

Decision No. 35734

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BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Joint Application )  
(1) of the Railway Express Agency, Incor- )  
porated, of California, for certificate )  
of public convenience and necessity for )  
the transportation of property by motor )  
truck for Railway Express Agency, Incor- )  
porated, between Bakersfield, California, )  
and Oildale, and unincorporated area con- )  
tiguous to Bakersfield, California; (2) of )  
the Railway Express Agency, Incorporated, )  
for authority, under Section 50-F of the )  
Public Utilities Act of California, to )  
serve Oildale, and unincorporated area )  
contiguous to Bakersfield; and (3) of the )  
Railway Express Agency, Incorporated, for )  
authority to apply the same express rates )  
at Oildale and certain restricted areas )  
in unincorporated territory contiguous to )  
and abutting Bakersfield corporate limits. )

ORIGINAL

Application No. 24954

BY THE COMMISSION:

O P I N I O N

In this proceeding Railway Express Agency, Incorporated, (a Delaware corporation) engaged in business as an express corporation, as defined by Section 2(k), Public Utilities Act, and Railway Express Agency, Incorporated, of California ( a California corporation) operating as a highway common carrier, as defined by Section 2-3/4, Public Utilities Act, seek certificates of public convenience and necessity authorizing operation within their (1) respective spheres. Specifically, the Delaware Company requests a certificate under Section 50(f) of said Act, authorizing the

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(1) For brevity, Railway Express Agency, Incorporated, of Delaware will be referred to as the Delaware Company, and Railway Express Agency, Incorporated, of California, will be referred to as the California Company.

extension of its operations as an express corporation between Bakersfield, on the one hand, and, on the other hand, certain territory adjacent to that city, including the unincorporated community of Oildale. The California Company asks for a certificate under Section 50-3/4 of said Act, authorizing the performance of a highway common carrier service, as an underlying carrier for the Delaware Company, between the points described. No traffic would be handled locally between Bakersfield and this territory. The rates in effect at Bakersfield would be extended by the Delaware Company to the adjacent area. Assertedly, these rates would not be less than the minimum rates established pursuant to Decision No. 31606, as amended, in Case No. 4246. The obligations assumed by the two companies pertaining to the underlying carrier service to be provided by the California Company, and the compensation it would receive, will be governed by the terms of a contract to be entered into between them. To provide this service the California Company proposes to lease from the Delaware Company equipment now used by the latter in conducting its local pickup and delivery operations at Bakersfield. The service would be offered daily except Sundays and holidays, but under no regular schedule.

A definite need, it is alleged, exists for the extension of applicants' express operations. Within the territory adjoining Bakersfield, it is stated, resides a substantial population, there being some 4,000 residences in Oildale alone, and many small business establishments. From them, so applicants assert, have emanated frequent requests for the establishment of a direct delivery service.

Other transportation agencies within this field have waived any objection to applicants' proposal. The Commission

has been so advised by Southern Pacific Company, The Atchison, Topeka & Santa Fe Railway Company, Pacific Freight Lines and Valley Motor Lines, Inc. In our judgment a public need exists for the extension of applicants' operations, as sought, and the application accordingly will be granted. A public hearing is unnecessary.

O R D E R

Application having been made as above entitled; and the Commission being of the opinion and now 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 Delaware corporation), authorizing operation as an express corporation, as defined by Section 2(k), Public Utilities Act, between Bakersfield, on the one hand, and, on the other hand, the unincorporated area adjacent to the municipal limits of Bakersfield, more specifically described in that certain schedule attached hereto, marked Appendix I, and by reference made a part hereof; that said service may be provided only through the instrumentality of Railway Express Agency, Incorporated, of California ( a California corporation), as the underlying carrier.

(2) That a certificate of public convenience and necessity be and it hereby is granted to Railway Express Agency, Incorporated, of California ( a California corporation), authorizing the establishment and operation of a service as a highway common carrier, as defined by Section 2-3/4, Public Utilities Act,

between Bakersfield, on the one hand, and, on the other hand, the unincorporated area adjacent to the municipal limits of Bakersfield, more specifically described in that certain schedule attached hereto, marked Appendix I, and by reference made a part hereof; that said operation shall be limited to the transportation of property as an underlying carrier for Railway Express Agency, Incorporated (a Delaware corporation), in the performance of its service as an express corporation between said points.

Said certificates are granted subject to the following conditions:

- (a) No traffic may be handled locally between Bakersfield, on the one hand, and, on the other hand, the area adjacent to said city described in Appendix I.
  - (b) Neither Railway Express Agency, Incorporated, (a Delaware corporation) nor Railway Express Agency, Incorporated, of California (a California corporation), their successors or assigns, may ever 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.
- (3) That in the operation of said service as an express corporation said Railway Express Agency, Incorporated (a Delaware corporation) shall be and it hereby is authorized to apply and make effective, for the transportation of property to and from the territory described in Appendix I, rates which shall be identical to those currently in effect and applicable to the transportation of similar traffic to and from Bakersfield. Said rates, however, shall be established on a basis no lower than that prescribed as minimum by Decision No. 31606, as amended, in Case No. 4246.
- (4) That in the operation of said common carrier services the following service regulations shall be observed:

- (a) Applicants shall severally file a written acceptance of the certificates herein granted within a period of not to exceed thirty (30) days from the effective date hereof.
- (b) Applicant Railway Express Agency, Incorporated (a Delaware corporation) shall commence the service herein authorized within a period of not exceeding sixty (60) days from the effective date hereof, and shall comply with the provisions of Tariff Circular No. 2 in a manner satisfactory to the Commission, on not less than five (5) days' notice to the Commission and the public.
- (c) Applicant Railway Express Agency, Incorporated, of California, (a California corporation) 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 five (5) days' notice to the Commission and the public.
- (d) Applicants shall file, in triplicate, within sixty (60) days after the effective date hereof, copies of any contract entered into between them relating to the operation of the service authorized hereunder.
- (e) Subject to the authority of this Commission to modify them at any time by further order, applicants shall conduct said service over and along any route or routes open to or available for motor truck operation between the points hereinabove described.

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

Dated at San Francisco, California, this 1st day  
of September, 1942.

Justin F. Craven

Francis D. Havens

COMMISSIONERS

APPENDIX I

The unincorporated territory adjacent to Bakersfield, referred to in the foregoing order, is described as follows:

All of the territory lying between the corporate limits of the city of Bakersfield and the exterior boundaries of the areas severally hereinafter specifically described:

Commencing at Corporate Limits, north on North Chester Avenue to Ramona Avenue; east on Ramona Avenue  $\frac{1}{4}$  mile; north to Southern Pacific tracks; west to North Chester Avenue; north on North Chester Avenue to China Grade Loop; east on China Grade Loop to Olympic Drive; north on Olympic Drive to Brighton Way; west on Brighton Way to North Chester Avenue; south on North Chester Avenue to Douglas Street; west on Douglas Street to Lassen Drive; south on Lassen Drive to Norris Road; west on Norris Road approximately  $\frac{1}{4}$  mile; thence south along an imaginary line to Pierce Road; continuing south on Pierce Road to the intersection of Pierce Road and Golden State Avenue; northwest on Golden State Avenue  $\frac{1}{3}$  mile, returning southeast on Golden State Avenue to Pierce Road; thence southeast on Golden State Avenue to Corporate Limits.

Commencing at Brundage Lane, south on Hughs Lane to Terrace Way; east on Terrace Way to Vernal Place; north on Vernal Place to Corporate Limits.

Commencing at Brundage Lane, south on Golden State Highway to Belle Terrace and return over same route to Corporate Limits.

Commencing at Corporate Limits, east on Kentucky Street to Mt. Vernon Avenue; north on Mt. Vernon Avenue to Flower Street; west on Flower Street to Virginia Street; north on Virginia Street to extension of Grace Street; west on Grace Street to Haley Street; north on Haley Street to Bernard Street; west on Bernard Street to Beale Avenue; south on Beale Avenue to Corporate Limits.

Commencing Corporate Limits, north on extension of "Q" Street to extension of 38th Street; west on 38th Street, to Chester Avenue; south on Chester Avenue to Corporate Limits.

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