

Decision No. 32506

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
PACIFIC GREYHOUND LINES 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. 22995

**ORIGINAL**

BY THE COMMISSION:

O P I N I O N

In this application Pacific Greyhound Lines, a corporation, requests authority to abandon the transportation of shipments of express and/or property weighing in excess of one hundred pounds, between all the points within the state of California, between which it now provides such service under the certificates of public convenience and necessity which the Commission has heretofore granted to it or authorized it to acquire.

In general, applicant's California operations are conducted under a certificate granted by the Commission in Decision No. 23244, on Application No. 16989, and numerous decisions amendatory thereof or supplementary thereto. With a few exceptions, all operative rights conferred by the Commission upon applicant have been consolidated with the operative rights granted by said Decision No. 23244. The rights conferred by Decision No. 25529, dated January 9, 1933, as amended by Decision No. 26076, dated June 19, 1933, both in Application No. 18588, granted a certificate for the establishment and operation of a passenger stage service for the transportation of passengers, baggage and express between Manor and Point Reyes and

intermediate points, subject to the restrictions hereinafter set forth. This right was not consolidated with the rights of applicant granted by Decision No. 23244. By Decision No. 27566, dated December 3, 1934, in Application No. 19721, applicant was authorized to acquire from Stormont, Gillen and Gillen, an operative right for the transportation of passengers, baggage and express, between Selma and Visalia. This right was originally granted to applicant herein by Decision No. 23244, and later transferred to Stormont, Gillen and Gillen by Decision No. 25793, dated April 3, 1933, on Application No. 18768. Said Decision No. 27566, which authorized applicant to reacquire this right, did not authorize its consolidation with the rights now held by applicant by virtue of Decision No. 23244.

The rights created by Decision No. 23244, as well as those created by other decisions and consolidated therewith, are all subject to the following restrictions with respect to the transportation of express, with some minor variation in language, which does not affect the restriction:

The right to transport express is subject to the restriction that no single package shall be accepted for shipment that weighs in excess of one hundred pounds, and all express must be transported on passenger vehicles only, except as to property transported for or through the agency of Railway Express Agency, Inc., and milk and cream and empty containers of such commodities when being transported to or from a rail junction point in connection with rail transportation thereof, to which said restrictions as to weight and vehicle shall not apply.

The foregoing limitations as to package weight and vehicle of transportation do not apply between the following points:

1. Middletown - Upper Lake
2. Middletown - Harbin Springs
3. Calistoga - Ukiah
4. Sacramento - Auburn
5. Chinese Station - Mather

Also, between Castaic Junction and Greenfield Corners, the following restriction exists:

No single package weighing in excess of forty pounds shall be transported between Castaic Junction and Greenfield Corners and intermediate points via the Ridge Route.

Decision No. 25417, dated December 5, 1932, on Application No. 18538, modified Decision No. 23244, by adding the following restriction with respect to the transportation of property:

27(a) The limitations as to package weight and vehicle of transportation shall not apply to shipments transported for or at request of Southern Pacific Company between Truckee and Tahoe City (Tahoe Tavern only).

The rights conferred by Decision No. 25529, on Application No. 18588, as amended by Decision No. 26076 supra, and by Decision No. 26596, dated December 4, 1933, on Application No. 18959, are <sup>(1)</sup> subject to the following restriction in regard to the transportation of express:

No single package of express may be accepted for transportation that exceeds one hundred pounds in weight, and all express is to be transported on passenger vehicles only, except the limitation as to package weight and vehicle of transportation shall not apply to:

- a. Shipments transported for or through the agency of Railway Express Agency, Inc.
- b. Milk and cream and empty containers of such commodities when being transported to or from a rail junction point in connection with rail transportation thereof, and
- c. Shipments transported for or at request of Northwestern Pacific Railroad Company.

By this application, applicant requests a modification of the restrictions hereinbefore set forth to read as follows:

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(1) Decision No. 26596 granted a certificate authorizing service between Sausalito, Belvedere and Tiburon.

The right to transport express is subject to the restriction that no shipment shall be accepted for transportation that weighs in excess of one hundred pounds, and all shipments shall be transported on passenger vehicles only except as to property transported for or through the agency of Railway Express Agency, Incorporated, and milk and cream and empty containers of such commodities when being transported to or from a rail junction point in connection with rail transportation thereof, and shipments transported for or at request of Southern Pacific Company between Truckee and Tahoe City (Tahoe Tavern only), to which said restrictions as to weight and vehicle shall not apply.

Between Castaic Junction and Greenfield Corners and intermediate points via the Ridge Route, no single package in a shipment of one hundred pounds or less shall weigh in excess of forty pounds.

In addition to the restrictions and limitations set forth herein, applicant is subject to other restrictions which prohibit the transportation of any express or property between certain points and over certain routes. As to these restrictions, it is not the purpose of applicant by this application to in any way change, enlarge or modify such restrictions.

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

In the operation of its passenger stage service, the equipment applicant uses has been and is designed and constructed primarily for the convenience and comfort of passengers. Since, under its certificates of public convenience and necessity, with the exception of the routes between Middletown-Upper Lake, Middletown-Harbin Springs, Calistoga-Ukiah, Sacramento-Auburn and Chinese Station-Mather, 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

(2)  
of express matter.

As to the aforementioned routes over which the limitation as to package weight and vehicle of transportation does not apply, there has never been, other than the transportation of property for or through the Railway Express Agency, Incorporated, and milk and cream and empty containers (an operating right which applicant does not propose to disturb) a demand for or occasion upon which express matter has been offered to applicant in quantities which would require the operation of equipment other than passenger vehicles customarily operated in the transportation of passengers. This is likewise true as to the routes Fairfax-Manor and Sausalito-Tiburon and, further, between which points the Pacific Motor Trucking Company is providing a truck service.

The request for the transportation of shipments of property in excess of one hundred pounds is casual and infrequent.

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 request is in the public interest and it will be granted.

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(2) An exception also exists as to traffic handled for Railway Express Agency, Incorporated and milk and cream.

O R D E R

Good cause appearing,

IT IS ORDERED that Pacific Greyhound Lines is hereby authorized to discontinue and abandon the transportation of shipments of express and/or property, except in accordance with the following restrictions and exceptions:

No shipment that weighs in excess of one hundred (100) pounds shall be accepted for transportation, and all shipments shall be transported on passenger vehicles, subject, however, to the following exceptions:

- a. Property transported for or through the agency of Railway Express Agency, Incorporated.
- b. Property transported for or at the request of Southern Pacific Company between Truckee and Tahoe City (Tahoe Tavern only).
- c. Milk and cream and empty containers therefor when being transported to or from a rail junction point in connection with rail transportation thereof.
- d. Between Castaic Junction and Greenfield Corners and intermediate points, via the Ridge Route, no package in a shipment of one hundred (100) pounds or less, weighing in excess of forty (40) pounds may be transported.

IT IS FURTHER ORDERED that the foregoing restriction and exceptions shall apply in lieu of any and all restrictions heretofore established for the transportation of express and/or property heretofore created by Decision No. 23244, on Application No. 16989, and decisions amendatory thereof and/or supplementary thereto, or consolidated therewith; by Decision No. 25529, as amended by Decision No. 26076, on Application No. 18588; and by Decision No. 27566, on Application No. 19721, and the operative rights heretofore created by said decisions for the transportation of express and/or property

are hereby revoked and annulled, insofar as said operative rights authorize the transportation of express and/or property in excess of or different than the limitations herein set forth.

This order is subject to the following condition:

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.

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

Dated at San Francisco, California, this 31<sup>st</sup> day of October, 1939.

Paul W. [unclear]  
Frank [unclear]  
Ray [unclear]  
[unclear]  
Justice J. Cannon  
COMMISSIONERS