

ORIGINAL

Decision No. 18293

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 FRED LUDEKENS, operating under the name  
 of Martinez-San Francisco Express Company,  
 for permission to sell and transfer all  
 of his right, title and interest in the  
 above named business and his operative  
 rights to Inter-Urban Express Corporation,  
 and application of Inter-Urban Express  
 Corporation for an order granting permission  
 to purchase all of the right, title and  
 interest in the above mentioned business  
 and its operative rights and to be permitted  
 to operate between points. )  
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 ) Application  
 No. 13551

BY THE COMMISSION -

OPINION and ORDER

Fred Ludekens, (sometimes spelled Ludekins and Ludekin), operating under the name of Martinez-San Francisco Express, has petitioned the Railroad Commission for an order approving the sale and transfer by him to Inter-Urban Express Corporation, a corporation, of operating rights for an automobile service for the transportation of property between Oakland and Martinez and intermediate points, and Inter-Urban Express Corporation, a corporation, has asked for authority to purchase and acquire said operating right and to 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.

The consideration to be paid for the property herein proposed to be transferred is given as the nominal sum of \$10 and other valuable consideration, and the further payment of the sum of \$4901.72, which last named sum is said to be the aggregate of obligations of Ludekens to be assumed by Inter-Urban Express Corporation.

The operating rights herein proposed to be transferred were granted to Ludakens by the Railroad Commission in Decision No.14067, dated September 16, 1924, and issued on Application No.10376, and Decision No.15578, dated October 29, 1925, and issued on Application No.10629. Ludakens at one time operated between San Francisco and Martinez. On Application No.10376 the Commission authorized him to abandon the transbay service and issued to him in lieu of the certificate previously granted on his application No.9360, a certificate of public convenience and necessity authorizing "an automotive freight service between Oakland and Port Costa, Crockett and Martinez." In Decision No.15578 the Commission authorized Ludakens to operate a truck service for the transportation of property

Between Oakland on the one hand and San Pablo, Pinole, Hercules, Rodeo, Oleum, Tormey and Selby on the other hand, and between Albany, El Cerrito, Stege Junction, San Pablo, Pinole, Hercules, Rodeo, Oleum, Tormey, Selby, Port Costa, Crockett and Martinez and between any and all of said points.

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- 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- Applicant Fred Ludakens shall immediately unite with applicant Inter-Urban Express Corporation in common supplement to the tariffs on file with the Commission, applicant Ludakens on the one hand withdrawing, and applicant Inter-Urban Express Corporation on the other hand accepting and establishing such tariffs and all effective supplements thereto.

3- Applicant Fred Ludakens shall immediately withdraw time schedules filed in his name with the Railroad Commission, and applicant Inter-Urban Express Corporation shall immediately file, in duplicate, in its own name, time schedules covering service heretofore given by applicant Ludakens, which time schedules shall be identical with the time schedules now on file with the Railroad Commission in the name of applicant Ludakens, or time schedules satisfactory 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 applicant Inter-Urban Express Corporation unless such vehicle is owned by said applicant or is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.

6- The order herein shall not be construed as granting Inter-Urban Express Corporation any authority to link up or join the operating rights herein authorized to be transferred with its existing operating rights.

Dated at San Francisco, California, this 29<sup>th</sup> day of  
April, 1927.

Emmert  
A. B. Brundage  
A. S. Brown  
Leon J. Whittell  
Thos. S. Powell  
COMMISSIONERS.