

Decision No. 35252

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of	)	
VALLEY EXPRESS CO., and VALLEY MOTOR	)	
LINES, INC., for authority to extend	)	Application No. 24783
operations to points within seven	)	
miles of the City of Livermore,	)	
California.	)	

BY THE COMMISSION:

**ORIGINAL**

O P I N I O N

This is an application by Valley Express Co. and Valley Motor Lines, Inc. for authority to extend their operations to points within seven miles of the city of Livermore, California.

Both these corporations are engaged in the transportation of property as common carriers between various points within California, including Livermore. The present operative right of Valley Motor Lines, Inc. to and from Livermore is restricted to the transportation of the express traffic of express corporations. By this application Valley Express Co. seeks authority to extend its service to all points within seven miles of Livermore and Valley Motor Lines, Inc. seeks authority to transport such express traffic as the underlying carrier of Valley Express Co.

As justification for the granting of a certificate of public convenience and necessity applicants rely upon the following circumstances and conditions:

- (1) That there are several industries, including wineries, which are located within a radius of seven miles of Livermore none of which is served by any authorized common carrier by motor vehicle.

- (2) That there is about to be constructed, at a point within seven miles of Livermore, an air base for the use of the United States Navy in connection with the present national emergency, and that there will be a substantial volume of traffic moving to and from said air base.
- (3) That applicants have received numerous requests to operate transportation service from points situated within seven miles of Livermore.

Notice of the filing of this application was served on all other carriers operating within this area who might be interested and written waivers of protest have been filed with the Commission on behalf of each such carrier.

It would appear that public convenience and necessity require the establishment and operation of a common carrier service by motor vehicle as prayed for.

This is not a matter in which a public hearing is necessary and the application, being in the public interest, will be granted.

#### ORDER

IT IS ORDERED that a certificate of public convenience and necessity is granted to Valley Express Co. authorizing it to extend its express service to all points within seven miles of the city of Livermore, and to Valley Motor Lines, Inc. as a highway common carrier to transport said express traffic of Valley Express Co. as its underlying carrier.

The foregoing certificate is granted subject to the condition that:

Valley Express Co. and Valley Motor Lines, Inc. their 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, Valley Express Co. and Valley Motor Lines, Inc. 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 effective date hereof.
2. Valley Express Co., shall comply with the rules of the Commission's Tariff Circular No. 2, by filing, in triplicate, and concurrently making effective tariffs satisfactory to the Commission within sixty (60) days from the effective date hereof and on not less than five (5) days' notice to the Commission and the public.
3. Valley Motor Lines, Inc., shall conduct said highway common carrier service over and along the most appropriate route or routes subject to the authority of the Railroad Commission to change or modify them at any time by further notice.

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

Dated at Los Angeles, California, this  
14th day of April, 1942.

Justice J. Green  
Car. & Riley  
M. B. Baker  
Francis D. Havenner  
Robert L. ...  
COMMISSIONERS