

Decision No. 9437

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of B. H. VREELAND and L. S. EVERTS, partners, doing business under the firm name and style of TRANSPORTATION SERVICE COMPANY, for an order granting permission to transfer and sell all their right, title and interests in auto truck freight transportation line operating between El Centro, California, and San Diego, California, and for permission to discontinue said service; and application of Thomas M. Turner and Maude M. Turner for an order granting permission to purchase and operate said auto truck freight transportation line thereafter.

ORIGINAL

Application No. 6690.

Warren E. Libby for B. H. Vreeland
and L. S. Everts.
William L. Morrison for Thomas M.
Turner and Maude M. Turner.
H. W. Kidd and Rex Hardy for estate
of C. W. Curphey, deceased.

BY THE COMMISSION.

O P I N I O N

By the above entitled application, Messrs. Vreeland and Everts seek authority to transfer to Thomas M. Turner and Maude M. Turner their operative rights in an automobile truck line between San Diego and El Centro.

A public hearing upon the application was held by Examiner Westover at San Diego.

Upon the occasion of the hearing, an understanding was reached between counsel that as an incident to the proposed transfer, if authorized, the new owners of the line would enter into

a written agreement with the estate of C. W. Curphey, operating a freight truck line between Brawley, El Centro, Calexico and intermediate points, and with Messrs. Moore and Gibson, operating a freight truck line between El Centro and Holtville, providing for through operation between all of said points under joint rates. The Commission has recently been advised that such agreement was drafted and submitted in the latter part of May, but has not yet been signed because of the pendency of negotiations for a proposed transfer of the Curphey line. As the proposed agreement is not directly involved in the question of transfer, it appears that the latter question can be disposed of without waiting for the execution of the proposed agreement.

It appears from the testimony that Messrs. Vreeland and Everts are engaged in other lines of business and are unable to give much personal attention to the management of a transportation line; that Mr. Turner has been for some time actively identified with the management of the line and appears to be able to give as good service to the public as has been given by the present owners, and is naturally in a position to give better service by devoting all of his time and attention to the business.

The operative rights proposed to be transferred were obtained by Messrs. Vreeland and Everts under Decision No. 8001 of August 23, 1920, upon Application No. 5938.

Attention is called to the fact that the purchase price of the operative rights cannot be considered controlling in determining the value of these rights for rate making purposes.

ORDER

A public hearing having been held upon the above entitled application, the matter being submitted and ready for decision,

IT IS HEREBY ORDERED that B. H. Vreeland and L. S. Everts be and they are hereby authorized and empowered to transfer to Thomas M. Turner and Maude M. Turner operative rights obtained under Decision No. 8001 of August 23, 1920, under Application No. 5938, being the ^{indivisible} right to operate an automobile truck line between San Diego and El Centro,

The authority herein contained is granted upon the following conditions:

1. The amount paid for the purchase of said rights transferred shall not be considered as a measure of value thereof in any proceeding before this Commission.
2. Said transferors shall immediately cancel all tariffs and time schedules relating to said route with the Railroad Commission; and transferees shall immediately file tariffs and time schedules in their own name, or adopt as their own the tariff and time schedule relating to said route heretofore filed with the Railroad Commission; but all fares to be identical with those now on file with the Commission. Such filing, cancellation or adoption shall be in conformity with the provisions of General Order No. 51 and other regulations of the Railroad Commission, which, so far as applicable, are made part hereof.
3. The rights and privileges hereby authorized to be transferred shall not again be sold, leased, transferred, or assigned, nor shall operation thereunder be discontinued without the previous written consent of the Railroad Commission.
4. No vehicle may be operated in the service hereinabove described unless such vehicle is owned by the owners of said operative rights, or is leased by such owners for a specified amount for a trip or a specific term. The leasing of equipment shall not include the services of a driver or operator. All employment of drivers or operators of leased cars shall be under contract by which the driver or operator shall bear the relation of an employee to the transportation company.

Dated at San Francisco, California, this 30th day of August, 1921.

H. B. Vreeland
L. S. Everts
Dariusz Martin
J. J. Dennis
Commissioners.