

Decision No. 8699

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of LEONARD BROTZMAN for permission to transfer certain operative rights in motor truck freight line operating between Vallejo and Sacramento and intermediate points, to Martin B. Behrenz.

Application No. 6599.

BY THE COMMISSION

ORDER

Leonard Brotzman and Martin B. Behrenz have, under date of March 1, 1921, petitioned the Railroad Commission for an order approving the sale and transfer of certain operative rights and privileges for the conduct of an automobile truck freight line as a common carrier of freight between Sacramento and Vallejo and intermediate points, the applicant, Leonard Brotzman, desiring to sell, and the applicant, Martin B. Behrenz, desiring to purchase, acquire and hereafter operate said service.

The rights and privileges, transfer of which is hereby authorized, are those acquired by applicant, Leonard Brotzman, by reason of certificate of public convenience and necessity having been granted by the Railroad Commission in its decision No. 7109, on application No. 5223, decided January 11, 1920.

Transfer of the rights and privileges is to be made in accordance with an agreement made a part of the application in this proceeding, setting forth the sum of One Dollar (\$1.00) as the consideration received for franchise and motor equipment.

The route and operative rights thereover, transfer of which is herein authorized, is as follows: Starting at Sacramento, thence to Dixon, thence to Vacaville, thence to Suisun, thence to Fairfield, thence to Cordelia and thence to Vallejo.

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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 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 other purpose than the transfer herein referred to.
2. That the applicant, Leonard Brotzman, 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 applicant, Martin B. Behrenz, will be required to immediately file tariffs and time schedules in his own name, or to adopt as his own the tariff and time schedule as heretofore filed with the Railroad Commission by applicant, Leonard Brotzman, all fares to be identical with those filed by applicant, Leonard Brotzman.
4. The rights and privileges of transfer which are hereby authorized, may not again 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 applicant, Martin B. Behrenz, 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 4th
day of March, 1921.

Frank Dyer
H. D. Loveland
H. P. Bundege
Charles H. Kerner

Commissioners.