

Decision No. 8947

ORIGINAL

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA

In the Matter of the Application of
CHARLES D. BOYNTON for an order grant-
ing permission to sell and transfer
his right, title and interest in an
automobile freight line operating be-
tween Boulevard and San Diego, Cali-
fornia, to P. G. COCERAN, and for
permission to discontinue his service;
and Application of P. G. COCERAN for
an order granting permission to pur-
chase and operate said automobile
freight line thereafter.

Application No. 6745.

BY THE COMMISSION:

ORDER

CHARLES D. BOYNTON and P. G. COCERAN have applied to the Railroad Commission for an order authorizing the sale and transfer of an automobile freight line as a common carrier of freight between Boulevard, California, and San Diego, California, the applicant, Charles D. Boynton, desiring to sell, and the applicant, P. G. Cochran, desiring to purchase, acquire and hereafter operate said truck line.

The rights and privileges, transfer of which is authorized, are those acquired by applicant, Charles D. Boynton by virtue of having operated prior to May 1, 1917, and continuously operated in good faith since that date.

Transfer of the rights and privileges is to be made for a consideration named in the application as five hundred dollars (\$500.00) as the amount paid for equipment and 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 purpose other than the transfer herein referred to.

2. That the applicant, P. G. Cochran, will be required to immediately cancel all tariffs and time schedules now on file 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, P. G. Cochran, will be required to immediately file tariffs and time schedules in his own name, or to adopt as his own the tariffs and time schedules heretofore filed with the Railroad Commission by applicant, Charles D. Boynton, all rates to be identical with those filed by applicant. Charles D.

Boynton.

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, P. G. Cochran, unless such vehicle is owned or 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 operator or driver shall bear the relation of an employee to the transportation company.

Dated at San Francisco, California, this 6th
day of May, 1921.

H. D. Loveland
H. B. Boudige
Director
W. D. Benedict
Commissioners.