

Decision No. 5253

ORIGINAL

Decision No. _____

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of MORRIS HALPERN (Rosie Martinelli, successor) for certificate of public convenience and necessity to operate a stage service between Marysville and Sacramento.

Application No. 3512.

J. J. Henderson for applicant.

BY THE COMMISSION:

O P I N I O N

Morris Halpern applied for certificate that public convenience and necessity required him to operate passenger stage service between Marysville and Sacramento.

A public hearing was held by Examiner Westover at Sacramento.

At the hearing it appeared from the testimony that Mr. Halpern has heretofore sold his equipment to Mrs. Rosie Martinelli and that she had been operating the line since February 5th last.

Applicant appears to have considered it legally necessary that the application should be made in his name and authority subsequently assigned to Mrs. Martinelli, for the reason that he was operating the line prior to May 1, 1917. Leave was granted

to amend the application by substituting the name of Mrs. Martinelli.

Mr. Halpern purchased the stage line operated by Ira M. Akers and subsequently, in March, 1917, purchased the line of J. H. K. Bell, both operating between Sacramento and Marysville, and continued to operate until he sold to Mrs. Martinelli, February 5, 1918, since which time Mrs. Martinelli has been continually operating the line with the aid of her sons, who drive two of the cars.

The applicant contemplates operating on the schedule and tariffs used by Mr. Halpern.

The line appears to have been very well patronized, from which circumstance it appears that the service is needed by the public in addition to the service offered by Northern Electric Railway Company and Southern Pacific Company, both of which serve the territory in question. Both companies were notified of the hearing but offered no objection to granting the present application.

O R D E R

MRS. ROSIE MARTINELLI having requested that the Railroad Commission declare that public convenience and necessity require the operation by her of automobile service hereinafter described, and a public hearing having been held on said application, the matter having been submitted and being now ready for decision,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by Mrs. Rosie Martinelli of automobile service as a common carrier of passengers, express packages and light baggage between Sacramento and Marysville, via Roseville:

PROVIDED that this declaration shall not become effective until said Rosie Martinelli has procured from the Railroad Commission a supplemental order herein reciting that applicant has filed herein certified copies of permits from the counties of Sacramento, Placer and Yuba, and the governing board or body of each incorporated city or town through which applicant intends to operate, as provided by Section 3 of Chapter 213, Laws of 1917; and

PROVIDED FURTHER that the rights and privileges herein granted shall not be assigned or transferred unless the written consent of the Railroad Commission to such assignment or transfer has first been procured.

IT IS HEREBY ORDERED that no vehicle may be operated under this certificate unless such vehicle is owned by the applicant herein or is leased by such applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 29th -
day of March, 1918.

Max J. Baker
Alfred Gordon
Edwin C. Edgerton
Francis P. Keeler
Commissioners.