

Decision No. 21859 .

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

---oOo---

In the Matter of the Application of )  
CALIFORNIA TRANSIT CO., a corporation, )  
for an order defining its operative )  
rights and routes for the transportation )  
of passengers, their baggage and for the )  
transportation of property. )

Application No. 15781

**ORIGINAL**

Earl A. Bagby, For Applicant.

L. R. Everett, for Atchison, Topeka and  
Santa Fe Railway Co., Interested Party.

Beverly Gibson, in propria persona, Interested  
Party.

BY THE COMMISSION:

O P I N I O N

This is an amended application by California Transit  
Co., a corporation, for an order of the Railroad Commission  
defining the operative rights of applicant and granting:

1. Certificate of public convenience and necessity  
authorizing it to transport passengers, baggage  
and express over and along certain routes and  
between certain named termini and all intermediate  
points located on said routes.
2. Certificate of public convenience and necessity  
authorizing applicant to transport freight over  
and along certain routes and between certain  
named termini and all intermediate points.

The certificate in each instance is to be subject to  
restrictions heretofore imposed upon the operations of said  
applicant by orders of the Commission and is to be in lieu of,  
and not in addition to, operating rights heretofore issued to  
applicant and its predecessors in interest by the Railroad  
Commission, and to authorize the operation by applicant of a

unified system over the routes described and between the points named.

A public hearing on this application as amended was held by Examiner Gannon at San Francisco. No one appeared to protest the granting of said application and at the conclusion of the hearing the matter was taken under submission, the date of submission to be determined by the date of formal orders of the Commission to be issued on two pending matters, in Case No. 2478 and application No. 14274, both of which involve territory now served either wholly or in part by California Transit Co., applicant herein.

On November 1, 1929, applicant filed a supplemental application herein requesting inclusion in the order herein of an operating right granted by Decision No. 21722. As it affects territory covered by the order herein it will be accepted and given consideration.

At the hearing testimony on behalf of applicant was given by Earl A. Bagby, its General Counsel. Another witness was T. Finkbohner, Superintendent of operations of applicant whose testimony referred chiefly to the routes through the cities of Vallejo and Davis and to the Rockville route and to abandonment of freight service by Sierra-Nevada Stages, predecessor in interest of applicant, between Donner Lake and Truckee.

The Truckee-Donner Lake right was acquired from W. B. Gellatt, owner of the resort at the Lake, by Sierra-Nevada Stages. It authorized the transportation of freight as well as passengers and baggage. The Commission, in its order, approved the transfer authorizing the consolidation of the right with the right of Sierra-Nevada Stages which was already

operating a passenger, baggage and express service between Truckee and Donner Lake. No freight service was ever performed by Sierra-Nevada Stages, nor by applicant herein, nor is there on file with the Railroad Commission a tariff showing freight rates. Freight to the resort is now hauled by Gellatt in trucks owned by him.

Witness Bagby testified as to the manner in which applicant had acquired the rights under which California Transit Co. is now conducting its service. He pointed out that in connection with the operating rights involved the Commission has issued several hundred orders over a period of time extending from 1917 to the present date. With particular reference to pertinent decisions issued since the year 1920, when applicant acquired rights existing as of that year, he testified that

"All of its operations have been and now are under the jurisdiction of the Railroad Commission. Each of the operations referred to in the application are subject to certificates of public convenience and necessity heretofore issued. A list of the pertinent decisions of the Commission relating to the granting of, abandonment of, and restrictions on such certificates is annexed and made part of this application. By reason of the pendency of many different applications during the same period of time, and rendition of decisions thereon independent of other applications pending, there is need for an order or decision harmonizing said decisions and the certificates granted thereby, whereby the rights granted, the rights withdrawn, and the restrictions on said rights may be clarified and defined. Applicant, then, requests of this Commission a certificate of public convenience and necessity reaffirming or re-granting in one decision, in lieu of the many several decisions and certificates now existing, the complete operative rights owned by applicant. Applicant does not seek any new or additional operative rights or the removal of any existing restrictions but only seeks an order defining and clarifying the operative rights and routes as they now exist, the same to include all previous orders and decisions rendered and made final as of the date of this proceeding's determination."

Continuing, witness Bagby stated that applicant's operative rights cover many highway routes within the State of

California, certificates for which in many cases overlap each other; that while the highway routes are in most instances prescribed by the naming of intermediate points, the descriptions of such highway routes in some cases are indefinite; that in some cases the highway routes into, or out of, or through cities are distinctly specified, while in other instances no highway routes within cities have been prescribed; that in most instances the right to transport express has been granted for the same highway routes as for the transportation of passengers and their baggage; that applicant's operative routes have, with one exception, been consolidated so as to form a complete system for the transportation of passengers, baggage and express, under a standard form of rules and regulations, but that in some instances specific rules or regulations either enlarge upon or limit the usual privileges of the applicant or the public using such transportation facilities.

"For these reasons", said the witness, "the applicant sets forth the highway routes over which it is entitled to transport passengers and their baggage as determined by the locations of cities and towns, and the highway routes that have been changed or abandoned; also specific routings within cities as heretofore prescribed by the Commission; also the highway routes over which it is entitled to transport express and freight, respectively."

A map showing all the involved routes is attached to and made part of the application and marked "Exhibit B". Explanatory references are also annexed and marked "Exhibit C". Other exhibits pertinent to the application are also attached.

As to the Owens Valley freight right applicant testified that it was made part of the instant proceeding so that an order definitely establishing it might be issued. The Commission's records show that it has informally expressed the opinion that the right as described in the application herein and for which a new certificate is sought had been granted to

Owens Valley Transportation Company but that through an inadvertence tariffs covering the freight service had never reached the files of the Commission though received at the Los Angeles office of the Commission. Freight service had always been performed. This fact, as well as the fact of the lost tariffs are set forth in affidavits filed by the Owens Valley Company. The order of the Commission transferring the Owens Valley right to California Transit Company embraced a freight right as well as a right to transfer passengers and express. To clarify the situation the order sought herein should be issued.

A thorough review of the evidence offered in this proceeding and a complete check of the Commission's records covering the development and growth of applicant's system, which traverses the territory between the Oregon State line and Los Angeles through the San Joaquin and Sacramento Valleys, the territory adjacent to San Francisco, and between Sacramento and Truckee and east and north of Mojave to the Owens Valley territory, convinces us that this application should be granted and an order will be entered accordingly.

A multiplicity of formal orders issued by the Commission over a period of many years and based upon conditions requiring individual consideration at the time, all of them creating or restricting operating rights in accordance with the requirements of the public convenience and necessity of the moment, could hardly escape duplications and ambiguities, particularly in the light of interpretations sought at this time with conditions so changed as to highways and communities and other matters entering into the operation of a transportation system as comprehensive as that of applicant.

Clarification is, we believe, most necessary, not only from the standpoint of benefit that will accrue to the travelling public through the establishment and operation of a service alike in its performance on all parts of the system, but to the Commission as well by reason of the assembling into a single operating right of all the units entering into the development of California Transit Co.'s service, thus simplifying research work and making possible an interpretation of rights without detracting from or adding to them, based on conditions as they exist today.

California Transit Co. is hereby placed upon notice that "Operative rights" do not constitute a class of property which should be capitalized or used as an element of value in determining reasonable rates. Aside from their purely permissive aspect, they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the state which is not in any respect limited to the number of rights which may be given.

O R D E R

The amended application herein having been heard and duly submitted and the Commission being fully advised,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA  
HEREBY DECLARES that public convenience and necessity requires the operation by California Transit Co., a corporation, of an automotive passenger stage service for the transportation of passengers, baggage and express between and serving the following

named termini and all intermediate points, except as herein specifically restricted, over the following described routes:

1. San Francisco and Manteca - Via Oakland and the main highway either through Hayward and/or Pleasanton via Santa Rita, and/or Livermore, or direct without serving Hayward.
2. Oakland and Sacramento - Via Richmond or San Pablo to the junction of 23rd Street and San Pablo Avenue, near Richmond, thence over the main highway to the south bridge head of Carquinez Bridge, (Valona Junction), thence over Carquinez Bridge to Vallejo, thence over the main highway to Sacramento, via Sacramento Junction and Cordelia direct through Suisun, or via Rockville without serving Cordelia and Suisun, thence through Fairfield and Davis to Sacramento.
3. South Bridge Head of Carquinez Bridge (Valona Junction) and Martinez - Via Crockett and Port Costa and the main highway to Martinez.
4. Sacramento Junction and Napa - Via the main highway.
5. Sacramento and California-Nevada State Line - At a point where the Victory Highway between Floriston, California, and Verdi, Nevada, intersects the State Line, - Via the main highway through Roseville, Auburn, Colfax and Truckee.
6. Auburn and Nevada City - Via the main highway through Grass Valley.
7. Davis Junction and California-Oregon State Line - North of Hornbrook - via the main highway through Willows, Red Bluff and Redding.

8. Sacramento and Stockton - Via

- A- Forest Lake, Cherokee Lane, Lodi and Henderson (Route A) and,
- B- Forest Lake, Woodbridge, Lodi and Henderson (Route B) and,
- C- Forest Lake and Cherokee Lane direct to Stockton (flagging Lodi on the highway) (Route C).

9. Stockton and San Joaquin Bridge - Via the Turnpike road to French Camp, thence direct to San Joaquin Bridge over the main highway.

10. Pleasanton and San Jose - Using the direct highway between Pleasanton and the southern boundary of Sunol and Mission San Jose.

11. Stockton and Manteca - Via

- A. McKinley Avenue to French Camp, thence through Hedgeside and West Manteca, and
- B. McKinley Avenue to French Camp, thence through Hedgeside and Turner Station, and
- C. Mariposa Road and Manteca Road through Turner Station.

12. Martinez and Stockton - Using the Bay Shore Road via Avon between Martinez and Bay Point, thence through Bay Point via the main direct highway to Pittsburg, thence from Pittsburg via Cumberland Street to Tenth Street, thence southerly on Tenth Street to the main highway, thence easterly to Antioch, thence via Oakley direct to Brentwood and the Borden Highway to Stockton.

13. Manteca and Tuolumne - Via Escalon, Oakdale and Yosemite Junction, with optional service to and from Standard.

14. Yosemite Junction and Mather - Using the main



highway via Moccasin Creek, or direct between Moccasin Creek Junction and Priest Station, and thence to Groveland; from Groveland to Carl Inn via Oakland Recreation Camp and/or Berkeley Recreation Camp and the main highway; also direct without serving one or either of said camps, and thence to Carl Inn, and from Carl Inn to Mather via the main highway.

15. Tracy and Fresno - Via Los Banos and Mendota, using the main highway; with optional service to and from Kernan.

16. Los Banos and Merced - Via Chowchilla Road Junction, thence direct to Merced.

17. Manteca and Fresno - Via the main highway, using the new San Joaquin River Bridge near Herndon.

18. Fresno and Visalia - Via Fowler direct to Parlier, and via Fowler and Selma to Parlier, thence via Reedley, Dinuba and Orosi.

19. Fresno and Clovis - Via both Blackstone Avenue, Shaw Avenue and Clovis Avenue and via Ventura Avenue and Clovis Avenue.

20. Fowler and Hanford - Via the main highway through Laton.

21. Coalinga and Plaza - (Visalia Air Port) - Both direct to Oil King School and via Shell Camp to Oil King School, thence by the main highway through Lemoore, Armona and Hanford.

22. Hanford and Corcoran - Via the main highway.

23. Visalia and Delano - Via the main highway through Exeter, Lindsay and Porterville.

24. Fresno and Bakersfield - Via the main highway to Plaza (Visalia Air Port) and thence both direct to Tulare and through Visalia to Tulare, and thence via the main highway to Bakersfield.

25. Bakersfield and Los Angeles - Via Greenfield, Lebec and the Ridge Route to Castaic, thence through Saugus and San Fernando and thence to Los Angeles via both the main highway through Glendale and the main highway through North Hollywood (Lankershim).

26. Taft and Greenfield - Via the main highway through Western Water Works and Panama.

27. Bakersfield and Saugus - Via Tehachapi, Mojave, Lancaster, Palmdale and/or Acton and Mint Canyon highway.

28. Mojave and Bishop - Using the main highway via Lone Pine and Independence, including Lone Pine Station to Lone Pine.

The foregoing general routes are hereby made subject to the following specific routings:

1- Between San Francisco and Oakland - East bound route to be via automobile ferry between San Francisco and Oakland to Oakland Mole, thence via Seventh Street to the Parr Terminal Road ("B" Street); thence on Parr Terminal Road to Fourteenth Street, thence via Fourteenth Street to Castro Street, thence via Castro Street to the company depot; west bound route to be via Castro Street to Twenty-first Street, thence on Twenty-first Street to Brush Street, thence on Brush Street to Fourteenth Street, thence out Fourteenth Street to the Parr Terminal Road, thence on Parr Terminal Road to Seventh Street, thence on Seventh Street to the Oakland Mole.

2- Within the City of Oakland - Northbound route between Oakland and Sacramento to be via Castro Street, thence to San Pablo Avenue and thence northerly on San Pablo Avenue; southbound route to be via San Pablo Avenue to Brush Street, thence on Brush Street to Twentieth Street, thence on Twentieth Street to Castro Street, thence on Castro Street to the company depot; between Oakland and points east, east bound route to be via Castro Street, thence to Twenty-first Street, thence on Twenty-first Street to San Pablo Avenue, thence on San Pablo Avenue to Twentieth Street, thence on Twentieth Street to Lakeshore Boulevard, thence

on Lakeshore Boulevard to East Twelfth Street, thence easterly on East Twelfth Street; west bound route to be the reverse of this east bound route.

3. Between Oakland and High Street - East bound route to be via Twelfth Street to Derby Avenue, thence on Derby Avenue to East Fourteenth Street, thence on East Fourteenth Street across High Street to Hayward, and as an optional routing, if stages are routed to Foothill Boulevard, turning on to High Street from East Fourteenth Street, thence on High Street to Foothill Boulevard and out Foothill Boulevard; west bound routes to be the reverse of these east bound routes.

4. On Foothill Boulevard - The route in either direction to be via the new highway constructed south of the Fageol factory between 105th Street and Superior Avenue.

5. Between High Street and points east - The route in either direction when through Hayward to be via East Fourteenth Street exclusively; when not serving Hayward, the route to be either via Fourteenth Street and Castro Valley Road between East Fourteenth Street and Foothill Boulevard, or via Foothill Boulevard exclusively.

6. Between Hayward and the Dublin Canyon Highway - Route in either direction to be via the extension of B Street (Hayward) to where the highway intersects Foothill Boulevard near Chabot Road.

7. Within the City of Richmond - Northbound routes to be from the intersection of Cutting Boulevard with San Pablo Avenue as follows:

Route A - Northerly on San Pablo Avenue to the intersection of San Pablo Avenue with the intersection of 23rd Street, Richmond.

ROUTE B - Northerly on San Pablo Avenue to Macdonald Avenue, thence on Macdonald Avenue to 23rd Street, Richmond, thence northerly on 23rd Street to San Pablo Avenue, and

ROUTE C - Northerly on San Pablo Avenue to Macdonald Avenue, thence westerly on Macdonald Avenue to Tenth Street, Richmond, thence northerly on Tenth Street to Lucas Street, thence easterly on Lucas Street to Thirteenth Street, thence northerly on Thirteenth Street to Sanford Avenue, thence easterly on Sanford Avenue to 23rd Street, thence northerly on 23rd Street to San Pablo Avenue.

South bound routes to be the reverse of these north bound routes.

B - For service through Livermore - Optional routes shall be as follows:

A. The main highway through the north city limits of Livermore.

B. East bound, turning from the main highway on to First Street, Livermore, thence on First Street to Main Street, thence on Main Street to the main highway, the west bound route to be the reverse of this east bound route.

9 - Routing within the City of Vallejo - North bound route to be via Fifth Street to Alameda Street, thence on Alameda Street to Maryland Street, thence on Maryland Street to Napa Street, thence on Napa Street to Pennsylvania Street, thence on Pennsylvania Street to Santa Clara Street, thence on Santa Clara Street to Maine Street, thence on Maine Street to Branciforte Street and the company's depot at the wharf of the Southern Pacific Golden Gate Ferry Company (formerly Monticello Steamship Company), thence on Branciforte Street to Virginia Street, thence on Virginia Street to Sonoma Street, thence on Sonoma Street and the extension thereof to Napa Road, or, according to traffic demands, direct on Santa Clara Street between the intersection of Pennsylvania and Santa Clara Streets and the intersection of Santa Clara and Virginia Streets, or, according to traffic demands,

between the intersection of Alameda and Maryland Streets direct on Alameda Street to Kentucky Street, thence on Kentucky Street to Napa Road, thence on Napa Road to points north; southbound routes to be the reverse of said northbound routes.

10- Routing within the City of Davis - Stages bound from Oakland to Sacramento to enter Davis on B Street to First Street, thence on First Street to G Street, thence on G Street to Second Street, thence on Second Street to the company depot, thence on Second Street to E Street, thence on E Street to the subway, and stages bound from Sacramento to Oakland to enter Davis from the subway on E Street to First Street, thence on First Street to G Street, thence on G Street to Second Street, thence on Second Street to the company depot, thence on Second Street to E Street, thence on E Street to First Street, thence on First Street to B Street, thence on B Street to the main highway to Oakland, or according to traffic requirements, leaving said depot on Second Street to G Street, thence on G Street to First Street, thence on First Street to B Street, thence on B Street to the main highway to Oakland.

11- Routing within the City of Sacramento - From the company depot at Seventh and L Streets via L Street to Alhambra Boulevard, thence south on Alhambra Boulevard to Stockton Boulevard and on Stockton Boulevard to the City Limits; reverse of this route for travel in the opposite direction. Also from the company depot at Seventh and L Streets, thence via Seventh Street to M Street and the M Street Bridge to the main highway to Oakland, or as an optional routing to be used only at such times as the M Street Bridge may be normally closed to traffic, from the company depot at Seventh and L Streets, out L Street to

Fifth Street, thence on Fifth Street to I Street and over the I Street Bridge and thence over the main highway to Oakland. Reverse of these routes for travel in the opposite direction. This routing not to apply to Sacramento and points east.

12- Within the City of Los Angeles - For stages operating via North Hollywood (Lankershim), as follows: Sunset Boulevard to Wilcox Avenue, thence northerly on Wilcox Avenue to Hollywood Boulevard, thence westerly on Hollywood Boulevard to No. 6715 Hollywood Boulevard, thence through the station located at No. 6715 Hollywood Boulevard, thence northerly and easterly to Las Palmas Avenue; thence north on Las Palmas Avenue to Franklin Street; thence west on Franklin Street to Highland Avenue; thence northerly over Highland Avenue and Cahuenga Avenue through Cahuenga Pass; reverse of this route for travel in the opposite direction.

For stages operating via Glendale, northerly from the company depot on Los Angeles Street to San Fernando Boulevard, thence via the main highway through Glendale and Burbank to San Fernando; reverse of this route for travel in the opposite direction.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and it is hereby granted to California Transit Co., a corporation, authorizing said California Transit Co. to operate said service as a unified system, (except only the right between Martinez and Stockton which is declared to be a separate right), under a single operating right, which right, herein issued, shall be in lieu of and not in addition to operating rights heretofore granted to California Transit Co. and its predecessors in interest.

IT IS HEREBY FURTHER ORDERED that the operating right granted herein shall not in any manner be construed as authority to eliminate or alter the following privileges, restrictions or limitations on the service of California Transit Co., heretofore imposed by orders of the Railroad Commission:

1. That no passengers or baggage shall be transported locally between San Francisco on the one hand, and Richmond or intermediate points, on the other hand, and that no passengers or baggage shall be transported to or from San Francisco when such passengers or baggage originate at or are destined to points west of Santa Rita.

2. On cars operated through between Vallejo and Napa no local service may be rendered to or from points between Vallejo and Sacramento Junction, Vallejo included, on the one hand, and points between Napa and Sacramento Junction, Napa included, on the other hand.

3. That the service between Groveland and Carl Inn and intermediate points shall be seasonal, to be rendered during the open season of each year approximately from June first to September 15th, which said provision as to seasonal operation also applies to the operation between Carl Inn and Mather, the latter operation being an extension of the operation between Groveland and Carl Inn.

4. That the service to and from Standard may be separate from or in connection with the service to and from Tuolumne as traffic demands may require.

5. That on the operation between Martinez and Stockton no passengers shall be picked up or discharged between Martinez and Antioch, both points included, unless such passengers originate at or are destined to points east of Antioch; nor are passengers to be picked up or discharged between

Stockton-Brentwood, both points included, unless such passengers originate at or are destined to points west of Brentwood and the said operations not being consolidated with any other part of applicant's system.

6. That no local service shall be rendered over either of the highway routes between San Fernando and Los Angeles and points intermediate thereto.

7. No passengers or express are to be transported to or from points between Sacramento and Roseville; nor to or from Roseville unless arriving from or destined to points east thereof; nor locally between Grass Valley and Nevada City, intermediate points included.

8. That the transportation of express shall be limited to packages weighing not more than 100 pounds each, and to vehicles used by said California Transit Co., for the transportation of passengers, except:

That no single package weighing in excess of forty pounds is to be transported between Saugus and Bakersfield and intermediate points via the Ridge Route, or between Greenfield and Taft, and intermediate points, or between points on one of such routes and points on the other thereof.

That there will be no restrictions as to weight limit or as to vehicles carrying express on the operations between Lone Pine and Bishop, and between Sacramento and Nevada City.

The restriction herein provided against the transportation of express packages weighing in excess of one hundred pounds and as to the same being transported on passenger vehicles only shall not apply to the transportation of express for or through the agency of Railway Express Agency, Inc. between Exeter and Goshen via Visalia and Plaza, nor between Goshen and Coalinga via Hanford, Armona and Lemoore, including all intermediate points.



That no express matter shall be transported between Stockton and Martinez, including intermediate points, and provided further

That the order herein shall not be construed as in any way altering or changing the lease of the operating right between Greenfield and Taft to Kern County Transportation Corporation and Boyd Stage Lines, approved by the Railroad Commission in Decision No. 18280 and Decision No. 19267, and the lease of the operating right between Chinese Station and Groveland to E. Caplinger as approved by Decision No. 18889.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY FURTHER DECLARES that public convenience and necessity require the operation by California Transit Co., a corporation, of

(1) An automotive service for the transportation of freight over the highway routes hereinbefore described between Chinese Station and Mather and all intermediate points via either Moccasin Creek or Moccasin Junction and Priest Station direct, the operation between Groveland and Mather and intermediate points to be seasonal and to be rendered during the open season of each year, approximately from June first to September 15th of each year; and

(2) An automotive service for the transportation of freight over the main highway between Lone Pine and Bishop and all intermediate points with feeder lines from the direct route serving the communities at Round Valley, Sunland and Otis Ranch, provided that no trailer may be operated over said route in this subsection above described unless such trailer is equipped with a set of skid chains and said skid chains are applied to the wheels of said trailer whenever the roads are wet and slippery and the use of said chains will prevent skidding.

IT IS HEREBY ORDERED that certificates of public convenience and necessity for each of the above described freight services be and they are hereby granted to California Transit Co., a corporation; provided that said certificates shall not be considered as granting additional operating rights but as certificates issued in lieu of certificates heretofore granted, authorizing such freight service between the termini named and all intermediate points.

IT IS HEREBY FURTHER ORDERED that for the general operation of its system, on reconstruction or relocation of highways not affecting intermediate points named in the tariffs of the company, the route shall follow the reconstructed or relocated highway; also that when more than one highway route between two or more points is prescribed, the right to use both routes is granted; provided that a part of the service rendered shall be given over each route, the division of service to be optional with the carrier.

IT IS HEREBY FURTHER ORDERED that the passenger, baggage, express and freight tariffs and the rules and regulations contained therein on file with the Railroad Commission in the name of California Transit Co., a corporation, insofar as they conform to the terms and conditions of the order herein, the names and numbers of said tariffs being specifically set forth in the application herein, be and the same are hereby approved as the tariffs and rules and regulations for the operation of the service herein authorized, provided that this order shall not prevent applicant from filing rates and classifications and rules and regulations governing said tariffs corrective of those herein referred to and satisfactory to the Railroad Commission, provided further that as to all operations for which tariff rules and regulations were not filed with this Commission as of the date of the application

herein the tariffs, rules and regulations filed, or to be filed, shall be in accordance with the order hereinafter made.

The orders herein made are subject to the following conditions:

1. Applicant shall file its written acceptance of the certificates herein granted within a period of not to exceed ten (10) days from date hereof, said acceptance to contain a statement that the rights granted herein are accepted in lieu of operating rights previously obtained and acquired.
2. Applicant shall within thirty (30) days from the date hereof make such tariff filings as shall be necessary or advisable to comply with the orders herein made, and shall also make such time schedule filings as are necessary, the filings in each instance to be satisfactory to the Railroad Commission.
3. 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.
4. No vehicle may be operated by applicant, California Transit Company, 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.

IT IS HEREBY FURTHER ORDERED that California Transit Co. be and it is hereby authorized to discontinue the transportation of freight between Truckee and Donner Lake and intermediate points.

Dated at San Francisco, California, this 3<sup>rd</sup> day of December, 1929.

Thos. D. Howard  
Chas. Seaman  
Edward L. ...  
Leon ...  
M. J. ...  
Commissioners.