

Decision No. 8870

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
H. A. VARRO to sell, and MOTOR TRAN-)
SIT COMPANY, a Corporation, to) Application No. 6724
acquire and exercise, certain auto-)
mobile stage line operating rights.)

BY THE COMMISSION:

O R D E R

H. A. Varro and Motor Transit Company, a Corporation, have, under date of April 8, 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 passenger service between various points hereinafter noted, the applicant H. A. Varro, desiring to sell, and the applicant, Motor 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, H. A. Varro, by reason of certificate of public convenience and necessity having been granted by the Railroad Commission in its Decision No. 5634, on application No. 3763, rendered July 26, 1918, Decision No. 7245, on Application No. 5373, rendered March 11, 1920, Decision No. 7537 on Application No. 5412, rendered May 3, 1920, Decision No. 7835, on Application No. 5773, rendered July 9, 1920, and Decision No. 8295, on Application No. 6017, rendered October 28, 1920.

Transfer of the rights and privileges is to be made in accordance with a bill of sale, copy of which accompanies the ap-

plication in this proceeding, setting forth the sum of One (\$1.00) Dollar as consideration received for all operative rights and equipment.

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 purpose other than the transfer herein referred to.
2. That the applicant, H. A. Varro, 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, Motor Transit Company, will be required to immediately file tariffs and time schedules in its own name, or to adopt as its own the tariff and time schedule as heretofore filed with the Railroad Commission by applicant, H. A. Varro, all fares to be identical with those filed by applicant, H. A. Varro.
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, Motor Transit Company, unless such vehicle is owned by it or is leased by it 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 Wilson
H. J. Howard
H. B. Anderson
James Martin
Charles N. Rowlee
Commissioners.