

Decision No. 23370

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of)
BEVERLY GIBSON, doing business under)
the fictitious name and style of)
RIVER AUTO STAGES, for a certificate)
of public convenience and necessity) Application No. 23370
to transport express, as a common)
carrier for compensation, between)
Sacramento and Represa, California,)
and intermediate points.)

BY THE COMMISSION:

OPINION AND ORDER

In this application Beverly Gibson, doing business as River Auto Stages, requests the Commission to grant a certificate of public convenience and necessity for the transportation of express, as a passenger stage corporation, between Sacramento and Represa and intermediate points, as an extension and enlargement of applicant's present operative rights. It is proposed that no shipment will be transported which weighs in excess of one hundred pounds and all shipments will be transported on passenger carrying vehicles only.

As justification for the authority sought applicant avers that under the authority of the Commission's Decision No. 17356, dated September 21, 1926, on Application No. 13135, he acquired from R. O. Douglas an operative right for the transportation of passengers and baggage between Sacramento and Folsom and intermediate points which was created by the Commission's Decision No. 13036, dated January 11, 1924, on Application No. 9626. Applicant further avers that, at the time of the purchase of the operative right from Douglas, said Douglas was engaged in the transportation of express

on passenger vehicles operating under a certificate created by said Decision No. 13036, and applicant herein assumed that said Douglas had a right to provide such service.

Some fourteen years elapsed before applicant herein discovered on or about March 1, 1940, that such an assumption upon his part was erroneous. He then and there ceased the transportation of express between the points involved despite repeated requests from patrons for continuance of this service and promptly filed the instant application requesting the necessary authority to lawfully render this service.

Tahoe Greyhound Lines, a corporation, engaged in the transportation of passengers, baggage and express between Sacramento and Tahoe and intermediate points, via Represa and Placerville, has filed with the Commission a waiver of protest to the granting of the authority herein requested. No other carrier is affected.

It appears that the granting of this application is in the public interest; also, that a public hearing in this matter is unnecessary. By Decision No. 24147, dated October 19, 1931, on Application No. 14026, Beverly Gibson was granted a consolidated certificate in lieu of all operative rights held by him at that time which authorized the transportation of passengers, baggage and express between numerous points, including Sacramento and Represa and intermediate points, subject to a restriction that no shipments of express should be transported between Sacramento and Represa and intermediate points. The authority herein requested will be granted by an elimination of the restriction in regard to the transportation of express between Sacramento and

Represa and intermediate points.

Therefore, good cause appearing,

IT IS ORDERED that the following language,

"No shipments of express shall be transported between Sacramento and Represa and intermediate points."

appearing in condition No. 1 of Decision No. 34147, dated October 19, 1931, on Application No. 14026, as amended by Decision No. 32822, dated February 20, 1940, on Application No. 22970, and also appearing at sheet 3 thereof, is hereby deleted therefrom.

IT IS FURTHER ORDERED that,

Applicant shall commence the service herein authorized within a period of not to exceed thirty (30) days from the effective date hereof, and shall file, in triplicate, and concurrently make effective on not less than ten (10) days' notice to the Railroad Commission and the public, a tariff or tariffs constructed in accordance with the requirements of the Commission's General Orders and containing rates and rules which in volume and effect shall be satisfactory to the Railroad Commission.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 30th day of April, 1940.

Ray L. Avery
Harold P. Miller
Ralph W. Johnson
W. H. Miller
Justin F. Coenen
COMMISSIONERS