

Decision No. 10508

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of R. O. HAGAN for authority to sell his automobile stage business and franchise between the City of Fresno and the City of Selma, in Fresno County, California, and of the Valley Transit Company to purchase the same.

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) Application No. 7853
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In the Matter of the Application of R. C. BARNES for authority to sell his automobile stage business and franchise between the City of Fresno and the City of Selma, in Fresno County, California, and of R. O. Hagan to purchase the same.

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) Application No. 7879
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BY THE COMMISSION,

ORDER

In the two proceedings entitled as above R. C. Barnes and R. O. Hagan have filed a joint petition in which they apply for an order authorizing Barnes to sell and Hagan to purchase a certain operative right authorizing the operation of an automobile passenger stage line between Fresno and Selma and R. O. Hagan and Valley Transit Company, a corporation, filed a joint application in which Hagan proposes to sell and the Valley Transit Company to purchase the same operative right.

The operative right herein proposed to be transferred was originally obtained by R. C. Barnes under the provisions of Section 5, Chapter 213, Statutes of 1917, Barnes having filed on February 28th, 1917, his tariff of rates showing passenger fares between Fresno and Selma, serving as intermediate points Malaga, Fowler and Star Station. This operative right was

subsequently transferred to R. O. Hagan and through ignorance of the provisions of Chapter 213, Statutes of 1917, as amended by Chapter 280, Statutes of 1919, the purchaser and seller failed to file proper application with this Commission petitioning for an order authorizing the transfer of the operative right. As soon as this matter was called to their attention, formal application was filed, which application stated that Barnes desired to sell and Hagan to purchase the operative right between Fresno and Selma, together with one Overland automobile. The consideration to be paid therefor is given as the sum of \$1,250.00.

Hagan now desires to transfer his operative right to the Valley Transit Company, a corporation, which is also engaged, among their other operation, in conducting an automobile stage line as a common carrier of passengers between Fresno and Selma. The effect of this transfer will be to eliminate a competitor of the Valley Transit Company between the points covered by the operative right herein proposed to be transferred.

It appearing to the Commission 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 applications be, and the same hereby are granted, subject to the following conditions:

1. Applicant Barnes shall immediately cancel all tariff of rates and time schedules at present on file with the Railroad Commission. Rates covering passenger traffic over the route covered by the certificate herein proposed to be transferred to be governed by Valley Transit Company's C. R. C. No. 1. which rates are similar to rates heretofore charged by applicant Barnes.

2. That the rights and privileges herein authorized to be transferred shall not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

3. That no vehicle may be operated by Valley Transit Company unless such vehicle is owned by it or is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 26th
day of May, 1922.

H. B. Brundage

Charles J. ...
J. J. ...
Commissioners