

Decision No. 18525.

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) Application
and necessity to operate motor) No. 18525
vehicles for the transportation of)
express matter for RAILWAY EXPRESS)
AGENCY, INCORPORATED, or its suc-)
cessors, between Monterey and Carmel,)
California.)

BY THE COMMISSION:

ORIGINAL

O P I N I O N

Railway Express Agency, Incorporated, of California seeks a certificate to transport shipments consigned to and from Railway Express Agency, Incorporated, of Delaware for transportation by truck between Monterey and Carmel. This movement has been performed under contract by Ira D. Taylor since 1926 and previously by F.A. Wermuth. Applicant's contract with Taylor is soon to expire and applicant intends to use its own equipment for transportation between termini. Objection to such a certificate has been withdrawn by F.A. Wermuth operating a truck line for the transportation of property between Carmel and Monterey, and by Pacific Motor Transport Company and Clark Brothers who have a limited right for fish and farm products between termini. The movements are to be made under the rates established by Railway Express Agency, Incorporated, of Delaware as now on file with this Commission according to its classification and tariffs. The service is to be performed under contract between applicant and the Delaware corporation.

This is a matter in which we believe a public hearing is not necessary. The application will be granted.

Railway Express Agency, Incorporated, of California is hereby placed upon notice that "operative rights" do not constitute a class of property which should be capitalized or used as an

element of value in determining reasonable rates. Aside from their purely permissive aspect, they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the state which is not in any respect limited to the number of rights which may be given.

O R D E R

Railway Express Agency, Incorporated, of California having made application for a certificate of public convenience and necessity to establish and maintain automotive service for the transportation of property between Monterey and Carmel limited to the shipments of Railway Express Agency, Incorporated, of Delaware and no other shipments,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment of such service by Railway Express Agency, Incorporated, of California, over and along the following route: Via main highway between Monterey and Carmel, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be and the same hereby is granted, subject to the following conditions:

1. Applicant shall file its written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof.
2. Applicant shall file, in duplicate, within a period of not to exceed twenty (20) days from date hereof, time schedules, and tariff of rates, in triplicate, such tariff to show reference by C.R.C. numbers to the tariffs of Railway Express Agency Incorporated, in which the rates, rules and regulations of applicant will be found.
3. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

4. No vehicle may be operated by applicant herein 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,

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 5th day of December 1932.

C. Deane
Leon White
W. A. Lee
W. B. Harris
Fred G. Stewart
COMMISSIONERS.