

Decision No. 30357

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of D. MOYERS, d/b/a MOYERS' STAGES, for an order amending its certificate of public convenience and necessity to limit transportation of express matter to shipments of 100 pounds or less.	} Application No. 22989
In the Matter of the Application of D. MOYERS for a certificate, etc.	} Application No. 20397
In the Matter of the Application of D. MOYERS for a certificate, etc.	} Application No. 21052
In the Matter of the Application of D. MOYERS for a certificate, etc.	} Application No. 21834

BY THE COMMISSION:

O P I N I O N

In Application No. 22989, D. Moyers, doing business as Moyers' Stages, requests authority to abandon the transportation of shipments of property weighing in excess of one hundred pounds between Tracy and Fresno and intermediate points, via Los Banos and Mendota; between Merced and Wheel Inn and intermediate points; between Gilroy and Los Banos and intermediate points; between Fresno and The Pines and intermediate points, via Friant; between Madera and Friant and intermediate points; and between Patterson and Modesto and intermediate points, via Turlock, and for a revocation of the operative right therefor.

The rights involved were created by Decision No. 28868, dated June 8, 1936, as modified by Decision No. 31561, dated December 12, 1938, on Application No. 20397; Decision No. 30258, dated October 25, 1937, on Application No. 21052; and Decision No. 30809, dated

April 25, 1938, on Application No. 21834. Under such rights, applicant is authorized to transport passengers, baggage and property, provided that in the transportation of property no single package weighing in excess of one hundred pounds shall be accepted for transportation with the provision that such limitations shall not apply to shipments transported for or through the agency of the Railway Express Agency, Incorporated, and milk and cream and empty containers therefor.

As justification for the authority sought, applicant alleges as follows:

That its principal business is a passenger stage corporation engaged in the transportation of passengers and their baggage.

That the transportation of so-called express matter is but incidental to the principal business of passenger transportation.

That in conducting such transportation applicant's equipment has been and is designed and constructed primarily for the convenience and comfort of passengers.

That since, under applicant's certificates of public convenience and necessity, so-called express matter must be carried in the same vehicle in which passengers are transported with their baggage, applicant, as a consequence, is not equipped for the transportation of unlimited shipments of so-called express matter.

That the tender of shipments of property in excess of one hundred pounds to applicant is casual and infrequent.

This is not a matter requiring a public hearing and we are of the opinion that the matter is in the public interest and accordingly it will be granted.

O R D E R

Good cause appearing,

IT IS ORDERED that D. Moyers, doing business as Moyers' Stages, is hereby authorized to discontinue and abandon the transportation of shipments of property weighing in excess of one hundred (100) pounds between all of the points as heretofore authorized by Decision No. 28868, dated June 8, 1936, Decision No. 30258, dated October 25, 1937, and Decision No. 30809, dated April 25, 1938, and

IT IS FURTHER ORDERED that condition 1, appearing at sheet 5 of Decision No. 28868; restriction 1, appearing at sheet 2 of Decision No. 30258; and restriction 2, appearing at sheet 4 of Decision No. 30809, are and each of them is hereby amended to read as follows:

In the transportation of express no shipment weighing in excess of one hundred (100) pounds shall be accepted for transportation and all express shipments shall be transported on passenger vehicles only.

This order is subject to the following condition:

Applicant shall publish and file in his tariff, within thirty (30) days from the effective date hereof, and on not less than ten (10) days' notice to the Commission and the public, a cancellation of the rates for the service herein authorized to be discontinued and abandoned.

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

Dated at Los Angeles, California, this 26th day of September, 1939.

Ray W. Bishop

Ray Rice
H. Baker

Justin F. Cannon
COMMISSIONERS