

Decision No. 8552

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of GEORGE TEAFORD, doing business under the fictitious name of North Fork Stage Line for a certificate authorizing the extension of the operations now conducted by the applicant.

Application No. 6355

In the Matter of the Application of O. H. TEAFORD and JAY ROBB, doing business under the fictitious name of TEAFORD and ROBB STAGE COMPANY and GEORGE TEAFORD for an order authorizing the sale and transfer of the TEAFORD and ROBB STAGE LINE from O. H. TEAFORD and JAY ROBB to GEORGE TEAFORD.

Application No. 6375.

Gallagher & Simpson by W. E. Simpson,
for Applicants.

J. R. Allen for American Railway Express.

BY THE COMMISSION.

O P I N I O N

By above Application No. 6375 O. H. Teaford and Jay Robb seek authority to transfer to George Teaford their right to operate a stage line between Fresno and The Pines, via Friant, in Madera County, and by above Application No. 6355 George Teaford seeks authority to establish a branch line between Friant and the damsite, hereinafter referred to, about two and one-half miles distant.

A public hearing upon both applications was held by Examiner Westover at Fresno.

Messrs Teaford and Robb have heretofore executed a bill of sale, subject to the approval of the Commission, conveying all their right, title and interest in and to the property and equipment appertaining to the stage line above referred to, and to their operative rights acquired by virtue of the Commission's Decision No. 7325 of March 30, 1920, upon Application No. 5132.

It appears from the testimony that Mr. Teaford is well qualified to give the service which the public should have.

Madera Irrigation District is planning to vote, issue and sell bonds for the purpose of constructing a dam across the San Joaquin River near Friant. It is expected that the construction work will begin in the Spring of 1921 and that a construction camp will be established at the damsite to accommodate about 900 men to be employed in the work. There is at present no means of transportation between Friant and the damsite, as the Southern Pacific branch line from Fresno ends at Friant. It appears from the testimony that labor agencies have requested the applicant to seek authority for the establishment of a branch stage line from Friant so that service may begin as soon as the first work at the damsite begins.

While Section 50 of the Public Utilities Act, relating to public utilities in general, requires that before construction begins they must obtain from the Commission "a certificate that present or future public convenience or necessity require or will require such construction", Section 5 of Chapter 213, Statutes of 1917, under which the above/^{stage} applications are made, does not appear to authorize a certificate that future public convenience will require the establishment of the line. We are, therefore, without authority to act upon Application No. 6355 at this time and the matter will be held in suspense until we are officially advised by applicant that the proposed construction work is ready to begin.

O R D E R

A public hearing having been held upon the above applications of O. H. Teaford and Jay Robb, Application No. 6375, and of George Teaford, Application No. 6355,

IT IS HEREBY ORDERED that Application No. 6375 of Messrs. Teaford and Robb, asking authority to transfer, be and it is hereby granted, subject to the following conditions:

- 1... That the amount paid for the purchase of the property shall not be considered as a measure of value of said property before this Commission, or any other tribunal for any other purpose other than the transfer herein referred to.
2. That the applicants, O. H. Teaford and Jay Robb, immediately cancel all tariffs and time schedules now filed with the Railroad Commission, such cancellation to be in accordance with the provisions of General Order No. 51, and other regulations of the Railroad Commission.
3. That the applicant, George Teaford, immediately file tariffs and time schedules in his own name, or adopt as his own the tariff and time schedule heretofore filed with the Railroad Commission by applicants, O. H. Teaford and Jay Robb, all fares to be identical with those shown in tariff filed by applicants O. H. Teaford and Jay Robb.
4. The rights and privileges hereby authorized to be transferred may not be sold, leased, transferred, nor assigned, nor operation discontinued, unless the written consent of the Railroad Commission to

such discontinuance, sale, lease, transfer or assignment has first been secured.

5. No vehicle may be operated by the applicant, George Teaford, 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.

Dated at San Francisco, California, this 17th day of January, 1921.

H. D. Loveland
Frank R. Dine
H. B. Dunder

Commissioners.