

Decision No. 6720

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)
G. A. McCROXY and J. A. HARVEY for)
transfer of certificate of public)
convenience and necessity to operate)
passenger and express service between)
Santa Cruz and Pescadero now held by)
the said J. A. Harvey unto the said)
G. A. Mc Croxy.)

Application No. 4973.

BY THE COMMISSION:

ORDER

G. A. Mc Croxy and J. A. Harvey have petitioned the Railroad Commission for an order authorizing said G. A. Mc Croxy to purchase and acquire and said J. A. Harvey to sell and transfer the operative rights for the conduct of a passenger and express automobile stage line between Santa Cruz and Pescadero.

The operative rights proposed to be transferred are those held by J. A. Harvey by reason of his operation in good faith prior to May 1, 1917, which was the date recognized by the legislature in the passage of Chapter 213, Laws of 1917, as that upon which a certificate of public convenience and necessity was not required from the Railroad Commission nor permits from the governing bodies of all political subdivisions through which a route passed and the records of the Railroad Commission indicate that tariffs and schedules have been filed by said J. A. Harvey and that operation has been conducted con-

tinuously since May 1, 1917.

The provisions of Section 5 of Chapter 213, Laws of 1917, as amended by Chapter 230, Laws of 1919, amendments becoming effective July 22, 1919, require that the consent of the Railroad Commission shall have been secured to the transfer of any operative rights held by stage or truck line operators and this application is brought under the provisions of the above mentioned section of the statutes.

We are of the opinion 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 this application be and the same hereby is granted subject to the following conditions:

1 - All tariffs and time schedules now effective and filed with this Commission by J. A. Harvey shall be cancelled in accordance with the provisions of General Order No. 51 and other regulations of the Railroad Commission.

2 - Applicant, G. A. Mc Crory shall either adopt as his own or file anew in his own name tariffs and time schedules containing the same rates and rules and regulations and schedules of operation as those heretofore filed with this Commission by applicant, J. A. Harvey.

3 - The rights and privileges, for which approval of transfer is herein contained, shall not again be transferred nor assigned unless the written consent of the Railroad Commission to such transfer or assignment has first been secured.

4 - No vehicle may be operated under the authority

contained in this transfer unless such vehicle is owned by applicant, G. A. Mc Crory 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 29 day of October, 1919.

Edwin O. Colquhoun
H. D. Loveland
Francis D. Brown

Commissioners.