

Decision No. 38160

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

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 Santa Monica on the)
one hand and West Los Angeles on the)
other hand.)

Application No. 26681

BY THE COMMISSION:

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 a service as a highway common carrier, as defined in Section 2-3/4 of the Public Utilities Act, between Santa Monica, on the one hand, and certain contiguous area known as West Los Angeles, on the other hand.

Applicant states that it is presently engaged in the transportation of property as a highway common carrier and also as an express corporation, and for many years has maintained an agency service at Santa Monica and West Los Angeles, in addition to furnishing intracity pickup and delivery service within limits described in its Tariff C.R.C. No. 5, with motor vehicle units located at each of the points.

The purpose of the proposed operation is to consolidate certain of its agency services at West Los Angeles with its agency at Santa Monica, in addition to performing pickup and delivery service of traffic originating at and destined to West Los Angeles, with its vehicles permanently located at Santa Monica in lieu of

performing the same service with its vehicles located at West Los Angeles. For the convenience of its patrons, a branch agency will be established at West Los Angeles to be used as a receiving office.

The area proposed to be served is northeast of and contiguous to the corporate limits of the city of Santa Monica and its east-west and north-south boundaries are approximately three and a half and five miles distant, respectively.

In support of the establishment of the proposed service applicant states that a considerable volume of intrastate and interstate interline traffic requires the proposed service and that better facilities and an improved service will be made available to shippers. More economical and efficient handling of traffic is also an indicated result of the proposed operation.

Motor equipment now maintained at Santa Monica will be used in rendering the collection and delivery service which will be conducted "on call" over and along the most appropriate route or routes.

It appears that the common carriers operating in the territory have no objection to the granting of the application. No protests have been filed.

Under the circumstances, it appears that this is a matter which does not require a public hearing, and as 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 hereby is, 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 Santa Monica, on the one hand, and an area within the county of Los Angeles and the city of Los Angeles, hereinafter described and known as West Los Angeles, on the other hand. Said area is described as follows:

Beginning at the intersection of Pico Boulevard and Heath Avenue, thence northwest along Heath Avenue, Beverly Hills city limits, Brooklawn Drive, Greendale Drive, Beverly Glen Boulevard to Montline Drive, continuing northwest along imaginary straight line to Fontanelle Way, Fontanelle Way, Stone Canyon Road to end of pavement, thence southwest along imaginary straight line to north end of Oakmont Drive, Oakmont Drive, Rockingham Avenue to Santa Monica city limits, thence southeast along Santa Monica city limits to National Boulevard, thence northeast along National Boulevard, northwest along Overland Avenue, northeast along Pico Boulevard to Heath Avenue the point of beginning.

Also beginning at the intersection of Rockingham Avenue and Sunset Boulevard, thence along Sunset Boulevard, Mandeville Canyon Road to its end and points within a half mile on either side of Mandeville Road.

(2) That in the operation of the highway common carrier service, pursuant to the foregoing certificate, Railway Express Agency, Incorporated, shall conform to 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 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 17th day of September, 1945.

Howard Rudman
Justice F. Cassen
Francis C. Davis
Sam H. Kumpke
 COMMISSIONERS