

Decision No. 8869

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the application)
of J. C. WALLING and VALLEY TRANSIT :
COMPANY, a corporation, for an order) Application No. 6433.
authorizing the sale and acquisition :
of property and franchises.)

BY THE COMMISSION:

O R D E R

J. C. Walling and the Valley Transit Company, a corporation, have made application to the Railroad Commission for an order authorizing the transfer of certain operative rights for the conduct of an automobile stage line as a common carrier of passengers between Fresno and Bakersfield and intermediate points, over route hereinafter described, the applicant, J. C. Walling, desiring to sell and transfer, and the applicant Valley Transit Company, a corporation, desiring to purchase, acquire and hereafter operate said service.

The rights and privileges, transfer of which is hereby authorized are those acquired by applicant, J. C. Walling, by reason of certificates of transfer having been granted by the Railroad Commission in Decision No. 7156, application No. 5235, decided, February 20, 1920, and Decision No. 7395, on application No. 5528, decided April 8, 1920.

The route and operative rights thereover sought to be transferred, is described as follows: and embraces the two decisions referred to above. Commencing at Fresno, thence via State Highway to and through the following towns, Malaga, Fowler,

Selma, Kingsburg, Traver, Gochen, Visalia, thence over Main Highway through Farmersville, Exeter, Lindsey, Strathmore, Porterville, Terra Bella, Ducor, Richgrove and Delano, thence via State Highway to McFarland, Famosa, Kimberlens, Lerdo, Saco and Bakersfield.

Transfer of the rights and privileges is to be made in accordance with a memorandum incorporated in the application in this proceeding, which specifies a total value of Fifty-Eight Thousand, Five Hundred Dollars (\$58,500).

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 J. C. Walling, 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 Valley Transit 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, J. C. Walling, all fares to be identical with those filed by applicant, J. C. Walling.

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, Valley Transit 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 16th day
of April, 1921.

Frank R. Smith

H. D. Loveland

H. B. Brundage

James Martin

Charles H. Russell
Commissioners.