

ORIGINAL

Decision No. 56256

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
RAILWAY EXPRESS AGENCY, INCORPORATED, a
corporation, for authority to close its
express office in the City of Brawley,
in the State of California, and for a
certificate of public convenience and
necessity to operate motor vehicles for
the transportation of express matter
in pick-up and delivery service from
El Centro, California, to all points
within the city limits of Brawley,
California, and to all intermediate
points along U. S. Highway No. 99.

Application No. 39349

Pillsbury, Madison & Sutro, by Harlan M. Richter,
for applicant. V. L. Gaugh and E. A. McMillan
for California State Legislative Committee of
Brotherhood of Railway Clerks, interested party.

O P I N I O N

By this application Railway Express Agency, Incorporated,
a corporation, seeks authority to close its express office in the
City of Brawley, California, and to extend its pick-up and delivery
limits from El Centro to all points within the City of Brawley and
intermediate points and places situated on U. S. Highway 99.^{1/}

A public hearing was held in Brawley before Examiner
Mark V. Chiesa. Evidence, oral and documentary, having been ad-
duced, the matter was submitted for decision.

^{1/} No pick-up and delivery service is proposed for the City of
Imperial as applicant has an agent there who performs such service
for applicant. It is proposed to serve only places situated along
the said highway outside the limits of Imperial.

Notice of hearing was mailed to applicant's principal shippers in the City of Brawley and was posted at applicant's place of business.

The record shows that applicant now maintains a small office at Brawley where a few shipments are received and delivered over the counter. Applicant also picks up and delivers shipments at addresses within the city. Upon the closing of the Brawley office, pick-up and delivery service within the City of Brawley will be provided with its truck from the City of El Centro, situated approximately 15.8 miles directly south of Brawley on U. S. Highway 99. The over-the-counter business will be discontinued. Telephone arrangements for pickups will be made through the El Centro office. Carload shipments will not be affected.

Applicant contends that the business transacted at the Brawley office does not justify the expense, and that a satisfactory and convenient service for shippers and consignees in Brawley can be rendered from its El Centro office.

There are no protests to the application.

The evidence shows the total number of L.C.L. shipments forwarded and received at Brawley, California, for the years 1952-1957, the monthly average and daily average of said shipments to be as follows:

	<u>1952</u>	<u>1953</u>	<u>1954</u>	<u>1955</u>	<u>1956</u>	<u>1957*</u>
Total	12607	9571	7802	6828	5700	3363
Monthly Aver.	1051	798	650	569	475	336
Daily Aver.	50	38	31	27	22½	16

* January through October

For the first ten months of 1957 the revenue received at Brawley on prepaid-forwarded and collect-received shipments averaged \$990.80 per month. The number of such shipments averaged 191 per month, or a revenue of approximately \$5.19 per shipment. Applicant's division supervisor testified that only 25 percent of said shipments are handled over the counter.

Since applicant has several important shipper-customers that are located on the highway between El Centro and Brawley, it requests a certificate of public convenience and necessity permitting it to render a pick-up and delivery service along said route. Shipments will have a prior or subsequent movement by rail, air or line-haul truck.

Having considered the evidence of record, the Commission is of the opinion and finds that public convenience and necessity no longer require the service sought to be abandoned and that a convenient and satisfactory express transportation service can be rendered by applicant through its facilities at El Centro, and also that public convenience and necessity require that applicant establish and operate a pick-up and delivery service as a highway common carrier between El Centro and Brawley and intermediate points along U. S. Highway 99, all as more specifically set forth in the following order.

O R D E R

A public hearing having been held, the Commission being fully advised in the premises and having found as hereinabove set forth,

IT IS ORDERED:

(1) That Railway Express Agency, Incorporated, a corporation, be and it hereby is authorized to discontinue its agency service

at Brawley, California, subject to the following conditions:

- a. Railway Express Agency, Incorporated, shall give not less than ten days' notice to the public of the discontinuance of agency service by posting notice at the present agency station.
- b. This authorization shall expire if not exercised within ninety days after the effective date hereof.
- c. Within thirty days after discontinuance of the service as herein authorized, Railway Express Agency, Incorporated, shall notify the Commission thereof and of compliance with the above conditions.

(2) That a certificate of public convenience and necessity is granted to Railway Express Agency, Incorporated, a corporation, authorizing it to operate as a highway common carrier as defined by Section 213 of the Public Utilities Code for the transportation of property between the points as more particularly set forth in Appendix A attached hereto and made a part hereof.

(3) That in providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

- a. Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted applicant is placed on notice that it will be required, among other things, to file annual reports of its operations and to comply with and observe the safety rules and other regulations of the Commission's General Order No. 99. Failure to file such reports, in such form and at such time as the Commission may direct, or to comply with and observe the provisions of General Order No. 99, may result in a cancellation of the operating authority granted by this decision.

- b. Within sixty days after the effective date hereof, and on not less than ten days' notice to the Commission and the public, applicant shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 18th day of FEBRUARY, 1958.

(E. Mitchell)
President
Paula Winterman
Wm. J. ...
P. Hardy
E. Lynn Fox
Commissioners

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Appendix A Railway Express Agency, Incorporated Original Page 1
(a corporation)

Railway Express Agency, Incorporated, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport express shipments in pick-up and delivery service between El Centro and Brawley and intermediate points.

The service herein authorized shall be limited to the transportation of express traffic moving in the custody of Railway Express Agency, Incorporated, 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 line-haul trucks.

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 U. S. Highway 99.

End of Appendix A

Issued by California Public Utilities Commission.

Decision No. 56256, Application No. 39349.