

Decision No. 29238

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
THE SANTA FE TRANSPORTATION COMPANY,
A California Corporation, for authority
to transfer in trust and Rowe Sanderson,
doing business as Rex Transfer Company,
to acquire in trust those certain cer-
tificates of public convenience and
necessity and property purchased by
The Santa Fe Transportation Company
from the Rex Transfer Company as set
forth and approved in Decision No. 28946,
dated June 29, 1936, 29018, dated July
22, 1936, and 29144, dated September
28, 1936.

Application
No. 20846

ORIGINAL

By the Commission

O P I N I O N

By this application Santa Fe Transportation Company requests authority from this Commission for approval of a transfer in trust of those certificates of public convenience and necessity purchased by Santa Fe Transportation Company from T. R. Rex, operating under the name and style of Rex Transfer Company, by authority of Decision No. 28946, dated June 29, 1936, and supplemental orders thereto, to Rowe Sanderson, Trustee, doing business as Rex Transfer Company.

This transfer is to be in accordance with an agreement, a copy of which, marked Exhibit "A", is attached to the application herein and made a part thereof.

This appears to be a matter in which a public hearing is not necessary. The application will be granted.

Rowe Sanderson, Trustee, is hereby placed upon notice that "operative rights" do not constitute a class of property which should be capitalized or used as an element of value in determining reasonable rates. Aside from their purely permissive aspect they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the state which is not in any respect limited to the number of rights which may be given.

O R D E R

IT IS HEREBY ORDERED that the above entitled application be, and the same is hereby granted, subject to the following conditions:

1. The consideration to be paid for the property herein authorized to be transferred shall never be urged before this Commission, or any other rate fixing body, as a measure of value of said property for rate fixing, or for any purpose other than the transfer herein authorized.
2. Applicant Santa Fe Transportation Company shall within twenty (20) days after the effective date of the order herein unite with applicant Rowe Sanderson, Trustee, in common supplement to the tariffs on file with the Commission, covering service given under the certificate herein authorized to be transferred, applicant Santa Fe Transportation Company withdrawing and applicant Rowe Sanderson, Trustee, accepting and establishing such tariffs and all effective supplements thereto.
3. Applicant Santa Fe Transportation Company shall within twenty (20) days after the effective date of the order herein withdraw all time schedules filed in its name with the Railroad Commission and applicant Rowe Sanderson, Trustee, shall within twenty (20) days after the effective date of the order herein file, in duplicate, in his own name time schedules covering service heretofore given by applicant Santa Fe Transportation Company which time schedules shall be identical with the time schedules now on file with the Railroad Commission, in the name of applicant Santa Fe Transportation Company or time schedules satisfactory to the Railroad Commission.

4. The rights and privileges herein authorized may not be sold, leased, transferred nor assigned, nor service thereunder discontinued, unless the written consent of the Railroad Commission to such sale, lease, transfer, assignment or discontinuance has first been obtained.

5. No vehicle may be operated by applicant Rowe Sanderson, Trustee, unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

6. The authority herein granted to sell and transfer the rights and/or property shall lapse and be void if the parties hereto shall not have complied with all the conditions within the periods of time fixed herein unless, for good cause shown, the time shall be extended by further order of the Commission.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 21 day of November, 1936.

W. B. Harris
Leon A. Wherry
M. J. Curran

COMMISSIONERS