

ORIGINAL

Decision No. 1547.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application)
of GEORGE IMPERIALE for an order)
authorizing the sale and transfer)
of operative rights and property) Application No. 4784.
of his motor stage line.)

BY THE COMMISSION

O R D E R

Giuseppe Imperiale (more commonly known as George Imperiale) and Peninsula Rapid Transit Company, a corporation, have petitioned the Railroad Commission for an order authorizing the transfer of the operative rights of said Imperiale for the conduct of an automobile stage business as a common carrier of passengers and baggage between San Francisco and San Jose to said Peninsula Rapid Transit Company, a corporation.

The operative rights heretofore held by said Imperiale were those acquired by reason of regular operation having been conducted in good faith on May 1, 1917, and continuously from such date up to the present time, the Legislature having recognized May 1, 1917, as the date upon which transportation companies, as defined by Chapter 213, Laws of 1917, were not required to secure a certificate of public convenience and necessity from this Commission nor permits from the governing bodies of all political subdivisions through which such route passed.

This application is brought under the provisions of Section 5 of Chapter 213, Laws of 1917, as amended by Chapter 280, Laws of 1919, which amendments became effective July 22,

1919, a portion of such section requiring the consent of the Railroad Commission to the transfer, assignment or sale of operative rights as originally recognized by the Legislature as above noted or as conferred by reason of certificate of public convenience and necessity having been issued by this Commission.

A copy of the proposed bill of sale under which the equipment, business, and operative rights of applicant, Imperiale, are to pass to applicant, Peninsula Rapid Transit Company, has been filed marked exhibit "A" attached to the application in this proceeding.

We are of the opinion that this is a matter in which a public hearing is not necessary and that the transfer of such right from an individual operator to a corporation able and willing to establish adequate and reliable service for the public should be approved and that the application should be granted.

IT IS HEREBY ORDERED that the transfer of the right to conduct an automobile stage line as a common carrier of passengers and baggage between San Francisco and San Jose heretofore held by Giuseppe Imperiale be and the same hereby is authorized transferred to the Peninsula Rapid Transit Company, a corporation, provided; however, that this transfer shall not become effective until applicants herein will have received from the Railroad Commission a supplemental order herein reciting that there has been filed with this Commission a certified copy of a bill of sale or other adequate document transferring such right from said Imperiale to said Peninsula Rapid Transit Company.

IT IS HEREBY ORDERED that coincidentally with the transfer of the rights and privileges hereinbefore authorized that said Imperiale will withdraw all tariff and schedule filings now of record with this Commission and covering the route between San Francisco and San Jose.

IT IS HEREBY FURTHER ORDERED that no vehicle may be operated by applicants, Peninsula Rapid Transit Company, over the route hereinabove specified unless such vehicle is owned by said Peninsula Rapid Transit Company or is leased under a contract or agreement on a basis satisfactory to the Railroad Commission.

THE RAILROAD COMMISSION HEREBY reserves the right to make such other and further orders in this proceeding as to it may appear right and proper or as the public interest may require.

Dated at San Francisco, California, this 9th day of August, 1919.

Edwin O. Edgerly
H. H. ...
Francis ...
James ...

Commissioners.