

Decision No. 39987**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the)
 Railway Express Agency, Incorporated, for)
 certificate of public convenience and)
 necessity for the transportation of prop-)
 erty by Motor Truck under Section 50-3/4)
 of the Public Utilities Act of California) Application No. 27801
 between Alhambra on the one hand and)
 El Monte and certain contiguous area)
 on the other hand; and for other authori-)
 ties as shown herein.)

Edward Stern for applicant. Lindsay Von Tongeren for
 El Monte Community Chamber of Commerce; Henry E. Deley for
 El Monte Community Chamber of Commerce, City of El Monte and
 Five Point Improvement Association; Lamar L. Hill for El Monte
 Union High School District; Rev. John E. Coffield for Catholic
 Church and School; protestants.

O P I N I O N

Railway Express Agency, Incorporated, a Delaware cor-
 poration, requests a certificate of public convenience and neces-
 sity authorizing the establishment and operation of service as a
 highway common carrier, as defined in Section 2 3/4 of the Public
 Utilities Act, between Alhambra and El Monte, and to extend its
 service as an express corporation, as defined in Section 2(k) of
 said Act, to an area contiguous to El Monte and to apply the same
 rates for said additional contiguous area as now apply at El Monte.

Pickup and delivery is now rendered by applicant with
 motor vehicle units located at each of the points within the
 corporate limits and certain contiguous area of Alhambra and

El Monte as described in C.R.C. Tariff No. 5 (26th Revision).

A public hearing was held at El Monte on January 24, 1947. Evidence, oral and documentary, having been adduced the matter was submitted for decision.

Authority is sought (a) for the purpose of performing pickup and delivery of traffic originating at, and destined to, El Monte with applicant's vehicles permanently located at Alhambra in lieu of performing the same service with its vehicles at El Monte; (b) to extend its express service to territory contiguous to El Monte for the convenience of patrons in said area.

The proposed services will not require the use of additional equipment. The closest distance between the boundaries of said cities is approximately 3.8 miles.

Because of the lack of space at the Pacific Electric Railway Company's depot at El Monte and unsatisfactory pickup and delivery service performed by former contract draymen, applicant is desirous of moving its agency elsewhere and performing its own trucking service. The Pacific Electric Railway Company has requested discontinuance of its joint agency because of the crowded condition at its station. Applicant has recently been performing pickup and delivery service with its own equipment and employees operating from Alhambra which requires an empty movement in both directions between Alhambra and El Monte. Applicant has made arrangements with the Atkins Transfer and Storage Company, 214 West Columbia Street, El Monte, to act as its agent for the public's convenience in receiving requests for pickup service, accepting outbound traffic and caring for on-hand shipments. This office will be open between the hours of 8:30 a.m. and 5:30 p.m.

Waybills, receipts, and other stationery used in connection with traffic moving to and from El Monte will continue to be imprinted "El Monte, California".

The proposed service, daily except Sunday, will result in earlier morning deliveries and later afternoon pickups, due to the more favorable Pacific Electric schedules at Alhambra ⁽¹⁾. Applicant believes that an improved service will result because of better quarters, performance of pickup and delivery service by company employees, and more prompt and satisfactory handling of claims and complaints by its own personnel.

Applicant estimates that the proposed operation will result in a saving of \$368.95 per month.

Applicant's patrons, merchants, and residents located in the new territory outside of, and contiguous to, El Monte ⁽²⁾ have requested an express service as proposed.

There is substantial evidence that applicant's proposals to perform pickup and delivery service from Alhambra and to extend its express operation to serve additional contiguous area are in the public interest.

The record shows that protestants objected to the granting of this application because, in their opinion, the application

(1) Traffic for El Monte arriving Alhambra at 6:05 a.m. will be delivered in business area of El Monte between 9:00 a.m. and 10:00 a.m. and traffic reaching Alhambra at 10:00 a.m. will be delivered the same afternoon. Outbound traffic will be moved by motor the same day to Alhambra, departing from that office at 6:35 p.m. in time for evening outbound trains from Los Angeles.

(2) The new area consists of approximately two square miles immediately to the north and northeast of El Monte and one square mile southwest of the city. Many business establishments and residences are located within this area.

was filed prematurely in that a survey would disclose that applicant's present and prospective express business in El Monte and vicinity would justify the maintenance, by applicant, of its own agency and also a service for a much greater area than proposed. Although protestants offered an exhibit, No. 8, showing the number of business firms located in the area which they desired to have included, there is no evidence that any of these firms would become patrons of applicant nor was any evidence presented to show what amount of revenue might be derived from this source.

On cross-examination protestants' witnesses conceded that applicant's proposed service would be an improvement over that which is now available to El Monte patrons.

There is no carrier opposition to the granting of this application.

Upon full consideration of the evidence of record in this matter the Commission is of the opinion and finds that public convenience and necessity require that this application be granted.

O R D E R

A public hearing having been held in the above-entitled proceeding, the matter having been duly submitted and the Commission being fully advised in the premises and having found that public convenience and necessity so require,

(3) For the period July, 1945, to and including June 30, 1946 the inbound and outbound interstate and intrastate revenue averaged \$7,088.58 per month with average number of shipments per month of 2,362.

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be, and it hereby is, granted to Railway Express Agency, Incorporated (a Delaware corporation), authorizing the establishment and operation of a service as a highway common carrier, as defined in Section 2 3/4 of the Public Utilities Act, between Alhambra and El Monte, subject to the following condition:

The service herein authorized shall be limited to the transportation of express traffic moving in the custody of Railway Express Agency, Incorporated (a Delaware Corporation), under through bills of lading or express receipts, and said traffic shall receive, in addition to the highway common carrier movement by applicant, as herein authorized, an immediately prior or an immediately subsequent movement by rail, aerial transportation facilities, or by applicant's line-haul trucks.

(2) That a certificate of public convenience and necessity be, and it hereby is, granted to Railway Express Agency, Incorporated, authorizing the establishment and operation of service as an express corporation, as defined in Section 2(k) of the Public Utilities Act, between Alhambra and a certain area contiguous to El Monte, described or bounded as follows:

Beginning at the intersection of New Avenue and Valley Boulevard, thence along Valley Boulevard to the westerly boundary line of El Monte, thence continuing along Valley Boulevard from the easterly boundary line of El Monte to Cogswell Road, thence along Cogswell Road, Lower Azusa Road, Tyler Avenue, Live Oak Avenue, to its intersection with Baldwin Avenue. Also, along Valley Boulevard between Carvey Avenue and Gilman Road. Also, an area bounded by Carvey Avenue, Chico Avenue, Rush Street, Hoyt Avenue, Tyler Avenue, and the southerly limits of El Monte.

(3) That in the operation of service as an express corporation as herein authorized, Railway Express Agency, Incorporated,

is hereby authorized to serve the area contiguous to El Monte, as described in Paragraph (2) hereinabove, under the same express rates as now apply, or shall in the future apply, at El Monte.

(4) That in providing service pursuant to the foregoing certificates, the following service regulations shall be observed:

- (a) 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.
- (b) Applicant shall commence the service herein authorized within a period of not exceeding sixty (60) days from the effective date hereof and shall comply with the provisions of Tariff Circular No. 2, General Order No. 80 and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective, tariffs and time tables satisfactory to the Commission on not less than one (1) day's notice to the Commission and the public.
- (c) Subject to the authority of this Commission to change or modify such at any time by further order, applicant shall conduct said highway common carrier operation over and along the most appropriate route or routes.

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

Dated at San Francisco, California, this 15th day of February, 1947.

Harold P. Hule
Justin Z. Carlson
Joseph Powell
A. J. ...
...
COMMISSIONERS