

Decision No. 28926

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of BAHLER)	
TRANSPORTATION, INC., a corporation, to)	
sell, and CLYDE E. RICHARDSON and JOHN)	
AZVEDO, JR., to purchase operative rights)	Application
for the transportation of property between)	No. 21301
San Bernardino and Swartout, Los Angeles)	
County.)	

BY THE COMMISSION:

ORIGINAL

O P I N I O N

Bahler Transportation, Inc., a corporation, has petitioned the Railroad Commission for an order approving the sale and transfer by it to Clyde E. Richardson and John Azvedo, Jr. of an operating right for the automotive transportation as a highway common carrier of property between San Bernardino and Swartout (Big Pine Los Angeles County Park) and the intermediate points of Lime Quarry, Clydes and Wrightwood as specifically restricted and modified by the decisions hereinbelow referred to; and Clyde E. Richardson and John Azvedo, Jr. have petitioned for authority to purchase and acquire said operating right and to hereafter operate thereunder, the sale and transfer 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.

The consideration to be paid for the property herein proposed to be transferred is given as \$250 which is alleged by the applicant to be the value of the intangibles.

No equipment is to be transferred.

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

The operating right herein proposed to be transferred was created by Decision No. 23702, dated May 18, 1931 on Application No. 17358 and amended by abandonment of passenger rights as authorized in Decision No. 28226, dated September 16, 1935 on Application No. 20129.

Clyde E. Richardson and John Azvedo, Jr. are 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 Bahler Transportation, Inc. shall within twenty (20) days after the effective date of the order herein unite with applicants Clyde E. Richardson and John Azvedo, Jr. in common supplement to the tariffs on file with the Commission, covering service given under the certificate herein authorized to be transferred, applicant Bahler Transportation, Inc. withdrawing and applicants Clyde E. Richardson and John Azvedo, Jr. accepting and establishing such tariffs and all effective supplements thereto.
3. Applicant Bahler Transportation, Inc. 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 applicants Clyde E. Richardson and John Azvedo, Jr. shall within twenty (20) days after the effective date of the order herein file, in duplicate, in their own names time schedules covering service heretofore given by applicant Bahler Transportation, Inc. 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 applicants Clyde E. Richardson and John Azvedo, Jr. unless such vehicle is owned by said applicants or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

6. The authority herein granted to sell and transfer the right 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.

7. Applicants shall, prior to the commencement of service authorized herein and continuously thereafter, comply with all of the provisions of this Commission's General Order No. 91.

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

Dated at San Francisco, California, this 7th day of

July, 1937.

W. H. H. H. H.

Frank R. Smith

K. W. W. W.

Ray & Akey

Commissioners.