

Decision No. 39874

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 the RAILWAY EXPRESS AGENCY, INCORPO-)
 RATED, for certificate of public)
 convenience and necessity for the) Application No. 28122
 transportation of property by motor)
 truck, between Oakland Pier (Oakland))
 on the one hand, and San Leandro and)
 Hayward on the other hand.)

O P I N I O N

By its application in this proceeding Railway Express Agency, Incorporated, a Delaware corporation, seeks a certificate of public convenience and necessity under Section 50-3/4 of the Public Utilities Act authorizing operation as a highway common carrier, as defined by Section 2-3/4 of said Act, between Oakland Pier, San Leandro and Hayward, all in Alameda County. It is proposed to limit the service to express traffic of the express corporation moving on through bills of lading or express receipts, and which has, in addition to highway movement, an immediately prior or subsequent movement by rail, water or air. Compensation will be based upon the same rates, rules and regulations now on file with the Public Utilities Commission of California and the Interstate Commerce Commission. Under the present method used in handling express matter, delays at stations and train dispatching difficulties are encountered by the Western Pacific Railroad, due to the large

(1) Applicant, operating both as an express corporation and as a highway common carrier, alleges that the proposed service is consistent with other nationwide operations conducted by it under hundreds of truck certificates granted to it by The Interstate Commerce Commission (Re Railway Express Agency, Incorporated - Determination of Status, Docket MC-66562, 21 M.C.C. 161); that subsequent to that decision numerous certificates of like character have been granted to it, and that it is qualified under Section 26, Public Utilities Act, to engage in similar operations within this State.

volume of express traffic destined to and from points within the territory. That traffic, it is alleged, requires expeditious and coordinated handling with other forms of transportation, since it consists of a wide variety of valuable and perishable commodities.

Applicant proposes to operate its motor vehicles in line-haul service only, between its terminals at Oakland Pier, San Leandro and Hayward. Agency service at the two latter points will be maintained, and pickup and delivery service at those points will continue to be handled by the Agency's local vehicles permanently stationed in those cities. Air express traffic in and out of Oakland Airport will be handled in separate vehicles to and from Oakland Pier for movement to and from points on the truck route. Service will be provided on the following schedule:

<u>EASTBOUND</u>				<u>WESTBOUND</u>			
7:00 a.m.	3:00 p.m.	Lv Oakland Pier	Ar	9:10 a.m.	5:15 p.m.		
7:40 a.m.	3:30 p.m.	Ar San Leandro	Ar	8:40 a.m.	4:35 p.m.		
8:00 a.m.	3:40 p.m.	Ar Hayward	Lv	8:30 a.m.	4:15 p.m.		

What applicant is proposing here is, in effect, a transition from a passenger train express handling service to a short-haul transfer motor truck service. As the Agency now operates in the territory the competitive situation, it is alleged, will be unchanged. Other carriers in the area, apprised of the proposal, have stated they have no objection to the granting of the requested authority. The San Leandro and Hayward Chambers of Commerce have indicated their support of the project. Under the circumstances, we find that public convenience and necessity will be subserved by the establishment and operation of the proposed service. The application, therefore, will be granted. A public hearing is not necessary.

O R D E R

Application having been made therefor, and it having been found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be and it is hereby granted to Railway Express Agency, Incorporated, authorizing the establishment and operation of a service as a highway common carrier, as defined by Section 2-3/4 of the Public Utilities Act, between Oakland Pier (in the City of Oakland), and San Leandro and Hayward, subject, however, to the following conditions:

The highway common carrier service herein authorized shall be limited to the transportation of express traffic of Railway Express Agency, Incorporated, under a through bill of lading or express receipt, and said traffic shall receive, in addition to the highway carrier movement by applicant, an immediately prior or subsequent movement by rail, water or air facilities.

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

- a. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed 30 days from the effective date hereof.
- b. Within 60 days from the effective date hereof and on not less than 5 days' notice to the Commission and the public, applicant shall establish the service herein authorized and 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 appropriate tariffs and time tables.
- c. Subject to the authority of this Commission to change or modify it by further order, applicant shall conduct operations pursuant to the certificate herein granted over and along the following route:

From Oakland Pier via 7th Street to Fallon Street; thence on Fallon Street to 8th Street; thence on 8th Street to the intersection of State Highway No. 17; thence on State Highway No. 17 to Fruitvale Avenue; thence west on Fruitvale Avenue to San Leandro; thence from San Leandro via East 14th Street to Hayward and return via the same route.

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

Dated at San Francisco, California, this 21st day of January, 1947.

Harold P. Kula
Justice F. Casper
W. A. Powell
R. J. [unclear]
COMMISSIONERS