

Decision No. 33093

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
JOSEPH MILLER, doing business as BAY
RAPID TRANSIT COMPANY, for an amended
operative right covering the transpor-
tation of express between all points
served within the State of California.)

Application No. 23434

BY THE COMMISSION:

O P I N I O N

This is an application by Joseph Miller operating under the fictitious name and style of Bay Rapid Transit Company, as an automotive common carrier of passengers, baggage and express between Monterey and Pacific Grove and certain intermediate points, as more specifically described, limited and restricted by in lieu Decision No. 24320, dated December 21, 1931, on Application No. 17738, as amended by Decisions Nos. 24971, dated July 5, 1932, 28181, dated August 19, 1935 and 30185, dated October 4, 1937, on Application No. 18196 and on supplemental applications in Application No. 17738, respectively.

By this application, an order of the Commission is sought limiting applicant's operations for the transportation of express matter to shipments weighing not in excess of one hundred (100) pounds to be transported on passenger vehicles only, in lieu of the present restriction which limits said express matter to packages weighing one hundred (100) pounds or less.

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

Applicant's principal business is the transportation of passengers and their baggage. The transportation of express matter, so called, is merely incidental to the principal business of the transportation of passengers and consists entirely of small shipments, none of which for over one year last past has weighed over one hundred pounds. All such shipments have been transported on the passenger carrying vehicles of applicant more or less in the nature of an accommodation service.

Furthermore, 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 does not appear to be a matter in which a public hearing is necessary and the public not appearing to have its interest adversely affected, the application will be granted.

O R D E R

Good cause appearing,

IT IS ORDERED that Decision No. 24320 be and it is hereby amended by the deletion therefrom of the existing limitation as to the transportation of express, and the substitution therefor of the following limitation in lieu:

In the transportation of express no shipment weighing in excess of one hundred (100) pounds shall be transported and all express transported shall be carried on passenger vehicles only.

IT IS FURTHER ORDERED that applicant shall file in triplicate on at least ten (10) days' notice to the Commission and the public, a tariff giving effect to the authority herein granted.

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

Dated at San Francisco, California, this 14th day of May, 1940.

Ray L. Rice
Frank J. Smith
Ralph W. Johnson
H. M. M.

COMMISSIONERS