

Decision No. 8112

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application of )  
I. L. Palmer and L. E. Marshall for )  
permission to transfer their operating ) APPLICATION NO. 5813  
rights in Hulburd Grove Express to )  
C. C. Sherman, R. D. Duncan and C. A. )  
Sherman. )

BY THE COMMISSION -

O R D E R

I. L. Palmer and L. E. Marshall, operating under the name and style of Hulburd Grove Express, and C. C. Sherman, R. F. Duncan and C. A. Sherman have made application petitioning the Railroad Commission for authority to sell and transfer certain operative rights for the conduct of an automotive freight service between San Diego, Alpine and Descanso and intermediate points, the applicants Palmer and Marshall desiring to sell and applicants Sherman, Duncan and Sherman desiring to acquire and hereafter operate said service.

The operative rights desired to be transferred are those acquired by the applicants Palmer and Marshall in Decision No. 5027 of January 9, 1918, in Application No. 3666.

Transfer of operative rights herein authorized is to be made upon agreement accompanying the application in this proceeding.

The Commission is 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 is hereby granted, subject to the following conditions:

1st- That the applicants I.L.Palmer and L. E. Marshall, C.C. Sherman, R. F. Duncan and C. A. Sherman will, within twenty (20) days from the date hereof file with the Railroad Commission a written acceptance of the order in this proceeding, subject to the conditions imposed herein.

2nd- That the applicants I. L. Palmer and L. E. Marshall will be required to cancel their tariff of fares and time schedule on file with the Railroad Commission, in accordance with General Order No.51 and other regulations of the Railroad Commission.

3rd- That the applicants C. C. Sherman, R. F. Duncan and C. A. Sherman will be required to immediately file with the Railroad Commission their tariff of fares and a time schedule, or will adopt as their own the tariff and time schedule heretofore filed by applicants I. L. Palmer and L. E. Marshall, such fares, charges and time schedule to be identical with those heretofore filed by the applicants I. L. Palmer and L. E. Marshall.

4th- The rights and privileges of transfer hereby authorized may not again be sold, leased, transferred, discontinued nor assigned, unless the written consent of the Railroad Commission to such sale, lease, transfer, discontinuance or assignment has first been secured.

5th- No vehicle may be operated by the applicants C.C. Sherman, R. F. Duncan and C. A. Sherman unless such vehicle is owned by them or is leased by them for a specified amount on a trip or term basis, the leasing of equipment not to include the services of a driver or operator. All employment of drivers or operators of leased cars shall be made on the basis of a contract by which the driver or operator shall bear the relation of an employee to the transportation company by whom such driver or operator is engaged.

Dated at San Francisco, California, this 16<sup>th</sup> day  
of September, 1920.

H. D. Leonard  
Frank W. Allen  
H. B. Bondage  
Dwight Martin  
COMMISSIONERS.