

Decision No. 17172

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of )  
 R. H. CLARK, F. O. GARRETT to sell and )  
 WALTER JOHNSON to purchase the undivided )  
 one-half interest of F. O. Garrett in an )  
 automobile freight line operating under )  
 the name of OAKLAND-SAN RAFAEL EXPRESS )  
 a co-partnership between Oakland and )  
 San Rafael and Oakland and Ignacio via )  
 Point Richmond, California. )

Application No. 13038

**ORIGINAL**

BY THE COMMISSION -

OPINION AND ORDER

R. H. Clark, F. O. Garrett and Walter Johnson, co-partners, have petitioned the Railroad Commission for an order approving the sale and transfer by them to Walter Johnson and R. H. Clark, co-partners, of an operating right for an automobile service for the transportation of property between Oakland and San Rafael and between Oakland and Ignacio, and Walter Johnson and R. H. Clark have applied for authority to purchase and acquire said operating right and <sup>to</sup> hereafter operate thereunder, the 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. Clark is to acquire a one-sixth interest in the operating right and Johnson five-sixths.

The consideration to be paid for the property herein proposed to be transferred is given as the sum of \$1500, all of which amount is said to represent the value of certain equipment involved in the transaction.

The operating right herein proposed to be transferred was originally issued to R. H. Clark and F. O. Garrett, co-partners, in the Commission's Decision No. 10672, dated July 7, 1922, and issued on Application No. 7607. On November 26, 1923, as shown by the Commission's Decision No. 12860, issued on Application No. 9504, the partners trans-

ferred a one-third interest to Walter Johnson. Now Garrett proposes to retire from the firm, his interest going to Johnson.

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 this application be, and the same hereby is granted, subject to the following conditions:

1. 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.

2. Applicants Clark, Garrett and Johnson, co-partners, 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.

3. Applicants Walter Johnson and R. H. Clark, co-partners, shall immediately file, in duplicate, in their own name, tariff of rates and time schedules covering service heretofore given by R. H. Clark, F. O. Garrett and Walter Johnson, co-partners, which rates and time schedules shall be identical with the rates and time schedules now on file with the Railroad Commission in the name of applicants R. H. Clark, F. O. Garrett and Walter Johnson, co-partners, or rates and schedules satisfactory in form and substance to the Railroad Commission.

4. 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.

5. No vehicle may be operated by applicants Walter Johnson and R. H. Clark, co-partners, unless such vehicle is owned by said applicants or is leased under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 31<sup>st</sup> day  
of July, 1926.

H. B. Brundage  
Oliver S. Brown  
Leon O. Whitell  
John S. Brown  
COMMISSIONERS.