

Decision No. 16414

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

BAILIES G. WALKER,

Complainant,

vs.

VIRGIL N. SAMS,

Defendant.

Case No. 2090.

Harry W. Horton, for Complainant.

Timmons & Hoover, by W. F. Timmons,
for Defendant.

BY THE COMMISSION:

OPINION

This is a complaint directed against the defendant, Virgil N. Sams, alleging that said defendant is engaged in the operation of an auto stage line between points in Arizona and points in California; that the said defendant is conducting such operations unlawfully in that he has not obtained a certificate of public convenience and necessity from this Commission to engage in the same, and praying for an order of the Railroad Commission requiring defendant to cease and desist from such operations unless and until a certificate therefor is obtained from this Commission.

A public hearing was held in this matter before Examiner Williams at El Centro, California, at which time a stipulation was entered into by and between the parties to the effect that the defendant had not been conducting an

ORIGINAL

intrastate business in the States of Arizona or California, and that his operations have been, and will continue to be, of persons and property exclusively between Arizona and California.

✓ It was determined by this Commission in Decision No. 16408, on Applications numbered 9808, 9681, 9561, 9758 and 9783, dated April ✓ 18, 1926, that this Commission has no jurisdiction over operations exclusively of an interstate character except as to reasonable restrictions upon the use of the highways in this state with respect to safety upon and conservation of, the same. Upon the authority of that decision this complaint should be dismissed. An order will be entered accordingly.

It is to be borne in mind that the California Legislature of 1925 passed an amendment to section 9 of Chapter 213 of the Act of 1917 (Auto Stage and Truck Transportation Act), which provides:

"Neither this act nor any provision thereof shall apply or be construed to apply to commerce with foreign nations or commerce among the several states of this union, except in so far as the same may be permitted under the provisions of the constitution of the United States and the acts of congress; provided, however, that with reference to transportation companies operating solely in interstate commerce between any point or points within this state and any point or points in any other state or in any foreign nation, the railroad commission shall have the power to prescribe such reasonable, uniform and non-discriminatory rules and regulations in the interest and aid of public health, security, safety, convenience and general welfare as shall in its opinion be required by public convenience and necessity."

Under this provision, interstate auto carriers will be required to comply with such rules and regulations as this Commission, under such authority, shall establish.

O R D E R

Baillies G. Walker having made complaint against Virgil N. Sams, as above entitled, a public hearing having been held thereon, the matter having been duly submitted by the parties upon stipulation of facts, and the Commission being now fully advised:

IT IS HEREBY ORDERED that the complaint herein be, and the same is hereby dismissed for want of jurisdiction.

Dated at San Francisco, California, this 5th
day of April, 1926.

H. B. Blanding
C. C. C. C.
Frank West
Leon White

Commissioners.