

Decision No. 2345

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
M. PASSALACQUA, doing business as M.
PASSALACQUA'S BENICIA-VALLEJO STAGE
LINE, for an amended operative right
covering the transportation of prop-
erty between Benicia and Vallejo,
California, and intermediate points. }

Application No. 23451

ORIGINAL

BY THE COMMISSION:

O P I N I O N

M. Passalacqua, applicant herein, is operating, under the fictitious name and style of M. Passalacqua's Benicia-Vallejo Stage Line, as an automotive common carrier of passengers, baggage and property between Benicia and Vallejo and intermediate points, by virtue of a prescriptive right as evidenced by a tariff filing (CRC No. 1) with this Commission effective March 1, 1917.

By this application, as amended, applicant seeks an order of this Commission restricting and limiting his operative right for the transportation of property to shipments weighing not in excess of one hundred (100) pounds to be transported on passenger vehicles only.

As justification for the authority sought, applicant alleges that his operations with respect to the transportation of property are merely incidental to his principal business of the transportation of passengers and have consisted entirely of small shipments (parcels), none of which for the past year have exceeded one hundred (100) pounds.

He further alleges that all such shipments have been transported on the same equipment used for the transportation of passengers and have been more or less an accommodation service to the public. 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 and one not warranted by his property business, according to applicant.

This does not appear to be a matter in which a public hearing is necessary and the application should be granted.

O R D E R

Good cause appearing,

IT IS ORDERED that the prescriptive right of M. Passalacqua for the automotive transportation of passengers, baggage and property, as a common carrier between Benicia and Vallejo and intermediate points is hereby amended by the addition of the following condition:

In the transportation of property no shipment weighing in excess of one hundred (100) pounds shall be transported and all property 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 conferred.

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

Dated at San Francisco, California this 28th day of May, 1940.

Ray & Ray

Robert W. ...

Robert W. ...

COMMISSIONERS