

Decision No. 18406.

**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of  
 J.B.Hanna, Public Administrator and  
 Ex-officio Coroner, San Bernardino  
 County, State of California, to sell  
 and K. M. Stevenson and Paul Shafer  
 to purchase automobile freight truck line  
 operated between Colton and San Ber-  
 nardino and Barstow, Daggett, Yermo and  
 intermediate points, now in name of  
 D. T. McElhaney,

AND

Application of K. M. Stevenson and  
 Paul Shafer to consolidate such line  
 with their present operations, publish  
 through rates between Los Angeles and  
 Victorville on the one hand and points  
 North of Victorville served by the  
 McElhaney line on the other hand and  
 for permission to operate such consolidated  
 lines as one unit.

) Application No.13691.

) "

Grant Holcomb for applicant J.B.Hanna,  
 administrator;  
 K.M.Stevenson and Paul Shafer, applicants  
 in propria persona.

BY THE COMMISSION:

O P I N I O N.

Applicants herein seek to transfer the certificate of  
 public convenience and necessity granted to D. T. McElhaney under  
 Decision No. 17482 on Application No. 11940 for the transportation  
 of freight between Colton and San Bernardino on one hand, and  
 Helendale, Hicks, Lynwood, Barstow, Daggett, Yermo and points inter-  
 mediate, on the other hand.

A public hearing herein was conducted by Examiner  
 Williams at San Bernardino.

On or about March 25, 1927, McElhaney, owner of the

certificate involved herein, was found dead on the roadside beside one of his trucks. Within due time the public administrator of San Bernardino County, J.B.Hanna, duly qualified as the administrator of McElhaney's estate, and as such administrator authorized continuation of the service required by the certificate by applicants herein, K. M. Stevenson and Paul Shafer. Since that time, this service has thus been maintained. Stevenson and Shafer are co-partners in the operation of a freight truck line between Los Angeles and San Bernardino and Victorville under certificate granted by Decision No. 15595 on Application No. 10195. The operation of McElhaney was conducted over the same route as the operations of Stevenson and Shafer as far as Victorville, but served no points south of Helendale.

J. B. Hanna, public administrator, testified that, acting under the instructions of the Superior Court of San Bernardino County, he had advertised for sale the certificate granted McElhaney, and which comprised the bulk of his estate, the equipment which McElhaney had been using having been re-possessioned by its legal owners. He further testified that the applicants, Stevenson and Shafer, had bid \$500. for the certificate and some other personal property, and that from this amount the cost of filing the present application, together with payment of \$10. a day for operating the line, was to be deducted; the remainder to be paid into the estate of decedent. It appears from the order of the Superior Court of San Bernardino County approving this transaction, that the actual cash accruing to the estate will be \$142.; that on payment of this, the public administrator will release all claim upon the certificate.

Applicants Stevenson and Shafer not only request the transfer of the certificate, but ask its consolidation with two other certificates owned by them. One of these certificates is the operation between Los Angeles and Victorville granted by

Decision No. 15595 to K. M. Stevenson, and the other is a certificate for the transportation of freight between San Bernardino and Victorville originally granted O. M. Green by Decision No. 11214, and transferred to Clarence M. Bullock by Decision No. 13520, and transferred to Stevenson and Shafer by Decision No. 14720 on Application No. 10884. By consolidating these certificates, Stevenson and Shafer will be in a position to conduct through service between Los Angeles, Colton and San Bernardino and all points north of San Bernardino, including Victorville, Barstow and all points intermediate to Yermo. The three operations traverse the same route between San Bernardino and Victorville, and there appears no reason why the request should not be granted, as Stevenson testified that the separate operations of the three services over practically the same route would require an unnecessary exchange of shipments and expense. T. R. Rex, proprietor of Rex Transfer Company, who operates between Los Angeles, Colton and San Bernardino, made no protest when assured by applicants that they intended no local service between Los Angeles or Colton and San Bernardino.

We believe the simplest way to authorize the consolidation of these three services into one is by granting a new certificate in lieu of all existing certificates, to which applicants Stevenson and Shafer assent, providing that applicants may transport freight between Los Angeles, Colton and San Bernardino on one hand, and all points between San Bernardino and to and including Yermo on the other hand, and retaining restriction heretofore imposed. Such an order will be entered.

O R D E R.

J. B. Hanna, public administrator of the County of San Bernardino, administrator of the estate of D. T. McElhanev, deceased,

has made application to sell, and K. M. Stevenson and Paul Shafer have made application to purchase, the certificate granted to said D. T. McElhaney in his lifetime under Decision No. 17482 on Application No. 11940, dated October 16, 1926, a public hearing having been held, the matter having been duly submitted and now being ready for decision,

IT IS HEREBY ORDERED that the transfer of the certificate as applied for, be and it is hereby approved.

K. M. Stevenson and Paul Shafer having made further application for the consolidation of the certificate possessed by them under Decision No. 14720 on Application No. 10884, dated March 31, 1925, and certificate granted under Decision No. 17482 on Application No. 11940, dated October 16, 1926, and the certificate herein approved for transfer from Hanna, administrator of the estate of McElhaney, to Stevenson and Shafer, and it appearing to the Commission that there is good cause for the conduct of a single operation between the points involved, to-wit: between Los Angeles, Colton and San Bernardino and points between San Bernardino and Yermo, inclusive;

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be, and the same hereby is granted to applicants K. M. Stevenson and Paul Shafer for the operation of a freight transportation truck line between Los Angeles, Colton and San Bernardino on the one hand, and between San Bernardino and Yermo and intermediate points, on the other hand; provided, however, that no freight shall be transported between Los Angeles and San Bernardino, or intermediates; and provided further that no freight in quantities of more than three tons from one consignor to one consignee may be transported between Los Angeles and Victorville; and provided further that applicants may distribute from

Victorville, freight to all points 10 miles north, or 30 miles east and west of Victorville, all points to be drawn north of a line east and west through Hesperia over and along the following route:

Between Los Angeles and Colton and San Bernardino over the Valley Boulevard and Colton-San Bernardino Highway; between San Bernardino and Barstow over the State Highway and between Barstow and Yermo over the National Old Trails route;

and subject to the following conditions:

- I. Applicants shall file with this Commission, within twenty (20) days from date hereof, their written acceptance of the certificate herein granted as an extension and enlargement of their present operative rights, and not as a new or separate right.
- II. Applicants shall file, in duplicate, time schedules and tariffs of rates within a period of not to exceed twenty (20) days from date hereof, such tariffs of rates and time schedules to be identical with those attached to the application herein, or rates and time schedules satisfactory to the Railroad Commission, and shall commence operation of the service herein authorized within a period of not to exceed sixty (60) days from date hereof.
- III. 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.
- IV. No vehicle may be operated by applicants under the authority herein granted unless such vehicle is owned or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all other purposes the effective date of this

order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 20<sup>th</sup>  
day of May, 1927.

Thomas J. Scott  
H. B. Bondage  
P. A. Seawing  
Paul S. Hartley  
Commissioners.