

Decision No. 37729

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the
RAILWAY EXPRESS AGENCY, INCORPORATED, for
certificate of public convenience and
necessity for the transportation of property
by motor truck under Section 50-3/4 of the
Public Utilities Act of California, between
Inglewood on the one hand and Hawthorne and
certain contiguous area on the other hand;
and for other authorities as shown herein.

Application No.
26409

BY THE COMMISSION:

ORIGINAL

O P I N I O N

Railway Express Agency, Incorporated (a Delaware Corporation), requests a certificate of public convenience and necessity authorizing the establishment and operation of service as a highway common carrier, as defined in Section 2-3/4 of the Public Utilities Act, between Inglewood, on the one hand, and Hawthorne and certain contiguous area, on the other hand, and of service as an express corporation, as defined in Section 2(k) of the Public Utilities Act, between the same points.

Applicant presently renders pickup and delivery service with motor vehicles located at each of the points within the corporate limits of Inglewood and Hawthorne, as described in C.R.C. No. 5 (24th Revision). It now seeks authority to perform pickup and delivery of traffic originating at and destined to Hawthorne with its vehicles permanently located at Inglewood, in lieu of performing the same service with its vehicles at Hawthorne, and to enlarge its service to include territory contiguous to the corporate limits of Hawthorne and Inglewood.

The additional contiguous territory proposed to be served is that not presently served within the city of Los Angeles, the city of Hawthorne, and the county of Los Angeles, bounded by the following streets: on the north by Century Boulevard, on the east by Crenshaw Boulevard, on the south by Rosecrans Avenue, and on the west by Inglewood Avenue. Said east and west boundaries are approximately two miles distant and the north and south boundaries approximately three miles distant.

Applicant proposes to apply the same rates on inbound and outbound express traffic in the new contiguous area as apply at Inglewood, now on file with this Commission.

Applicant intends to use the equipment presently maintained at Inglewood in rendering the entire proposed service. As it is not practicable to specify a definite route, applicant proposes to operate over and along the most appropriate and economical route or routes.

In support of the establishment of the proposed service, applicant states that a more economical and efficient handling of traffic will ensue from the method of operation proposed; that the new territory proposed to be served will meet the demands of merchants and residents; that there is a considerable volume of intrastate and interstate interline traffic requiring the continuation of and the extension of service as proposed; and, that the new area sought to be included should be accorded the benefit of the same rates, as now published, as there are no circumstances which justify different rates.

The Commission has been informed by the principal carriers between the points involved that they have no objection

to the granting of the application.

Under the circumstances, it appears that this is a matter in which a public hearing is not necessary, and as it appears that a public need exists for the establishment of this service, the application will be granted.

Railway Express Agency, Incorporated (a Delaware Corporation), is placed upon notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate-fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the State, which is not in any respect limited to the number of rights which may be given.

O R D E R

An application having been made as above entitled, and it being hereby found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be and it is hereby granted to Railway Express Agency, Incorporated (a Delaware Corporation), authorizing the establishment and operation of a service as a highway common carrier, as

defined in Section 2-3/4 of the Public Utilities Act, between Inglewood and Hawthorne and intermediate points, including a certain contiguous area bounded by the following streets: on the north by Century Boulevard, on the east by Crenshaw Boulevard, on the south by Rosecrans Avenue, and on the west by Inglewood Avenue, subject to the following conditions:

The service herein authorized shall be limited to the transportation of express traffic moving in the custody of Railway Express Agency, Incorporated (a Delaware Corporation), under through bills of lading or express receipts, and said traffic shall receive, in addition to the highway common carrier movement by applicant, as herein authorized, an immediately prior or an immediately subsequent movement by rail, aerial transportation facilities, or by applicant's line-haul trucks.

(2) That a certificate of public convenience and necessity be and it is hereby granted to Railway Express Agency, Incorporated (a Delaware Corporation), authorizing the establishment and operation of service as an express corporation, as defined in Section 2(k) of the Public Utilities Act, between Inglewood and Hawthorne and intermediate points, including a certain contiguous area bounded by the following streets: on the north by Century Boulevard, on the east by Crenshaw Boulevard, on the south by Rosecrans Avenue, and on the west by Inglewood Avenue.

(3) That in the operation of service as an express corporation as herein authorized, Railway Express Agency, Incorporated (a Delaware Corporation), is hereby authorized to apply and make effective for the transportation of property to and from Hawthorne, including a certain contiguous area bounded by the following streets: on the north by Century Boulevard, on the east by Crenshaw Boulevard, on the south by Rosecrans Avenue,

and on the west by Inglewood Avenue, rates which shall be published and maintained at a level identical with those currently in effect and applicable to the transportation of like property to and from Inglewood.

(4) That in providing service pursuant to the foregoing certificates, the following service regulations shall be observed:

1. Applicant shall file a written acceptance of the certificates herein granted within a period of not to exceed thirty (30) days from the effective date hereof.
2. Applicant 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, General Order No. 80 and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective, tariffs and time tables satisfactory to the Commission 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 such at any time by further order, applicant shall conduct said highway common carrier operation over and along the most appropriate route or routes.

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

Dated at San Francisco, California, this 13th day of March, 1945.

A. David Anderson
Justin B. Calderon
Richard Bache
Frank W. Love
Orville Russell
 COMMISSIONERS