

Decision No. 36826

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Establishment of )  
maximum or minimum, or maximum and )  
minimum rates, rules and regulations )  
of all common carriers as defined in )  
the Public Utilities Act of the State )  
of California, as amended, and all )  
highway carriers as defined in Chapter )  
223, Statutes of 1935, as amended, for )  
the transportation, for compensation )  
or hire, of any and all commodities. )

ORIGINAL

Case No. 4246

In the Matter of the Establishment of )  
maximum and minimum, or maximum or )  
minimum rates, rules and regulations )  
of all common carriers, as defined in )  
the Public Utilities Act of the State )  
of California, as amended, and all )  
highway carriers, as defined in )  
Statutes 1935, Chapter 223, as amend- )  
ed, for the transportation, for compen- )  
sation or hire, of any and all agri- )  
cultural products. )

Case No. 4293

BY THE COMMISSION:

SUPPLEMENTAL OPINION AND ORDER

Prior orders in these proceedings have prescribed minimum rates, rules and regulations for the transportation of property by common and highway carriers. By petition, Lloyd F. Harvey who transports mail between Yermo and Death Valley Junction and who recently has been authorized to transport passengers and property<sup>1</sup> between these points seeks exemption from the established rates.

<sup>1</sup>

Decision No. 36711 of November 16, 1943, in Application No. 25607 authorized petitioner to transport (1) property for the public generally and as an underlying carrier for Railway Express Agency, and passengers between Yermo and Death Valley Junction and intermediate points and the off-line point of Tecopa; and (2) milk and empty carriers returning between Barstow, Death Valley Junction and intermediate points, subject to the limitation that no shipments transported for other than Railway Express Agency, Inc. may exceed 250 pounds.

Petitioner points out that the territory he serves is sparsely settled and that his operating authority is limited to shipments weighing 250 pounds and less. Operations of this character are materially different from those for which the established minimum rates were primarily designed. They are similar to those of other carriers who have been granted exemptions. The petition will be granted.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Decision No. 31606, as amended, in Case No. 4246 and Decision No. 33977, as amended, in Case No. 4293, be and they are hereby further amended by adding to paragraphs (a) of Findings Nos. 14 and 12, respectively, thereof "Lloyd F. Harvey, in connection with the transportation of shipments weighing 250 pounds or less between Yermo, Death Valley Junction, Tecopa and intermediate points."

This order shall become effective on the date hereof.

Dated at Los Angeles, California, this 18<sup>th</sup> day of January, 1944.

*Richard R. Lachse*

*Justus J. Casper*  
*Frank V. Stevens*  
*William W. L. ...*  
Commissioners