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Decision No. 8720

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the Matter of the Application of
 the MUTUAL TRUCKING AND TRANSPORTATION
 CORPORATION, a Corporation, for an
 order granting permission to transfer
 and sell all its right, title and interest
 in certain automobile truck transportation
 lines operating and transporting freight
 and express between Los Angeles, and Santa
 Paula, and between said Santa Paula and
 Ventura and Santa Barbara, and between
 said Los Angeles and Venice, Ocean Park
 and Santa Monica and for permission to
 discontinue service on all of said lines;

Application No. 6368

and

Application of C. T. Boyd for an order
 granting permission to purchase and
 operate said auto freight and express lines
 thereafter.

Will S. Tipton, for Mutual Trucking Company,
 W. C. Snyder, for A. D. Paschal, Protestant,
 Arthur M. Hadley, for C. T. Boyd.

BY THE COMMISSION.

ORDER

The Mutual Trucking and Transportation Corporation, a
 Corporation, and C. T. Boyd, have petitioned the Railroad Commission
 for an order approving the sale and transfer of certain operative
 rights for the conduct of an automobile freight line as a common
 carrier of freight between Los Angeles and Santa Barbara and between
 Los Angeles and Venice, over route hereinafter described. The ap-
 plicant, Mutual Trucking and Transportation Corporation desiring
 to sell, and the applicant, C. T. Boyd desiring to purchase, acquire
 and operate said automobile truck service.

A public hearing on this application was conducted before Examiner Satterwhite at Los Angeles, January 24, 1921, the matter was duly submitted and is now ready for decision.

The applicant, C. T. Boyd, took over the operation of these lines immediately upon the execution of a written lease, dated December 2nd, 1920 with the Mutual Trucking and Transportation Corporation, and has continued operation ever since.

The testimony shows that Boyd is an experienced man in the operation of auto truck transportation and is now rendering a satisfactory service over these routes.

The application in this proceeding sets forth certain equipment to be transferred valued at \$1150.00, together with good will, and operative rights valued at \$350.00, making a total of \$1500.00. The testimony developed that most of the equipment has since been turned back to former owners to satisfy claims, leaving therefor little or nothing except operative rights to consider.

A number of protests were entered by former employees of the Mutual Trucking and Transportation Corporation protesting the granting of this application until their claims for salaries were satisfied. While these protests no doubt are based upon bona fide claims, they are matters which the Commission cannot consider and which are outside its jurisdiction.

The rights and franchises proposed to be transferred are those acquired by applicant, Mutual Trucking and Transportation Corporation, by reason of authorization of transfer granted by the Railroad Commission in Decision No. 7653, application No. 5847, decided July 9, 1920, and Decision No. 8101, application No. 5848, decided September 13, 1920.

The Commission does not herein pass upon the value of the properties involved in this proceeding, nor may the purchase

price be considered as a basis for rate-making purposes.

The route and operative rights, thereofer, for which approval of transfer is sought is as follows: Commencing at Los Angeles, thence via Newhall, Saugus, Castaic, Piru, Fillmore, Sespe, Santa Paula, Saticoy, Ventura and into Santa Barbara; also commencing at Los Angeles, thence via Culver City, Palms, Venice, Ocean Park and into Santa Monica.

We are of the opinion that the application should be granted.

IT IS HEREBY ORDERED that this 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 other than the transfer herein referred to.
2. That the applicant, Mutual Trucking and Transportation Corporation, will be required to immediately cancell all tariffs and schedules now on file with the Railroad Commission, such cancellation to be made in accordance with the provisions of General Order No. 51, and other regulations of the Railroad Commission.
3. That applicant, C. T. Boyd, will be required to immediately file tariffs and schedules in his own name, or to adopt as his own the tariffs and schedules as heretofore filed with the Railroad Commission by applicant, Mutual Trucking and Transportation Corporation, all rates to be identical with those heretofore filed by applicant, Mutual Trucking and Transportation Corporation.
4. The rights and privileges, transfer of 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 applicant, C. E. Boyd, 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 9th
day of March, 1921.

Stanley D. White
H. A. Lovell
H. A. ...
Wesley H. Cowell
Commissioners