

**ORIGINAL**

Decision No. 53363

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of RAILWAY EXPRESS AGENCY, )  
INCORPORATED, a corporation, for a )  
certificate of public convenience and )  
necessity to operate motor vehicles )  
for the transportation of express )  
matter between the cities of Los )  
Angeles and Anaheim in the State of )  
California. )

Application No. 38004

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 213 of the Public Utilities Code, for the transportation of express traffic between the City of Anaheim, on the one hand, and the Union Depot in the City of Los Angeles, California, on the other hand, serving no intermediate points.

In support of the request applicant states that presently express traffic is carried by The Atchison, Topeka and Santa Fe Railway Company (hereinafter referred to as Santa Fe) on trains operating between Los Angeles and San Diego; that commencing on April 29, 1956, Santa Fe rescheduled its train service between Los Angeles and San Diego; that the new schedule of the train from San Diego to Los Angeles does not allow the time required to load at Anaheim, and its arrival time in Los Angeles

does not permit connection with various early evening trains; that Santa Fe has therefore requested applicant to handle express traffic between Anaheim and Los Angeles by its own vehicles; that in order to continue the provision of an adequate and efficient express service between said points, applicant proposes to transport by motor vehicle the express traffic between Los Angeles and Anaheim.

Applicant presently renders service by truck between various places in California. The proposed operation will require one tractor and trailer which applicant alleges it has available. The rates proposed to be charged are the rates applicable under tariffs now on file with this Commission.

It appears that common carriers operating between the points involved have no objection to the granting of the application. The applicant has requested that the order be made effective immediately. In view of the fact that there is no opposition this request will be granted.

Upon full consideration of this matter, the Commission is of the opinion and finds that public convenience and necessity require that the application be granted.

Railway Express Agency, Incorporated, a Delaware corporation, is hereby 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 as to the number of rights which may be given.

O R D E R

The Commission having found that public convenience and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is granted to Railway Express Agency, Incorporated, a Delaware corporation, authorizing it to establish and operate a service as a "highway common carrier", as that term is defined in Section 213 of the Public Utilities Code, for the transportation of express matter between the points and over the routes more particularly set forth in Appendix A, attached hereto and made a part hereof.

(2) That in providing service pursuant to the certificate herein granted, there shall be compliance with the following service regulations:

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that it will be required, among other things, to file annual reports of its operations and to comply with and observe the safety rules and other regulations of the Commission's General Order No. 99. Failure to file such reports, in such form and at such time as the Commission may direct, or to comply with and observe the provisions of General Order No. 99, may result in a cancellation of the operating authority granted by this decision.

- (b) Within sixty days after the effective date hereof, and on not less than one day's notice to the Commission and the public, applicant shall establish the service herein authorized and file in triplicate and concurrently make effective tariffs and time schedules satisfactory to the Commission.

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

Dated at San Francisco, California,  
this 10<sup>th</sup> day of July, 1956.

[Signature]  
President

Justice J. Cooney

[Signature]

[Signature]

[Signature]  
Commissioners

Railway Express Agency, Incorporated, a Delaware corporation, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport express matter between the Los Angeles Union Depot, 357 Aliso Street, Los Angeles, California, on the one hand, and the Union Pacific Depot at Center Street and Atkinson Street in the City of Anaheim, California, via the following route:

From the Union Depot via any available street or highway to the entrance to the Santa Ana Freeway at Commercial and Hewitt Streets, thence via Santa Ana Freeway, U. S. Highway 101 to Firestone Boulevard at Norwalk, California, thence via Firestone Boulevard over the Freeway Route on U. S. Highway 101 to the Union Pacific Depot. Return via the reverse of the going route.

Applicant shall render no service to or from any point between the termini listed.

End of Appendix A

Issued by California Public Utilities Commission.

Decision No. 53763, Application No. 38004.