

Decision No. 35758

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of }
PEERLESS STAGES, INC. for an order }
amending its operative rights to }
limit transportation of express }
matter to shipments of 100 pounds }
or less. }

Application No. 22986

BY THE COMMISSION:

ORIGINAL

O P I N I O N

In this application, Peerless Stages, Inc., a corporation, requests authority to abandon the transportation of shipments of property weighing in excess of 100 pounds, between all points and over all routes now served by it, under its presently held operative rights.

The rights involved were created by numerous decisions of the Commission as more particularly set forth in the order herein and authorizes, in general, a passenger stage service for the transportation of passengers, baggage and express, between Oakland, San Jose, Los Gatos and Santa Cruz and intermediate points; between Oakland, Pleasanton, Palo Alto and Menlo Park and intermediate points; and, between Newark and Sunol and intermediate points. No limitations have been imposed in the decisions creating applicant's operative rights upon the transportation of so-called express, either as to weight of packages or the weight of shipments. Limitations have been imposed restricting to passenger carrying vehicles the transportation of express.

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

(a) Applicant's principal business is the transportation of passengers and their baggage, the transportation of express matter is but incidental to the principal business of passenger transportation.

(b) Applicant is not equipped for the transportation of unlimited shipments of express matter.

(c) The tender of shipments of express in excess of 100 pounds to your applicant is casual and infrequent.

(d) Compliance with the order contained in Decision No. 31606 of the Commission in Case No. 4246 concerning rates, rules and regulations for the transportation of express shipments and the printing and publication of tariffs governing the same would constitute an excessive financial burden upon applicant and one not warranted by the volume and amount of its express business.

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 Prerless Stages, Inc., a corporation, is hereby authorized to discontinue and abandon the transportation of shipments of property weighing in excess of one hundred (100) pounds between all the points and over all the routes as set forth and described in the decisions of the Commission creating applicant's

presently held operative rights and any supplements or amendments thereto, to-wit:

<u>Decision No.</u>	<u>Date</u>	<u>Application No.</u>
12674	October 2, 1923	9210
12706	October 13, 1923	"
15517	October 9, 1925	10580
19043	November 14, 1927	13179
19190	December 23, 1927	"
21853	December 2, 1929	15764
24624	March 28, 1932	18017
24629	March 28, 1932	18033
25692	March 7, 1933	"
26265	August 21, 1933	"
26800	February 19, 1934	19208
27451	October 15, 1934	19638

This order is subject to the following conditions:

1. In the transportation of property no shipment weighing in excess of one hundred (100) pounds shall be accepted for transportation, and all such shipments shall be transported on passenger carrying vehicles only.
2. Applicant shall publish and file in its 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 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.

[Signature]

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COMMISSIONERS