Decision No. 28833

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation on the Commission's own motion into the rates, rules, regulations, charges, classifications, practices, contracts, operations and schedules, or any of them of ALHAMBRA TRANSFER AND STORAGE COMPANY, a corporation, operating service between points in the State of California.

Case No.3769

Ruel R. Neiger, for defendant.

L. B. Martin, for certain minority stockholders, intervenor.

BY THE COMMISSION -

OPINION and ORDER

By its order herein, dated January 22, 1934, Alhambra Transfer and Storage Company, a corporation, was cited to appear before the Commission and show cause why its oper - ative rights for the transportation of freight between Alhambra and Los Argeles should not be revoked and annulled, and an investigation of the corporation's acts was authorized to inform the Commission of the facts.

A public hearing was conducted by Examiner Gorman at Los Angeles at which time the matter was duly submitted for decision.

Ruel R. Neiger, President of defendant corporation, appeared for the corporation. He stipulated that the record in Applications Nos 19206 and 19207 be made the record herein. He also stated that he would admit that this record furnishes ample ground for revocation of the rights. In behalf of the corporation he stated that it had resumed operations between Alhambra and Los Angeles with a small truck upon receipt of the decisions in Applications Nos 19206 and 19207 (January 22, 1934) and would continue such daily operation

until further order. The truck used is the property of Bekins Van and Storage Company, which has acquired the furniture warehouse business of the corporation in Alhambra. The truck visits the former terminal of the company at 774 Crocker Street. Mr. Neiger said this resumption of service was to show good faith and to correct mistakes made innocently when transfers of the right were arranged.

The facts disclosed by the record in Applications

Nos.19206 and 19207 are: The corporation, defendant herein,

executed transfer by sale of its operative rights to R.R.

Neiger and A. P. Olmstead January 1, 1933. On March 1, 1933,

they executed transfer and sale of the same mights to

L. R. Kagarise. No application for approval by the Commission was made until November 23, 1933. Between January 1,

1933, and January 24, 1934, the corporation conducted no

operations under the right possessed. By agreement with

Kagarise after March 1, 1933, Neiger and Olmstead made pickup

and delivery at Alhambra.

Mr. Neiger urged that the dilemma is the result of poor legal advice and negligent conduct and further urged that the rights be not revoked in view of their resumption by the corporation, of which he is President. It appears, however, that the operation as "resumed" is one trip a day to a terminal not used by defendant for more than a year, and without notice of change to the shipping public, which was last advised that shipments would be handled by the Kagarise operations at a different address. It also appears that this one schedule daily carried no traffic, or only a negligible amount. Defendant was requested to file a statement showing the traffic: transported since January 24, 1934. No such statement has been filed and this justifies the assumption that there was none.

Full consideration of the facts adduced justifies the Commission in revoking the rights of defendant and, accordingly, an order of revocation will be issued.

ORDER

IT IS HEREBY FOUND that Albambra Transfer and Storage Company, a corporation, has abandoned its operating rights for the transportation of freight between Albambra and Los Angeles, established by operation in good feith prior to May 1, 1917, and

IT IS HEREBY ORDERED that all rights for the transportation of property heretofore created by defendant herein, between Alhambra and Los Angeles, be and the same hereby are revoked and annulled and no further operations may be conducted thereunder; and

IT IS HEREBY FURTHER ORDERED that the tariffs and time schedules now on file with this Commission be and the same hereby are canceled and withdrawn.

Dated at San Francisco, California, this 26 th day of February, 1934.

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