

Decision No. 27327

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the
RAILWAY EXPRESS AGENCY, INCORPORATED,
of CALIFORNIA, to operate motor vehicle
service for the transfer of express matter
between San Bernardino and Colton for
the Railway Express Agency, Incorporated,
or its successors.) Application No. 19375

BY THE COMMISSION -

O P I N I O N

Railway Express Agency, Incorporated, of California, seeks a certificate of public convenience and necessity to transport by auto truck shipments consigned to and in the custody of applicant between San Bernardino and Colton. The transportation is required to facilitate train connections and no property from or to either point (which are contiguous) is to be handled. The distance between rail stations is 3.2 miles. No other freight except that consigned to applicant in interline transit will be accepted. Rates to be charged are those of Railway Express Agency, Inc. of Delaware.

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

Applicant, 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

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY
DECLARES that public convenience and necessity require the es-
tablishment and operation of auto truck transportation of property
between San Bernardino and Colton, and

IT IS HEREBY ORDERED that a certificate therefor be and the
same hereby is granted Railway Express Agency, Incorporated, of
California, therefor, provided only such shipments as are interline,
and not originating at nor destined to either San Bernardino or
Colton, are transported, 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 triplicate, within a period
of not to exceed twenty (20) days from date hereof, time
schedules and tariff, such tariff to show reference by
C.R.C. numbers to the tariffs of Railway Express Agency,
Inc., in which 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 4th day of

September, 1934.

Leon A. Wilson

W. J. R.

W. B. L.

W. B. L.

COMMISSIONERS.