

Decision No. 37758
 BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of ASBURY
 RAPID TRANSIT SYSTEM, a California corpora-
 tion (the surviving corporation in a merger
 with its constituent Pasadena-Ocean Park
 Stage Line, Inc., a California corporation,
 the original applicant herein) for a
 certificate of public convenience and neces-
 sity authorizing the operation of a common
 carrier motor coach service for the transpor-
 tation of persons, baggage and express between
 Los Angeles on the one hand and Pasadena on
 the other hand, via certain alternate routes
 serving intermediate points.

ORIGINAL

Application
 No. 21102

BY THE COMMISSION:

ORDER OF DISMISSAL

The original application in this proceeding was filed March 25, 1937 and a supplemental application requesting a substitution of names was filed December 8, 1939. Hearings were conducted in the proceeding at Los Angeles, the last one being held February 26, 1941 at which time the matter was adjourned to a date to be set. At the hearings the city of Pasadena objected to the granting of the application on the ground that it was opposed to any passenger stage operations over the newly constructed Arroyo Seco Freeway which is involved in the routing proposed herein. It now appears that no good cause would be served by continuing this proceeding as an active matter before the Commission as, in the future, it will require the development of a new record to meet prevailing conditions.

The matter of passenger stage operation over the Arroyo Seco is involved in a number of proceedings pending before the Commission. In some instances this operation is dependent upon abandoning rail operation which cannot properly be effected until after the termination of prevailing hostilities.

Therefore, it appears that this application, as well as all others involving operations over the Arroyo Seco, should be dismissed with the understanding that such action will in no way prejudice the interest of the respective applicants in any future filing for authority to operate over the Arroyo Seco or any portion thereof. In order that the various parties will retain any advantage they may now have, from the standpoint of priority in filing of their respective applications, this feature will be given due consideration in any future similar filings.

Therefore, good cause appearing, it is ordered that the above-entitled proceeding be and it hereby is dismissed without prejudice.

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

Dated at San Francisco, California, this 27th day of March, 1945.

David C. Anderson
Justin D. Casper
Richard H. Chase

James H. Lawrence
 COMMISSIONERS

(1) Applications Nos. 17984, 23273 and 23715.