

Decision No. 8324

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of )  
S. E. Dunbar to lease to B. A. Perry )  
certain operative rights to operate )  
automobile stages as a transportation )  
company between Oakland-San Jose and )  
intermediate points. )

APPLICATION NO. 6205.

BY THE COMMISSION:

O R D E R

S. E. Dunbar and B. A. Perry have made application to the Railroad Commission for authority to lease the operative rights for the conduct of an automotive stage line (passenger) between Oakland and San Jose, in accordance with the terms of lease, copy of which was attached to and filed with the application in this proceeding, wherein S. E. Dunbar is named the lessor and B. A. Perry lessee.

The rights and privileges herein sought to be leased are those acquired by applicant S.E.Dunbar, by virtue of having operated prior to May 1, 1917. 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, subject to the following conditions:

1st- That the applicant, S. E. Dunbar, will be required to immediately cancel all tariffs and time schedules on file with the Railroad Commission, in accordance with the provisions of General Order No.51 and other regulations of the Railroad Commission.

2nd- That the applicant, B. A. Perry, will be required to file tariff and time schedule. in duplicate, in his own name, or to adopt the tariff and time schedule as heretofore filed by the applicant, S. H. Dunbar, all rates to be identical with those filed with the Railroad Commission by applicant, S. H. Dunbar.

3rd- The rights and privileges hereby authorized may not again be transferred, leased, discontinued, sold nor assigned unless the written consent of the Railroad Commission to such transfer, lease, discontinuance, sale or assignment has first been secured.

4th- No vehicle may be operated by the applicant, B. A. Perry, unless such vehicle is owned by him or is leased by him 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 15<sup>th</sup> day of November, 1920.

Edwin C. Egerton  
H. D. Leonard  
Frank W. Wain  
H. K. R. R. R. R.  
Livingston Martin  
Commissioners.