

Decision No. 32428

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
ORANGE BELT STAGES, INC., for an  
order amending its certificate of  
public convenience and necessity to  
limit transportation of express matter  
to shipments of 100 pounds or less.

ORIGINAL

Application No. 23008

BY THE COMMISSION:

O P I N I O N

In this application Orange Belt Stages, Inc., a corporation, requests authority to abandon the transportation of shipments of express weighing in excess of one hundred pounds and for a revocation of the operative right therefor.

The operative rights involved were created by Decision No. 26662, dated December 18, 1933, as amended by Decision No. 27480, dated October 29, 1934, on Application No. 19233, Decision No. 27442, dated October 15, 1934, on Application No. 19518, Decision No. 28777, dated May 4, 1935, on Application No. 20383, and Decision No. 31210, dated August 15, 1938, on Application No. 21537. Such rights, in general, authorize the transportation of passengers, baggage and express between Exeter and Hanford and intermediate points via Visalia; between Hanford and Coalinga and intermediate points; and between Coalinga and Kings City and intermediate points as more particularly described in the decisions granting such operative rights.

In addition applicant is providing a service for the transportation of passengers, baggage and express between Bakersfield and Paso Robles and intermediate points, via Famosa, under the terms of a lease arrangement authorized by the Commission in Decision No. 22150,

dated February 24, 1930, on Supplemental Application No. 13582. (1)

The order herein will authorize applicant to abandon the transportation of shipments of express which weigh in excess of one hundred pounds but said order may not be construed as a modification or revocation of any part of the operative right between Bakersfield and Paso Robles. Such modification or revocation will be considered by the Commission on Application No. 22995 of Pacific Greyhound Lines.

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

Applicant's principal business as a passenger stage corporation is the transportation of passengers and their baggage. The transportation of express matter is merely incidental to the principal business of the transportation of passengers. In providing such transportation service the equipment used by applicant has been and is designed and constructed primarily for the convenience and comfort of passengers. Inasmuch as the property now transported by applicant must be carried in the same vehicle as that in which passengers are transported, with their baggage, it is not feasible to transport unlimited shipments of express matter. The request for the transportation of shipments of property in excess of one hundred pounds is casual and infrequent.

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(1) Decision No. 22150 approved the assignment by Kern County Transportation Corporation to C. C. Haworth, predecessor in interest of applicant herein, of the lease theretofore entered into by said corporation and Pickwick Stages System, as approved by the Commission in its Decision No. 19092. Thereafter all operative rights of Pickwick Stages System were acquired by Pacific Greyhound Lines, Inc. to which an in lieu certificate was issued by Decision No. 23244.

In order to comply with the provisions of the rate orders of the Commission concerning rates, rules and regulations for the transportation of property, together with a publication of tariffs, would constitute an excessive financial burden upon applicant and one not warranted by the volume of applicant's express business.

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

O R D E R

IT IS ORDERED that Orange Belt Stages, Inc. is hereby authorized to discontinue and abandon the transportation of shipments of express weighing in excess of one hundred pounds between all points now served by it and all operative rights therefor, heretofore granted by Decision No. 26662, dated December 18, 1933, as amended by Decision No. 27480, dated October 29, 1934, Decision No. 27442, dated October 15, 1934, and Decision No. 31210, dated August 15, 1938, are hereby revoked and annulled.

This order is subject to the following conditions:

1. Applicant shall publish and file in its tariff, within sixty (60) days from the effective date hereof and on not less than five (5) days' notice to the Commission and the public, a cancellation of the rates for the service herein authorized to be discontinued and abandoned.

2. Applicant shall transport no shipment of express weighing in excess of one hundred pounds and no shipment may be transported except on passenger carrying vehicles.

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

Dated at San Francisco, California, this 10<sup>th</sup> day of  
October, 1939.

*Rafael...*  
*Frank...*  
*Carl...*  
*H. L. ...*  
*Justus J. Casner*  
COMMISSIONERS