

Decision No. 36354

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
RAILWAY EXPRESS AGENCY, INCORPORATED,)
OF CALIFORNIA, for certificate of)
public convenience and necessity for)
the transportation of express matter)
by motor truck for Railway Express)
Agency, Incorporated, between Salinas)
and Pacific Grove, and intermediate)
points as shown herein, via California)
State Highway No. 117-A.)

Application No. 25199

ORIGINAL

BY THE COMMISSION:

O P I N I O N

By its application in this proceeding Railway Express Agency, Incorporated, of California, a California corporation, seeks a certificate of public convenience and necessity under Section 50-3/4, Public Utilities Act, authorizing operation as a highway common carrier, as defined by Section 2-3/4 of that Act, between Salinas and Pacific Grove and intermediate points, comprising Del Monte and Monterey. Applicant's service would be limited to the transportation of express traffic, as an underlying carrier for Railway Express Agency, Incorporated, a Delaware corporation, which operates throughout this territory as an express corporation, as defined by Section 2(k), Public Utilities Act. The traffic handled would move under a through bill of lading or express receipt, and would receive, in addition to the highway

(1) For brevity, applicant Railway Express Agency, Incorporated, of California, and Railway Express Agency, Incorporated, of Delaware, will be referred to as the California company and the Delaware company, respectively. Applicant is a subsidiary of the Delaware company.

carrier movement performed by applicant, an immediately prior or subsequent movement by rail, motor, water or aerial transportation facilities. The compensation to be received by applicant, and the manner of providing the service, will be governed by the terms of a contract between the Delaware and the California companies, now on file with the Commission. The Delaware company would continue to collect the rates and charges published in its filed tariffs.

The highway carrier service, for which a certificate is sought, is designed to replace the underlying rail service, which has been withdrawn. Previously, express was handled between these points on passenger trains of Southern Pacific Company which, it is alleged, have been discontinued because of the existing war emergency.

Applicant proposes to conduct a motor truck service connecting with the Southern Pacific passenger trains at Salinas, where traffic moving to and from other California points would be interchanged between rail and truck facilities. Trucks would leave Salinas in the early morning, reaching Pacific Grove before noon, and would return during the late afternoon. At the outset, one 1½ ton Ford truck would be used to provide the service, but

(2) The service, which will be provided daily except Sundays and holidays, will be conducted under the following schedule:

<u>Eastbound</u>		<u>Westbound</u>	
4:00 PM	Lv. Pacific Grove	Ar.	11:00 AM
6:00 PM	Ar. Monterey	Lv.	9:00 AM
5:20 AM	Lv. Monterey	Ar.	7:50 AM
5:40 AM	Lv. Del Monte	Lv.	7:35 AM
6:35 AM	Ar. Salinas	Lv.	7:00 AM

additional equipment could be supplied if necessary.

A substantial volume of express traffic moves regularly between these points; due to existing conditions this probably will increase. At Monterey, connections would be afforded for traffic moving to and from Camp Ord where an Army cantonment is situated. Under a certificate previously granted, applicant now operates between Monterey and Camp Ord.

Applicant, it appears, is better qualified than the highway carriers now operating within this territory to serve the Delaware company as an underlying carrier. Accompanying the application are written waivers of objection to applicant's proposal, submitted by the highway common carriers operating between these points, and also by Southern Pacific Company and Pacific Greyhound Lines.⁽³⁾

Applicant has been authorized to conduct an interstate motor carrier service between these points. Under a certificate recently granted by the Interstate Commerce Commission it may handle express traffic between Salinas and Pacific Grove, serving also the intermediate points of Del Monte and Monterey.

Under the circumstances shown there appears to be a public need for the establishment of this service, and, accordingly, the application will be granted. This is not a matter

(3) Accompanying the application are copies of letters addressed to the Delaware company, from motor carriers now serving this territory and advising that they have no objection to the granting of the application. Letters to this effect were received from the following highway common carriers, viz., Clark Bros., Highway Transport, Inc., Security Truck Line Warehouse, and Pacific Motor Trucking Company, and also from Southern Pacific Company and Pacific Greyhound Lines.

requiring a public hearing.

O R D E R

Application having been made as above entitled; and the Commission now finding that public convenience and necessity so require:

IT IS ORDERED as follows:

(1) That a certificate of public convenience and necessity be and it hereby is granted to Railway Express Agency, Incorporated, of California, authorizing the establishment and operation of a service as a highway common carrier, as defined by Section 2-3/4, Public Utilities Act, between Salinas and Pacific Grove and intermediate points, comprising Del Monte and Monterey; that said operation shall be limited to the transportation of express as an underlying carrier for Railway Express Agency, Incorporated, (a Delaware corporation), in the performance of its service as an express corporation (as defined by Section 2(k), Public Utilities Act) between said points.

Said certificate is granted subject to the following restriction:

Applicant's service shall be limited to the transportation of express traffic moving in the custody of Railway Express Agency, Incorporated, of Delaware, under a through bill of lading or express receipt, and (excepting only traffic moving locally between points which applicant is herein authorized to serve, and between said points, or any of them, and Camp Ord) said traffic shall receive, in addition to the highway carrier movement by applicant, an immediately prior or subsequent movement by rail, motor, water or aerial transportation facilities.

Said certificate is granted subject to the following condition:

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 any purpose, for the certificate herein granted in excess of the actual cost incurred by it in securing said operative authority.

(2) That in the operation of said highway common carrier service 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. Subject to the authority of this Commission to change or modify it at any time by further order, applicant shall conduct said highway common carrier service over and along the following route:

From Salinas to Pacific Grove via California State Highway No. 117-A.

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

Dated at San Francisco, California, this 11th day of May, 1943.

Francis P. Stevenson
Arthur J. Coburn
Edward Jackson
Thomas O. Davy
 COMMISSIONERS