

ORIGINAL

Decision No. 41456

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
ARVIN LINE for a certificate to trans-)
port light express on passenger vehicles) Application No. 29139
between points on presently authorized)
routes.)

OPINION AND ORDER

On January 19, 1948, the Commission authorized Arvin Line to transfer to Desert Express certain highway common carrier operative rights and properties between Bakersfield, Arvin, Mojave and intermediate points, pursuant to an agreement dated December 1, 1947. (Dec. 41149, App. 28951.) In the present application it is alleged that by the language of the transfer order all freight rights possessed by Arvin Line under previous Commission decisions, including the right to transport light express shipments weighing 100 pounds or less on passenger-carrying vehicles, were authorized to be sold. Such a result, it is stated, was not contemplated by the parties insofar as the right to transport light express shipments is concerned. That service, it is alleged, differs from the transportation of freight in that it can be expeditiously performed along with scheduled passenger operations. Moreover, it is stated, the public has come to rely on that service and Desert Express is not in a position to supply it. Furthermore, applicant states that in the past it has established interchange arrangements with connecting carriers on light express shipments and has otherwise assisted in the expedited through movements of such shipments. That service, it is urged, should also be permitted to continue in the public interest.

Objection to the granting of the requested authority has been waived by Desert Express and The Atchison, Topeka and Santa Fe Railway Company. Railway Express Agency, Incorporated, and Southern Pacific Company were also furnished with copies of the application. No protest has been received from those carriers.

Under the circumstances we find that public convenience and necessity require the issuance of the requested certificate. A public hearing is not necessary.

Therefore, good cause appearing, IT IS ORDERED that a certificate of public convenience and necessity be and it is hereby granted to Arvin Line, a corporation, authorizing the establishment and operation of service as a highway common carrier, as defined in Section 2-3/4 of the Public Utilities Act, for the transportation of property in shipments of 100 pounds or less, on passenger carrying vehicles only, on applicant's presently authorized routes between Bakersfield, Arvin, Mojave and intermediate points.

That in providing service pursuant to the certificate herein granted, 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 30 days from the effective date hereof.
2. Within 60 days from the effective date hereof and on not less than 5 days' notice to the Commission and the public, applicant shall establish the service herein authorized and 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, appropriate tariffs and time tables.

The effective date of this order shall be 20 days from the date hereof.

Dated at San Francisco, California, this 13th day of April, 1948.

R. T. Murrain

Justin F. Calver

James H. Hill

Harold Hill

Samuel P. Potter

COMMISSIONERS