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Decision No. 8829

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BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application of)
 RIVER EXPRESS COMPANY, a corporation :
 for an order granting permission to)
 transfer and sell all right, title :
 and interest in auto freight line)
 operating between Oakland and Stockton, :
 to OVERLAND TRANSFER COMPANY a Co-part-)
 nership. :

And

Application No. 6671.

Application of OVERLAND TRANSFER COMPANY :
 a co-partnership for an order granting)
 permission to purchase the said interest :
 in said line, and for permission to)
 operate same thereafter. :

BY THE COMMISSION:

ORDER

River Express Company a corporation by its President,
 H. A. Higdon and Overland Transfer Company a co-partnership by
 its Manager, H. A. Higdon, have under date of March 24th, 1921,
 petitioned the Railroad Commission for an order approving the
 sale and transfer of certain operative rights for the conduct
 of an automobile freight and express service between Stockton
 and Oakland, California, the applicant River Express Company,
 a corporation desiring to sell, and the applicant Overland
 Transfer Company, a co-partnership desiring to purchase, acquire
 and hereafter operate said service.

The rights and privileges, transfer of which is hereby
 authorized, are those acquired by applicant, River Express Company
 by reason of certificate of public convenience and necessity having
 been granted by the Railroad Commission in its Decision No. 6366,

Application No. 4597, decided June 3, 1919.

There is no consideration given in the transfer of rights and privileges and no value claimed for operative rights.

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 other than the transfer herein referred to.
2. That the applicant, River Express Company, 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 Overland Transfer Company 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 as heretofore filed with the Railroad Commission by applicant, River Express Company, all fares to be identical with those filed by applicant River Express Company.
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 applicant Overland Transfer Company 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 relation of an employee to the transportation company.

Dated at San Francisco, California, this 9th
April
day of ~~March~~, 1921.

Frank P. Dealy
H. Overland
H. V. Bunnick
Darius G. Mather
Charles D. Howell

Commissioners.