

Decision No. 11406

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Commission's)
Investigation into the methods and)
practices of MARTIN B. BEHRENZ, in)
the operation of an automobile truck)
line as a common carrier of freight)
between Sacramento and Vallejo and)
intermediate points.)

Case No. 1727

Geo. J. Bradley for Merchants' and Manufacturers'
Association of Sacramento.

BY THE COMMISSION:

O-P-I-N-I-O-N

This is a proceeding initiated on the Commission's own motion to inquire into the methods and practices of Martin B. Behrenz, an operator of an automobile truck line as a common carrier of freight between Sacramento and Vallejo and intermediate points under the authority contained in Decision No. 8699 on Application No. 6599 (decided March 4, 1921) such decision authorizing the transfer of the operative rights heretofore granted to Leonard G. Brotzman under Decision No. 7109 on Application No. 5223 (decided February 11, 1920).

The Commission having received information that Martin B. Behrenz had discontinued service over the route for which transfer had been authorized in violation of the provisions of paragraph 4 of Decision No. 8699 which prohibited the transfer, assignment, lease, discontinuance or sale of the operative right unless the written consent of the Railroad Commission was first

procured; and the Commission being advised that the operative right had been transferred to one R. H. Wakefield, and that said R. H. Wakefield was conducting the service in lieu of Martin B. Behrenz, the duly authorized operator, an order was issued citing Martin B. Behrenz and R. H. Wakefield to show cause, if any they had, why the certificate rights heretofore granted to Martin B. Behrenz should not be revoked.

A public hearing on the order to show cause was conducted by Examiner Handford at Sacramento, the matter was duly submitted and is now ready for decision.

At the public hearing no appearance was made by or on behalf of respondents, Martin B. Behrenz and R.H. Wakefield.

It appears from the record in this proceeding that the operative right to transport freight as a common carrier by motor truck between Sacramento and Vallejo and intermediate points was originally granted by this Commission's Decision No. 7109 on Application No. 5223 (decided February 11, 1920) authorizing Leonard G. Brotzman to conduct the service requested in such application. Brotzman continued the operation for a period approximating one year and the rights were transferred under authority of this Commission to respondent, Martin B. Behrenz, such authority being contained in Decision No. 8699 on Application No. 6599, as decided March 4, 1921. Behrenz apparently made a failure of his operation and practically quit the service over-night. Behrenz had purchased a truck on a contract basis and the company selling same took possession on account of defaulted payments and resold it to R.H. Wakefield who then attempted to operate the line. The service was reduced from a daily service to a service of once per week and Wakefield thereafter notified his patrons in Sacramento that he would not operate through to Vallejo, although desultory service was for a time rendered between Sacramento and Yacoville. Prior to the date of the hearing on the order to show

cause the intermittent service between Sacramento and Vacaville had been discontinued.

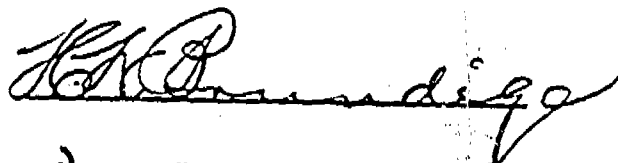
In view of all the record in this proceeding we hereby find as a fact that the operative right heretofore granted, by authority of transfer, to Martin B. Behrenz for the conduct of an automobile truck line as a common carrier of freight between Sacramento and Vallejo and intermediate points has been forfeited by reason of illegal and unauthorized transfer to R. H. Wakefield and by unauthorized discontinuance of the service which the certificate holder was obligated to furnish to the public.

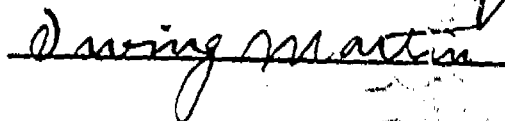
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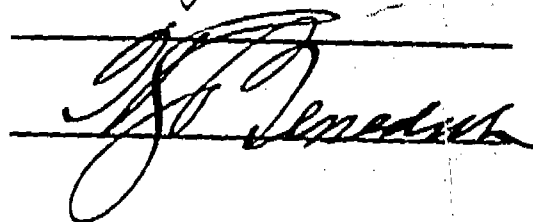
A public hearing having been held on the above entitled proceeding, the matter having been duly submitted and the Commission being now fully advised and basing its order on the finding of fact as appearing in the opinion which precedes this order,

IT IS HEREBY ORDERED that the authority to operate an automobile truck line as a common carrier of freight between Sacramento and Vallejo and intermediate points as heretofore granted to Martin B. Behrenz by transfer under the provisions of Decision No. 8699 on Application No. 6599, dated March 4, 1921, be and the same is hereby revoked.

Dated at San Francisco, California, this 29th day of December, 1922.







Commissioners.