

ORIGINAL

Decision No. 34700

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 and necessity for  
the transportation of Express Matter  
by motor truck for RAILWAY EXPRESS  
AGENCY, INCORPORATED, OF DELAWARE, also  
for the transportation of baggage, milk,  
cream, etc., for the SOUTHERN PACIFIC  
COMPANY, between PORTERVILLE AND TULARE  
and intermediate points as shown herein.)

Application  
No. 24487

BY THE COMMISSION:

O P I N I O N

Railway Express Agency, Incorporated of California here seeks to establish and operate a highway common carrier service between Porterville and Tulare and intermediate points limited to the transportation of express matter of the Railway Express Agency of Delaware and to the transportation of milk, cream, cottage cheese, pot cheese, unflavored ice cream, concentrated milk and baggage in connection with Southern Pacific Company.

One round trip daily except Sundays and holidays is proposed, express traffic will be transported under contractual arrangement with Railway Express Agency, Incorporated, of Delaware and joint rates will be established between applicant and Southern Pacific Company for the transportation of the limited commodities above referred to.

As justification for the granting of the authority sought, applicant alleges that under its proposal there will be afforded an expedited, improved, more dependable and flexible

service which will insure connections with both east and west-bound passenger trains and thereby enable both Railway Express Agency, Incorporated, of Delaware and Southern Pacific Company to render a service more fully responsive to the public need. It is further alleged that existing common carriers are not in a position to fully satisfy the particular public need and transportation requirements for which the proposed service is intended.

Written waivers of protest to the granting of this application were filed with the Commission by all the common carriers handling general commodities in this territory with or without restrictions, namely, The Atchison, Topeka and Santa Fe Railway, Santa Fe Transportation Company, Southern Pacific Company, Pacific Motor Trucking Co., Valley Express Co., Valley Motor Lines, Inc., Pacific Greyhound Lines, Pacific Freight Lines and Orange Belt Stages, Inc.

This appears to be an operation in the public interest and one in which a hearing is not necessary. The application will be granted.

O R D E R

This application having been fully considered and public convenience and necessity having been found to so require:

IT IS ORDERED that a certificate of public convenience and necessity be, and it is hereby granted to Railway Express Agency, Incorporated, of California for the establishment and operation of a highway common carrier service between Porterville and Tulare and intermediate points limited to

1. Transportation of express matter of Railway Express Agency, Incorporated, of Delaware.

2. Transportation of milk, cream, cottage cheese, pot cheese, unflavored ice cream, concentrated milk and baggage moving in connection with and under joint rate arrangement with Southern Pacific Company.

The foregoing certificate is granted subject to the condition that Railway Express Agency, Incorporated, of California its successors or assigns, may never claim before this Commission, or any court or other public body, a value for the authority hereby granted in excess of the actual cost thereof.

IT IS FURTHER ORDERED that in the operation of said highway common carrier service, Railway Express Agency, Incorporated, of California shall comply with and observe the following service regulations:

1. File a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the date hereof.
2. Subject to the authority of this Commission to change or modify such at any time by further order, conduct said highway common carrier service over and along the following routes:

Via county road between Tulare and Visalia; State Route No. 198 between Visalia and its junction with State Route No. 65 north of Exeter; State Route No. 65 between said junction and Porterville.

3. Comply with the provisions of General Order No. 80 and Part IV of General Order No. 93-A by filing tariffs and time schedules in conformity therewith in triplicate within sixty (60) days from the effective date of this order and upon not less than five (5) days' notice to the Commission and the public.

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

Dated at Los Angeles, California, this 28<sup>th</sup> day of October, 1941.

[Signature]  
[Signature]  
Justus J. Casner  
Francis S. Stevens  
[Signature]  
COMMISSIONERS