

Decision No. 16257

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
CITY TRANSIT, Inc., to sell certain
automobile stage line operating
rights to MOTOR TRANSIT COMPANY, and
of the latter to purchase and exer -
cise the same.) Application No. 12607

BY THE COMMISSION -

OPINION and ORDER

City Transit, Inc., has petitioned the Railroad Commission for an order approving the sale and transfer to Motor Transit Company, a corporation, of an operating right for an automobile service for the transportation of passengers between Pomona, La Verne and San Dimas, and Motor Transit Company, a corporation, has applied for authority to purchase and acquire said operating right and to hereafter operate thereunder, said sale and transfer to be in accordance with an agreement marked Exhibit "A", which exhibit is attached to the application herein and made a part thereof.

The consideration for the property herein proposed to be transferred is given as \$2000, which sum is said to represent the value of the operating right.

The operating right involved was established by one P.H. Flynn by reason of operation prior to May 1, 1917, and the filing of tariffs and time schedules in accordance with the Commission's General Order No. 47. Flynn transferred the right to O.W. and and E. B. Thomas, and E. B. Thomas later transferred his interest to O. N. Thomas. The latter transferred the right to W. H. Neher and Neher sold to J.K. Hawkins. City Transit Company, Inc., bought the right from Hawkins. All of the transfers were approved by the Railroad Commission in decisions issued on Application numbered 5004, 6232, 7674, 10401 and 10600.

We are of the opinion that this is a matter in which a public hearing is not necessary and that the application should be granted.

IT IS HEREBY ORDERED that the above entitled application be and the same hereby is granted, subject to the following conditions:

1- That the order issued herein shall not in any way be construed as authorizing Motor Transit Company to link up or merge the right obtained from City Transit, Inc., with its existing rights.

2- The consideration to be paid for the property herein authorized to be transferred shall never be urged before this Commission or any other rate fixing body as a measure of value of said property for rate fixing, or any purpose other than the transfer herein authorized.

3- Applicant City Transit, Inc., shall immediately withdraw tariff of rates and time schedules on file with the Commission covering service, certificate for which is herein authorized to be transferred. Such withdrawal to be in accordance with the provisions of General Order No. 51.

4- Applicant Motor Transit Company shall immediately file in its own name tariff of rates and time schedules for service heretofore given by City Transit, Inc., said tariff of rates and time schedules to be in form and substance satisfactory to the Railroad Commission.

5- The rights and privileges herein authorized may not be sold, leased, transferred nor assigned, nor service thereunder discontinued, unless the written consent of the Railroad Commission to such sale, lease, transfer, assignment or discontinuance has first been secured.

6- No vehicle may be operated by applicant Motor Transit Company unless such vehicle is owned by said applicant or is leased under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 19th day of March, 1926.

H. B. ...
O. ...
E. ...

 COMMISSIONERS.