

Decision No. 22969

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of )  
CALIFORNIA NEVADA STAGES, INC., for )  
an amended operative right covering )  
the transportation of express on its ) Application No. 22969  
passenger vehicles between all points )  
served within the state of California )

BY THE COMMISSION:

O P I N I O N

In this application, as amended, California Nevada Stages Inc., a corporation, requests authority to abandon the transportation of shipments of express weighing in excess of one hundred pounds, which are transported on passenger carrying vehicles, and for revocation of the operative rights therefor.

The operative rights involved are those acquired under the authority of the Commission's Decision No. 14756, dated April 7, 1925, on Application No. 10907, and Decision No. 23347, dated February 2, 1931, on Application No. 17041, and created by the Commission's Decision No. 21143, dated May 24, 1929, on Application No. 15226, and Decision No. 29265, dated November 9, 1936, on Application No. 20695. Under such operative rights applicant now provides an automotive service for the transportation of passengers, baggage and express, between Sacramento and Marysville and intermediate points, subject to certain limitations, all as more particularly set forth in decisions creating such operative rights.

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, its 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 its 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 its 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 it 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.

#### O R D E R

IT IS ORDERED that California Nevada Stages, Inc., a corporation, is hereby authorized to discontinue the transportation of shipments of express weighing in excess of one hundred (100) pounds on its passenger carrying vehicles, and the operative rights therefor, heretofore acquired by, or created in, applicant by the Commission's

Decisions Nos. 14756, 23347, 21143, and 29265, 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. All shipments of express shall be carried on applicant's passenger carrying vehicles.

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

Dated at San Francisco, California, this 20<sup>th</sup> day of February, 1940.

Frank D. Miller  
Rabbevaloff  
H. B. M. M.  
Justus J. Querner  
COMMISSIONERS