

ORIGINAL

Decision No. 35592

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 property by)
motor truck for RAILWAY EXPRESS)
AGENCY, INCORPORATED, OF DELAWARE,)
between points on Lake Tahoe and)
vicinity as described herein.)

Application No. 24410

BY THE COMMISSION:

O P I N I O N

In this proceeding applicant Railway Express Agency, Incorporated, a Delaware corporation, ⁽¹⁾ seeks a certificate of public convenience and necessity authorizing operation as a highway common carrier, as defined by Section 2-3/4, Public Utilities Act, between certain points on Lake Tahoe. The service would be supplementary and auxiliary to and coordinated with that provided through the passenger train facilities of Southern Pacific Company, with which it would connect at Tahoe Wharf, the Lake Tahoe terminus of the Southern Pacific branch extending from Truckee. Originally, this certificate was sought by Railway Express Agency, Incorporated, of California (a California corporation), it being contemplated that the service would be conducted by that company as an underlying carrier for the Delaware corporation. However, by an amendment to the application, the latter has been substituted as the sole applicant.

(1) For convenience, Railway Express Agency, Incorporated, of Delaware, will be referred to hereafter as the applicant.

That company, it appears, is currently engaged in conducting a service, over various interstate routes, as a common carrier by motor vehicle, under certificates of public convenience and necessity granted by the Interstate Commerce Commission pursuant to the Federal Motor Carrier Act. ⁽²⁾ Applicant is therefore qualified under Section 26, Public Utilities Act, to engage in a similar type of operation within this State.

During the summer months, it appears, a substantial volume of traffic moves by express between Lake Tahoe points and other points in this State. This is now transported for applicant between these points by Pacific Motor Trucking Company, a subsidiary of Southern Pacific Company, which handles the less-carload rail traffic. The operations of that carrier are keyed to the rail schedules, particularly less-carload freight, and, hence, do not meet applicant's need for a service which should be closely co-ordinated with the rail passenger train schedules. To replace this service, applicant would provide equipment specially adapted to the transportation of express, operating upon schedules better suited to the requirements of its patrons. Since the Interstate Commerce Commission has recommended that applicant be granted authority to conduct a service between Lake Tahoe points, corresponding to that for which intrastate operative authority is sought herein, ⁽³⁾ it would appear that applicant and the California

(2) Re Railway Express Agency, Incorporated--determination of status, Docket M.C. 66562, 21 M.C.C. 161.

(3) By its proposed report, rendered May 8, 1942, Joint Board No. 78, Interstate Commerce Commission, has recommended the issuance of a certificate authorizing the Delaware company to operate as a common carrier by motor vehicle between Lake Tahoe points here involved.

corporation would be subjected to undue burdens and restrictions were the latter company required to provide the intrastate service.

Aside from Pacific Motor Trucking Company, no other common carrier serves this territory excepting El Dorado Motor Transportation Company, which operates between certain points at the south end of Lake Tahoe, and Pacific Greyhound Lines, which, in connection with its passenger stage operations, handles express within this territory, subject to certain weight restrictions. All three of these carriers have filed with the Commission written waivers of any objection to the granting of this application.

The application, accordingly, will be granted. No public hearing appears to be necessary.

O R D E R

Application having been made as above-entitled; and the Commission being of the opinion, and hereby finding, that public convenience and necessity so require:

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be and it hereby is granted to Railway Express Agency, Incorporated, a corporation organized under the laws of the State of Delaware, authorizing operation as a highway common carrier, as defined by Section 2-3/4, Public Utilities Act, (a) between Tahoe Wharf and Cal-Neva (California-Nevada State Line) and

intermediate points, via Brockway; and (b) between Tahoe City and California-Nevada State Line, and intermediate points, via Homewood, Chambers Lodge, Meeks Bay, Emerald Bay, Jameson Beach, Tahoe Valley, Al Tahoe and Bijou.

Said certificate is granted subject to the following conditions:

- (a) The service to be performed by applicant shall be limited to that which is auxiliary to, or supplemental of, the rail express service provided by Southern Pacific Company to and from Tahoe Wharf.
- (b) Other than shipments of express that may move locally between any of the points over which applicant is herein authorized to operate, applicant's service shall be limited to the transportation of shipments which receive, in addition to the movement by applicant, a prior or subsequent movement by rail.
- (c) Railway Express Agency, Incorporated, of Delaware, 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.

(2) That, in the operation of said highway common carrier service pursuant to the foregoing certificate, applicant shall comply with and observe the following service regulations:

- (1) Applicant shall 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) Applicant shall comply with the provisions of General Order No. 80 and Part IV of General Order No. 93-A, by filing, in triplicate, and concurrently making effective, tariffs and time schedules satisfactory to the Commission within sixty (60) days from the effective date hereof, and on not less than one (1) day's notice to the Commission and the public.

- (3) Applicant may conduct said service seasonally during the period commencing approximately May 20th and ending approximately September 20th of each year.
- (4) Subject to the authority of the Commission at any time to change or modify them by further order, applicant shall conduct said highway common carrier service over and along the following routes:
 - i. From Tahoe City to California - Nevada State Line near Bijou, via State Highway Nos. 89 and 50.
 - ii. From Tahoe City to Cal-Neva Lodge, (California - Nevada State Line), via State Highway No. 39.

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

Dated at San Francisco, California, this 14th day of July, 1942.

Justus J. Casper
Paul H. Rice
H. Butler
Frank P. Haveman
Richard A. ...
COMMISSIONERS