

Decision No. 85-90

ORIGINAL

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA.

In the Matter of the Application)
of C. C. SHERMAN, R.F. DUNCAN and)
C. A. SHERMAN for permission to) Application No. 6503.
transfer their operating rights in)
the Halburd Grove Express to A. B.)
Rombauer and K. Rombauer.)

BY THE COMMISSION:

ORDER

C. C. SHERMAN, R. F. DUNCAN and C. A. SHERMAN, operating under the name and style of Halburd Grove Express, and A. B. Rombauer and K. Rombauer have, under date of January 20, 1921, petitioned the Railroad Commission for an order approving the sale and transfer of certain operative rights for the conduct of an automobile freight service between San Diego, Alpine and Descanso, and intermediate points, applicants, C. C. Sherman, R. F. Duncan and C. A. Sherman, desiring to sell, and the applicants, A. B. Rombauer and K. Rombauer, desiring to purchase, acquire and hereafter operate said service.

The rights and privileges proposed to be transferred are those acquired by applicants, C. C. Sherman, R. F. Duncan and C. A. Sherman by reason of a certificate of transfer granted by the Railroad Commission in Decision No. 8112, Application No. 5815, rendered September 16, 1920.

Transfer of the rights and privileges is to be made in accordance with a memorandum incorporated in the application in this proceeding, which sets forth the sum of two hundred dollars (\$200.00) as the amount to be paid for operative rights. No equipment is involved in this transfer.

The Commission does not herein pass upon the value of the property involved in this proceeding, nor may the purchase price be considered as a basis for rate making purposes.

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 the application herein be, and the same hereby is 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 authority, for rate fixing or any purpose other than the transfer herein referred to.
2. The applicants, C. C. SHEERMAN, R. F. DUNCAN and C. A. SHEERMAN, will be required to 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 applicants, A. B. ROMBAUER and K. ROMBAUER, will be required to immediately file tariffs

and time schedules in their own name, or to adopt as their own the tariff and time schedule heretofore filed with the Railroad Commission by applicants, C. C. Sherman, R. F. Duncan and C. A. Sherman, all fares to be identical with those filed by the applicants, C. C. Sherman, R. F. Duncan and C. A. Sherman.

4. The rights and privileges of transfer which are hereby authorized may not be discontinued, sold, leased, transferred, nor assigned 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 applicants, A. B. Rombauer and K. Rombauer 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 the relation of an employee to the transportation company.

Dated at San Francisco, California, this 26th
day of January, 1921.

H. L. Ross
Frank P. DeWitt
H. B. ...
Dwight ...
3. Commissioners.