

Decision No. 36347

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 express matter)
by motor truck for Railway Express)
Agency, Incorporated, between San)
Rafael and Santa Rosa and points as)
shown herein, as an extension to its)
route between San Francisco and San)
Rafael.)

Application No. 25237

BY THE COMMISSION:

O P I N I O N

By its application, as amended, Railway Express Agency, Incorporated, of California, a California corporation, seeks a certificate of public convenience and necessity under Section 50-3/4, Public Utilities Act, authorizing operation as a highway common carrier, as defined by Section 2-3/4 of that Act, for the transportation of general commodities between San Rafael and Hamilton Field, and for the transportation of baby chicks from Petaluma, Novato and Ignacio to San Rafael. Applicant would operate solely as an underlying carrier for Railway Express Agency, Incorporated, (1) a Delaware corporation, which has long served this territory as an express corporation, as defined by Section 2(k), Public Utilities Act. Under certificates previously granted by this Commission

(1) For brevity, applicant Railway Express Agency, Incorporated, of California, will be referred to as the California company and Railway Express Agency, Incorporated, of Delaware, will be designated as the Delaware company. Applicant is a subsidiary of the Delaware company.

applicant serves the Delaware company, as an underlying carrier,
(2)
between San Francisco and San Rafael via Sausalito.

The manner of providing the underlying service, and the compensation to be received by applicant, would be governed by the terms of a contract between the Delaware and the California companies, now on file with the Commission. Shippers would continue to pay the rates and charges published by the Delaware company in its filed tariffs.

Traffic other than that moving locally between points from San Francisco to Petaluma, inclusive, comprising those currently served by the California company and those which it now proposes to serve, would receive, in addition to the highway carrier movement to be performed by applicant, an immediately prior or subsequent movement by rail or aerial transportation facilities. At San Francisco applicant's service would be coordinated with the passenger train service of The Atchison, Topeka and Santa Fe Railway Company, Southern Pacific Company and Western Pacific Railroad Company, as well as with aerial transportation facilities under which traffic is handled for the Delaware company.

(2) By Decision No. 34219, rendered May 20, 1941, in Application No. 24048, the California company was authorized to operate as an underlying highway common carrier for the Delaware company between San Francisco and Sausalito, handling express traffic for the latter, and also milk and cream, and baggage, under joint rate arrangements between applicant and the Northwestern Pacific Railroad Company. Decision No. 34693, rendered October 28, 1941 in Application No. 24463, authorized the extension of this operation from Sausalito to San Rafael, including also the following points, viz., Belvedere, Tiburon, Mill Valley, Corte Madera, Larkspur, Kentfield, Ross, San Anselmo and Fairfax. The service was limited to the transportation of express shipments for the Delaware company, and to the transportation of milk, cream, cottage cheese, pot cheese, ice cream and baggage, moving under joint rate arrangements between the California company and Northwestern Pacific Railroad Company.

In our judgment, a public need exists for the establishment of this service. From and to Hamilton Field (the situs of an important military establishment) commissary supplies, repair parts, gift shipments and baggage move in substantial volume. And there is a demand for the transportation of baby chicks from Petaluma, Novato and Ignacio, which are centers of important poultry producing areas. The application, accordingly, will be granted. No public hearing appears to be required in this matter.

O R D E R

Application having been made as above entitled; and the Commission being duly advised, and now finding, that public convenience and necessity so require,

IT IS ORDERED as follows:

(1) That a certificate of public convenience and necessity be and it hereby is granted to Railway Express Agency, Incorporated, of California, authorizing the establishment and operation of a service as a highway common carrier, as defined by Section 2-3/4, Public Utilities Act, between San Rafael and Petaluma and the following intermediate points, viz., Hamilton Field, Ignacio and Novato; that said operation shall be limited to the transportation of express traffic between San Rafael and Hamilton Field, and to the transportation of baby chicks from Petaluma, Novato and Ignacio to San Rafael.

Said certificate is granted subject to the following restriction:

Applicant's service shall be limited to the transportation of express traffic moving in the custody of Railway Express Agency, Incorporated, of Delaware, under a through bill of lading or express receipt, and (excepting only traffic moving locally between points which applicant is herein authorized to serve, and between said points, on the one hand,

and points which applicant is currently authorized to serve between San Francisco and San Rafael, inclusive, on the other hand), said traffic shall receive, in addition to the highway carrier movement by applicant, an immediately prior or subsequent movement by rail, motor or aerial transportation facilities.

Said certificate is granted subject to the following condition:

Railway Express Agency, Incorporated, of California, its successors or assigns, may never claim before this Commission or any court or other public body, a value, for any purpose, for the certificate herein granted in excess of the actual cost incurred by it in securing said operative authority.

(2) That in the operation of said highway common carrier service, applicant shall comply with and observe the following service regulations:

1. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the effective date hereof.
2. Applicant shall comply with the provisions of General Order No. 80 and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective, tariffs and time schedules satisfactory to the Commission within sixty (60) days from the effective date hereof and on not less than one (1) day's notice to the Commission and the public.
3. Subject to the authority of this Commission to change or modify it at any time by further order, applicant shall conduct said highway common carrier operations over and along the following route:

Between San Rafael and Petaluma, via
U. S. Highway No. 101.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, May 11, 1943.

Francis R. Havenue
A. J. Bell
Arthur J. Calver
Richard Sachs
Thomas O. Down
COMMISSIONERS