

Decision No. 16889

**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 CALIFORNIA TRANSIT CO., a corporation, )  
 Lessor, to lease to ERNEST CAPLINGER, )  
 Lessee, operative rights for the trans- )  
 portation of passengers, baggage and ) Application  
 express between Yosemite Junction and ) No. 14097  
 Groveland, and operative rights for the )  
 transportation of freight between )  
 Chinese and Groveland. )

BY THE COMMISSION -

OPINION and ORDER

California Transit Co., a corporation, has applied to the Railroad Commission for an order authorizing it to lease to Ernest Caplinger operating rights for an automotive service for the transportation of passengers and their baggage and express between Yosemite Junction and Groveland and for the transportation of freight between Chinese and Groveland, and Ernest Caplinger has asked for authority to enter into said lease and to operate said transportation service in accordance with the terms thereof. The lease provides for monthly payments of \$10 by Caplinger to California Transit Co. during the period of the Caplinger operation.

California Transit Co. operates under authority of the Railroad Commission, in connection with its general system, between Groveland and points west thereof, seasonally, that is between June 1st of each year and September 1st. During the remaining months service extends only to Groveland from points east thereof. Caplinger is operating a daily mail transportation service under contract with the U. S. Government over the same route traversed by California Transit Co. between Chinese and Groveland. Under the terms of the proposed lease he will, during the winter months,

transport on his equipment passengers, baggage, freight and express transported under present operating conditions by California Transit Co. between Yosemite Junction, Chinese and Groveland. This traffic, according to applicant California Transit Co., does not yield (in the winter months) sufficient revenue to pay the direct operating expense of the stage rendering the service, but if combined with the revenue received by Caplinger as a mail contractor will make possible an operation by the latter both efficient and profitable. Applicant Caplinger has, according to applicants, ample equipment and conveniences to take care of the traffic offering during that part of the year following the cessation of summer traffic over this route.

The lease covers a period of five years and provides that at the beginning of each season (June 1) California Transit Co. shall resume its full operating schedule, Caplinger on that date discontinuing his common carrier operations until September 15th, on which date he will again resume service. The lease provides that Caplinger shall operate under the rules and regulations and charge the rates and fares shown in the tariffs of the California Transit Co. on file with the Railroad Commission.

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- Applicant Caplinger shall immediately adopt the tariffs and time schedules of California Transit Co. covering service between the points proposed to be served under the terms of the lease, a copy of which is attached to the application herein, and California Transit Co. shall file a supplement to its tariffs and time schedules setting forth that during the period from September 15th of each year to June 1st of the following year service heretofore performed by California Transit Co. between the points named in

the lease approved by the order herein will be operated by said applicant Caplinger.

2- 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.

3- No vehicle may be operated by applicant Caplinger unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 4<sup>th</sup> day of October, 1927.

Edmund J. [Signature]  
Chairman  
Leon [Signature]  
David [Signature]  
M. J. [Signature]  
COMMISSIONERS.