

Decision No. 22970

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BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
BEVERLY GIBSON, doing business as RIVER)
AUTO STAGES, for an amended operative)
right covering the transportation of) Application No. 22970
express on its passenger vehicles be-)
tween all points served within the)
state of California.)

BY THE COMMISSION:

O P I N I O N

In this application Beverly Gibson, doing business as River Auto Stages, requests authority to discontinue service as a common carrier of shipments of express weighing in excess of one hundred pounds on his passenger stages, between Sacramento, Stockton, San Francisco, Suisun and intermediate points.

The operative rights involved were created by Decision No. 24147, dated October 19, 1931, on Application No. 14026, and Decision No. 29781, dated May 24, 1937, as amended, on Application No. 19969. Such rights, as more particularly set forth in decisions creating such rights, in general, authorize the transportation of passengers, baggage and express, subject to the limitation that no single piece of express weighing in excess of one hundred pounds shall be transported. The transportation of express is restricted to passenger vehicles. Applicant is also engaged in the transportation of property as a highway common carrier between Sacramento and Rio Vista and intermediate points via Walnut Grove, which right is not involved herein.

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

Applicant's present express service between the points between which express may be handled is restricted to packages

not exceeding one hundred pounds in weight and such service is provided incidental to, and in connection with, his passenger stage service, such traffic consisting almost entirely of such shipments, on frequent schedules, which were handled more or less as an accommodation to the public.

Applicant's revenue from his express operations does not warrant the expense of maintaining such service and any substantial tariff expense connected with such operation would result in an actual loss of revenue and would place an undue burden upon his passenger operations.

The granting to applicant of permission to abandon the transportation of express shipments in excess of one hundred pounds in weight would relieve him of the necessity and expense of filing amended tariffs and classifications in compliance with the various rate orders of the Commission.

Applicant's express operations are exempt from the application of rates, rules and regulations for the transportation of shipments weighing one hundred pounds or less as prescribed in and by the Commission's 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 it will, therefore, be granted.

ORDER

IT IS ORDERED that Beverly Gibson, doing business as River Auto Stages, is hereby authorized to abandon the transportation of shipments of express weighing in excess of one hundred (100) pounds on his passenger carrying vehicles, between all the points under which service is now provided by virtue of Decisions Nos. 24147

and 29781, as amended.

IT IS FURTHER ORDERED that condition 1, appearing at sheet two of Decision No. 24147, is hereby amended to read as follows:

"No shipment of express weighing in excess of one hundred pounds shall be transported and all such shipments shall be transported on passenger vehicles only. No shipments of express shall be transported between Sacramento and Represa and intermediate points."

IT IS FURTHER ORDERED that condition 11, appearing at sheet sixteen of Decision No. 29781, is hereby amended to read as follows:

"No shipment of express weighing in excess of one hundred pounds shall be transported and all such shipments shall be transported on passenger vehicles only."

IT IS FURTHER ORDERED that Decisions Nos. 24147 and 29781, except as herein amended, shall remain in full force and effect.

This order is subject to the following condition:

Beverly Gibson shall publish and file in his 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.

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

Dated at San Francisco, California, this 20th day of February, 1940.

Frederick H. Miller
Railroad
J. H. Hall
Justice J. Caenen
COMMISSIONERS