incorporated of Delaware and Northwestern Pacific Railroad Company in effect and on file with the Commission. Applicant will transport express matter as an underlying carrier on a contractual basis with its parent company and transport milk, cream and baggage under joint rate arrangements with the Northwestern Pacific Railroad Company.

The assistant traffic manager of the Northwestern Pacific Railroad in charge of mail, baggage and express traffic testified that his company desires the Commission to authorize the establishment of applicant's proposed trucking service to accommodate the movement of approximately 700 ten-gallon cans of cream per month between San Francisco and Sausalito. This traffic originates at various places in California and moves in less-than-carload shipments destined to points on the Northwestern Pacific

(2) An alternate and somewhat shorter route between the same points is also sought, the distance via the shorter route being 9.9 miles.

between Sausalito and Eureka. It is a type of traffic that is handled in the baggage cars of the Northwestern Pacific.

Seven shipper and public witnesses appeared and offered testimony in support of the application. They ship high valued or perishable commodities generally transported by the Express Agency, such as perfume, cosmetics, objects of art, jewelry, department store merchandise, bakery goods and cakes. The witnesses testified that they have used Railway Express service between San Francisco and points on the Northwestern Pacific for a number of years, that the service has always been dependable and satisfactory, and that they desire the service to be continued for the future. The manager of the transportation department of the San Francisco Chamber of Commerce testified that the instant application was regularly considered and approved by the Chamber's transportation committee and board of directors. The traffic manager of the Western Traffic Conference, speaking on behalf of some fifteen department and specialty stores located in San Francisco, asserted that the Express Agency has always given an expedited service on express traffic to points on the Northwestern Pacific and that a continuance of such service for the future is needed by his clients.

A review of the evidence and testimony offered in support of the application is persuasive that the operation of motor vehicles by the Railway Express Agency, Inc. between San Francisco and Sausalito is necessary to meet the requirements of shippers who desire to use the Agency's express service. For many years prior to March 1, 1941 the Express Agency used the ferries of the Northwestern Pacific as an underlying carrier between these points. but, with the abandonment of ferry operations, the service of the

underlying carrier ceased to exist. The applicant seeks, therefore, to perform a twofold service. It desires (1) to transport milk, cream and baggage under joint rates as a connecting carrier of the Northwestern Pacific Railroad at Sausalito, and (2) to act as an underlying carrier for the Railway Express Agency of Delaware in conveying express traffic to Northwestern Pacific for rail movement to points beyond Sausalito. Both of these functions were disrupted on March 1, 1941 and the instant application seeks merely to restore the former service. No new carrier will be added to the field of transportation between the points involved and the competitive carriers now operating in the territory have signified that they have no objection to the establishment of the proposed service.

It appears that the applicant possesses sufficient qualifications to render the proposed service efficiently and to provide additional service and equipment as required. So far as the shipping public is concerned, there will be no change in transportation rates nor in the ultimate service to be performed.

We are of the opinion and find that public convenience and necessity justify and require the establishment and operation of automotive service by the Railway Express Agency, Inc. as a highway common carrier between San Francisco and Sausalito. The application will be granted.

O R D E R

Railway Express Agency, Inc. of California having made application as above entitled, a public hearing having been held, testimony and evidence received, the matter submitted upon the record, and the Commission being fully advised and finding as a fact that public convenience and necessity so require:

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and it hereby is granted to the Railway Express Agency, Incorporated, of California, to operate as a highway common carrier, as that term is defined in section 2-3/4 of the Public Utilities Act, and to establish a highway common carrier service for the transportation of property between San Francisco, on the one hand, and Sausalito, on the other hand, including the right to render store-door pickup and delivery service at both of said points, subject to the conditions hereinafter set forth.

IT IS HEREBY FURTHER ORDERED that in the operation of said highway common carrier service pursuant to the foregoing certificate, Railway Express Agency, Incorporated, of California shall comply with and observe the following condition

1. Applicant may transport only express matter consigned to it by the Railway Express Agency Incorporated, of Delaware, and, in addition, milk, cream and baggage moving in connection with and under joint rate arrangements with the Northwestern Pacific Railroad Company.

IT IS HEREBY FURTHER ORDERED that Railway Express Agency, Incorporated, of California shall comply with and observe the following service regulations:

1. Subject to the authority of this Commission to change or modify said routes at any time by further order, Railway Express Agency, Incorporated, of California, shall conduct said highway common carrier operations over and along the following described routes:

ROUTE NO. 1

The route from Pier 14, foot of Mission Street, to Sausalito will be along the Embarcadero to North Point Street; along North Point Street to Van Ness Avenue; along Van Ness Avenue to Lombard Street; thence California-United States Highway 101 to Waldo Junction; thence Bridgeway Boulevard to El Portel; along El Portel to the Railway Express office in the Northwestern Pacific depot at the foot of El Portel Street, a distance of 13.6 miles.

ALTERNATE ROUTE

From Pier 14, foot of Mission Street, along the Embarcadero to North Point Street; along North Point Street to Van Ness Avenue; along Van Ness Avenue to Lombard Street; thence California - United States Highway 101 to Alexander Avenue; along Alexander Avenue to South Street; thence on South Street to Second Street; along Second Street to Richardson Street; along Richardson Street to Bridgeway Boulevard; along Bridgeway Boulevard to El Portel Street; thence El Portel Street to the Railway Express office in the Northwestern Pacific Depot at the foot of El Portel Street, a distance of 9.9 miles.

2. File and make effective within a period of not to exceed thirty (30) days from the effective date hereof, on not less than fifteen (15) days' notice to the Railroad Commission and the public, a time schedule covering the service herein authorized and conforming to the offer of service described in Exhibit "A" attached to the application.
3. File with the Railroad Commission within thirty (30) days from the effective date hereof copies of all contracts executed by or on behalf of Railway Express Agency, Incorporated, of California.
4. File and make effective within a period of not to exceed thirty (30) days from the effective date hereof and make effective on not less than fifteen (15) days' notice to the public and the Commission, a tariff or tariffs naming joint rates, rules and regulations between the Railway Express Agency, Incorporated of California and the Northwestern Pacific Railroad Company for the movement of milk, cream and baggage traffic herein authorized.
5. File a written acceptance of the certificate herein granted and commence the service herein authorized within a period of not to exceed thirty (30) days from the effective date of this order.

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

Dated at San Francisco, California, this 21st day
of May, 1941.

W. B. K. U.
Walter J. Calverley
Ernest J. Hoover
Richard L. ...
COMMISSIONERS