

Decision No. 63926

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
ERLE L. RAINVILLE, doing business )  
as MORTUARY SPECIAL SERVICE, for a )  
certificate of public convenience )  
and necessity to transport property )  
as a common carrier between points )  
in the State of California. )

Application No. 43467  
(Filed June 1, 1961)

H. J. Bischoff, for applicant.

O P I N I O N

This application was heard before Examiner Rowe at Los Angeles on August 29, 1961, on which date it was submitted. A copy of the application was served on Railway Express Agency, a certificated highway common carrier which at this time transports human remains, and then only when placed in a casket and boxed. No one appeared in protest.

Applicant is a radial highway permit carrier engaged in the transportation of commodities between all points in the State. Since 1956 he has restricted this transportation to human remains in caskets and on ambulance cots. While his permit contains no limitations he has served only the mortuaries in the State carrying such freight and other things which are incidental thereto such as flowers and the clothing worn by the dead bodies. Applicant now requests authorization to conduct operations as a highway common carrier for the transportation of the freight he now transports as a radial highway common carrier as a special service to the mortuaries of the State.

Applicant testified that he is himself a mortician and as such came to realize the great public need for the service he

proposes. Many people die while away from home and the family will wish the remains returned where the local mortician can care for the body and prepare it for burial. Other instances occur where the person dies at home but it is desired to have the body interred with others of the family in a former home or other location. It has been applicant's experience that in approximately fifty percent of the movements of human remains a casket has also been moved.

Aside from applicant's service the only present means of transporting the dead bodies is pursuant to the tariff filed by Railway Express Agency or by the mortuary's sending its own hearse to the other town to take charge of and return the remains. This involves a two-way movement of the hearse and often requires the employment of a local mortuary to perform temporary services, including in many instances a less expensive casket in which the body may be placed. Such a casket may not legally be re-used so it must be destroyed. He stated that 600 of the State's 760 mortuaries have requested his services. In many instances applicant can by providing this service save the family from \$250 to \$300 in total funeral expenses.

The vice president in charge of transportation for Pierce Brothers Mortuaries testified that there is an imperative need that this service be available to all mortuaries in the State. In his opinion this service will obviate a great amount of duplication and will enable mortuaries to pass on many savings to the families of deceased persons. His own company was described as the world's largest with some forty mortuaries in the Los Angeles area.

Applicant owns and proposes to maintain at Fresno, Sacramento, San Jose, San Diego and Arcadia a sufficient number of Chevrolet station wagons equipped with radio intercommunication with curtains to provide the necessary privacy and with air conditioning to protect against both heat in the summer and excess cold in the winter. This will enable applicant to effect the necessary pickup in most places in the State and to transport human remains and caskets without an immediate return trip of the vehicle. This equipment, being light and dignified in appearance, is appropriate for the purpose and can be more economically operated than can the mortuary's own heavier hearses. Movement by the latter also always requires a round trip. Applicant by rendering this service at points far removed from the originating mortuary's place of business can in many instances obviate a duplication of mortuary services and the extended absence of its ~~essential~~ and highly paid personnel.

The Commission has carefully reviewed the evidence and finds that public convenience and necessity require that applicant be authorized to perform the proposed highway common carrier service as hereinafter provided and as proposed by applicant. The Commission also finds that applicant possesses the experience, equipment, personnel and financial resources to institute and maintain the proposed service.

Erle L. Rainville is hereby placed on 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, such rights extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be modified or canceled 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

An application having been filed, public hearing having been held, and based on the evidence therein adduced,

IT IS ORDERED:

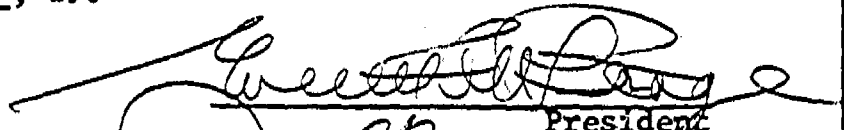
1. That a certificate of public convenience and necessity is granted to Erle L. Rainville, authorizing him to operate as a highway common carrier as defined in Section 213 of the Public Utilities Code, for the transportation of property between the points and over the routes more particularly set forth in Appendix A attached hereto and hereby made a part hereof.


2. That in providing service pursuant to the certificate herein granted, applicant shall comply with and observe 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 he will be required, among other things, to file annual reports of his operation and to comply with and observe the safety rules and other regulations of the Commission's General Order No. 99 and insurance requirements of the Commission's General Order No. 100-B. 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 Orders Nos. 99 and 100-B, may result in a cancellation of the operating authority granted by this decision.
- (b) Within one hundred twenty days after the effective date hereof, and on not less than ten days' notice to the Commission and the public, applicant shall establish the service herein authorized and file in triplicate and concurrently make effective, tariffs and timetables satisfactory to the Commission.

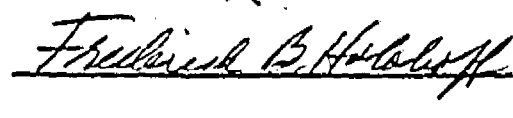
The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 9th  
day of JANUARY, 1962

  
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President

  
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Commissioner

  
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Commissioner

  
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Commissioner

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Commissioners

Erle L. Rainville, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport, for morticians, human remains, caskets, casket boxes, flowers and clothing subject to the terms and conditions that applicant shall at all times transport human remains with or separately from such articles of property between points and places on and within 50 miles laterally of the following highways:

1. U. S. Highway 101 between the California-Oregon state line and the Mexican border, inclusive.
2. U. S. Highways 99, 99E and 99W between the California-Oregon state line and the Mexican border, inclusive.
3. U. S. Highway 395 between the California-Oregon state line and the California-Nevada state line near Purdy, inclusive.
4. U. S. Highway 395 between the California-Nevada state line near Topaz Lake and San Diego, inclusive.
5. U. S. Highway 80 between San Diego and the California-Arizona state line, inclusive.
6. U. S. Highway 60 between Indio and the California-Arizona state line, inclusive.
7. U. S. Highway 66 between Victorville and the California-Arizona state line, inclusive.
8. U. S. Highway 466 between Paso Robles and the California-Nevada state line, inclusive.
9. U. S. Highway 50 between San Francisco and the California-Nevada state line, inclusive.
10. U. S. Highway 40 between San Francisco and the California-Nevada state line, inclusive.

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11. U. S. Highway 40 Alternate between Marysville and its junction with U. S. Highway 395 at Hallelujah Junction, inclusive.
12. U. S. Highway 97 between its junction with U. S. Highway 99 at Weed and the California-Oregon state line, inclusive.

Through routes and rates may be established between any and all points described in subparagraphs 1 through 12 above.

Applicant may use any available routes between the areas described for operating convenience.

End of Appendix A

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