

Decision No. 32532

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of)
ASBURY RAPID TRANSIT SYSTEM, a cor-)
poration, for permission to abandon)
the transportation of express for)
shipments in excess of 100 pounds)
between various points in Los Angeles)
County, California.)

Application No. 23089

BY THE COMMISSION:

O P I N I O N

In this application Asbury Rapid Transit System, 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 are those created by Decision No. 13526, dated May 7, 1924, on Application No. 9989, Decision No. 13688, dated June 11, 1924, on Application No. 10122, and Decision No. 29633, dated April 5, 1937, on Application No. 20827. Under such rights applicant ⁽¹⁾ is authorized to transport express between San Fernando and United States Government Hospital, at a point approximately five miles northwest of San Fernando, and Olive View Sanitarium and intermediate points; between Los Angeles, Burbank and San Fernando and intermediate points; and between Burbank and North Hollywood.

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

(1) By Decision No. 32411, dated October 3, 1939, the Commission modified applicant's express rights between Los Angeles, Pasadena and Mt. Wilson as created by Decisions Nos. 17544 and 27838.

(a) Applicant's express operations are conducted incidental to and in connection with its passenger stage service and such operations consist almost entirely of the handling of small shipments on frequent schedules more or less as an accommodation service, also, applicant's express operations are not conducted over all of its lines.

(b) Applicant's express service on its San Fernando-Los Angeles Division and its Burbank-North Hollywood Division is restricted to "packages" not exceeding 20 pounds in weight and all of applicant's express rates and charges are restricted to apply from or to the company's terminals or regular stopping points, no pickup or delivery service is rendered.

(c) A check of applicant's records covering express shipments on all lines, during the past twelve months period, shows that no shipment weighing over 100 pounds was handled during such period.

(d) The revenues derived from express operations barely warrant the expense of maintaining the service and any substantial tariff expense connected with such express operations would result in an actual loss of revenue and would place an undue burden upon its passenger operations.

(e) The granting to applicant of permission to abandon the transportation of express shipments in excess of 100 pounds, will relieve it of the necessity and expense of filing amended tariffs and classifications in compliance with various orders of the Commission, as applied to shipments weighing over 100 pounds.

(f) Applicant's express operations are exempt from the application of rates, rules and regulations for the

transportation of shipments weighing 100 pounds or less, as prescribed in and by the order in Decision No. 31606, as amended, in Case No. 4246.

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

O R D E R

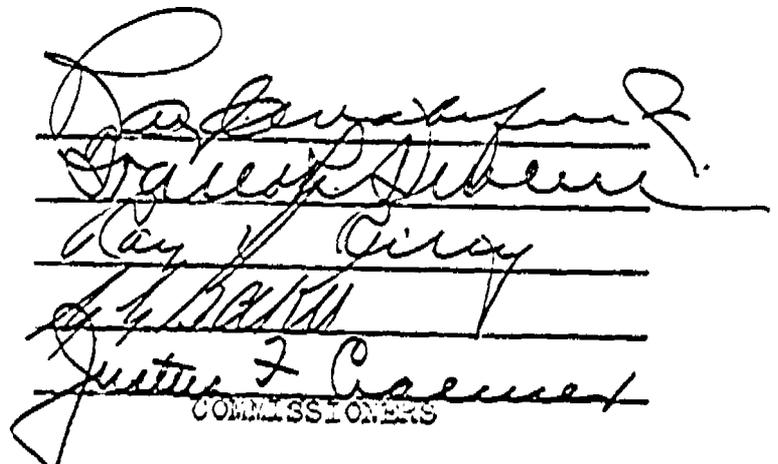
Asbury Rapid Transit System is hereby authorized to discontinue the transportation of shipments of express weighing in excess of one hundred pounds on its passenger carrying vehicles and the operative rights therefor, heretofore created by Decision No. 13526, dated May 7, 1924, Decision No. 13688, dated June 11, 1924 and Decision No. 29633, dated April 5, 1937, 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, 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) In the transportation of express by applicant no shipments weighing in excess of one hundred (100) pounds may be transported and all such shipments shall be transported on passenger carrying vehicles.

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

Dated at San Francisco, California, this 14th day of November, 1939.



Justus F. Coe
COMMISSIONERS