

Decision No. 26782

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of Victory Bus Line, Inc. for a permit authorizing intrastate transportation of interstate passengers, their baggage and express in common carrier automotive service between Davis and Sacramento, California, and Los Angeles, California, as an extension of present interstate operation between Portland, Oregon, and San Francisco, California, and between Salt Lake City, Utah, and San Francisco, California.

Application No. 19183.

ORIGINAL

H. C. Lucas and Orla St. Clair for Pacific Greyhound Lines, petitioner.

H. W. Hobbs for Southern Pacific Company, petitioner.

Earl A. Bagby for Victory Bus Line, respondent.

WARE, COMMISSIONER:

ORDER VACATING PREVIOUS ORDER
AND
DENYING PETITION FOR REHEARING.

The application of Victory Bus Line, Inc., for a permit "authorizing intrastate transportation of interstate passengers" etc. was filed with this Commission November 9, 1933, for the purpose of complying with the provisions of The National Industry Recovery Act and the "Code of Fair Competition for the Motor Bus Industry," adopted and approved, pursuant to said Recovery Act, by the President of the United States on the 31st day of October, 1933. Said application was granted by Ex parte Decision No. 26514 dated November 10, 1933. Thereafter, on November 29, 1933, Pacific Greyhound Lines, Inc., and Southern Pacific Company jointly filed their petition asking, first, for a rehearing of the above numbered application, or secondly, for an order setting aside the above

numbered decision.

On December 6, 1953, the Commission ordered that an oral argument be heard on said joint petition. All interested parties being advised and present, the argument was heard in San Francisco January 9, 1954.

The record discloses a ruling by "Motor Bus Code Authority" filed with this Commission December 27, 1953, which interprets the "Code of Fair Competition for the Motor Bus Industry" as requiring that any applicant for a new interstate bus operation, or the extension of an existing one, procure from such state, or states, wherein such new or extended operation is confined, a "Certificate of Public Convenience and Necessity," or permit, to engage in local or intrastate business within the state, or states, affected.

In effect, the application of Victory Bus Line, Inc., seeks from this Commission a permit authorizing a class of passenger transportation, expressly interstate in character and entirely outside of the language, construction, and purposes of the "Code of Fair Competition for the Motor Bus Industry." In short, the application seeks a permit wholly worthless and meaningless upon its face. Decision No. 26514, purporting to grant such permit, was therefore ineffectual. This Commission neither possessed the jurisdiction, nor faces the necessity, to issue any permit unto applicant authorizing the transportation of interstate passengers. It follows that said Decision No. 26514 should be vacated and set aside.

In view of the conclusion last stated, there remains nothing in the application on file that warrants either hearing or rehearing. Therefore, the petition for an order granting a rehearing on said Decision No. 26514 should be denied.

ORDER

IT IS HEREBY ORDERED that Decision No. 26514 be and it hereby is vacated and set aside; and that the petition of the Pacific Greyhound Lines, Inc., and Southern Pacific Company for a rehearing of the application herein be and it hereby is denied.

The foregoing Order is hereby approved and ordered filed as the Order of the Railroad Commission.

Dated at San Francisco, California, this 6th day of February, 1934.

C. C. Scammy

W. H. Lee

W. B. Harris

W. H. Harris
Commissioners.