

Decision No. 40465

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
SANTA FE TRANSPORTATION COMPANY, a)
California corporation, to sell, and)
THE ATCHISON, TOPEKA & SANTA FE)
RAILWAY COMPANY, a Kansas corporation,)
to purchase automotive passenger and)
freight line operating between San)
Francisco, Oakland, Richmond and)
intermediate points, California.)

ORIGINAL

Application No. 22017
(Amended First Supplemental).

FIRST SUPPLEMENTAL OPINION

The Atchison, Topeka & Santa Fe Railway Company requests amendment of Decision No. 31208 in these proceedings so as to permit temporary leasing of motor vehicles, in certain emergencies, from The Santa Fe Trail Transportation Company, its subsidiary, and from others, under conditions less onerous than those now provided by Condition No. 5 of said order, which reads as follows:

"5. No vehicle may be operated by applicant The Atchison, Topeka & Santa Fe Railway Company unless such vehicle is owned by said applicant or is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission."

The vehicles to be acquired from time to time under the proposed arrangement will be used in operations over the San Francisco-Oakland Bay Bridge to and from applicant's passenger train terminal in Oakland, during times when applicant's own vehicles are temporarily out of service for various reasons. Equipment obtained from The Santa Fe Trail Transportation Company will be procured under the terms of a lease. (Exhibit A, attached to the application) Vehicles to be supplied by others will be acquired under the provisions of Part V of General Order No. 93-A.

By the terms of the lease, lessor is not required to transfer any equipment needed for its own operations. The rental

provided for each unit is 14 cents per mile operated by the lessee, subject to a minimum of ten dollars per day or fraction thereof. The lease contains the usual provisions for operation and maintenance of the equipment, employment of drivers by lessee, responsibility for damage to property and injury to persons, and provision for the keeping of records. Applicant states that it will maintain complete records of all equipment operated under the lease and of all equipment leased from parties other than The Santa Fe Trail Transportation Company, and will furnish the Commission with such information whenever requested to do so.

Upon full consideration of the application, we are of the opinion that the plan therein proposed is reasonable. The application will therefore be granted, and as the situation appears to be of some urgency the order to follow will be given immediate effect. A public hearing is not necessary.

O R D E R

An application therefor having been filed and considered, and the Commission being now fully advised,

IT IS ORDERED:

(1) That Condition No. 5 of the order contained in Decision No. 31208 herein be and the same is hereby amended to read as follows:

- "5. No vehicle may be operated by applicant The Atchison, Topeka & Santa Fe Railway Company unless such vehicle is owned by said applicant or is leased by it in accordance with the provisions of Part V of General Order No. 93-A; provided, however, that vehicles may from time to time be leased by said applicant from The Santa Fe Trail Transportation Company, its wholly-owned subsidiary, under such terms and conditions as may be hereafter authorized by order of the Commission."

In all other respects said Decision No. 31208 shall be and remain in full force and effect.

(2) That The Atchison, Topeka & Santa Fe Railway Company and The Santa Fe Trail Transportation Company, applicants herein, be and they are hereby authorized to execute a lease substantially in the form set forth in Exhibit A attached to the application herein, and are hereby directed to file with the Commission immediately upon the execution thereof a true copy of said lease.

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

Dated at San Francisco, California, this 28th day of June, 1947.

Harold A. Huls

Justus F. Cramer

W. H. R. R. R.

A. J. D. D.

Kenneth Pottier

Commissioners