

Decision No. 30762

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
MT. LASSEN TRANSIT COMPANY,  
a corporation, to sell, and SAM  
ARONSON and P. A. TAYLOR, co-partners,  
to purchase (a) the operating rights,  
equipment and all other assets used  
in the transportation of passengers,  
baggage and express for compensation  
by automobile between all points and  
(b) certain real and personal property  
and equipment used in conducting a  
garage business at Susanville, California.)

ORIGINAL

Application No. 21810

BY THE COMMISSION:

OPINION AND ORDER

This is an application for an order of the Railroad Commission authorizing Mt. Lassen Transit Company, a corporation, to sell and transfer to Sam Aronson and P. A. Taylor its operating rights, equipment and other assets used in its business of transporting passengers, baggage and property by automobile stages, and certain real and personal property.

It appears that Mt. Lassen Transit Company is engaged in the operation of automobile lines for the transportation of passengers, baggage and property as a common carrier for compensation between

1. Red Bluff, California and Reno, Nevada, via Westwood, Susanville and California-Nevada State Line near Purdy, California;

2. Mineral and Lassen Volcanic National Park via loop service embracing Viola and Lake Manzanita, thence southerly to Mineral, California;

3. Chester and Drakesbad via Lees Camp, California;

4. Chester and Juniper Lake via Camerons;

5. Westwood and Keddle via Chester and Canyon Dam, California, or via east side of Lake Almanor and Canyon Dam, thence southerly via Greenville and Indian Falls, California;

6. Westwood and Halls Flat, and between Susanville and Halls Flat and/or from Westwood via Facht and McCoy Flat Reservoir, and laterally for a distance of fifteen miles on either side of said routes.

The application shows that the corporation now has made arrangements to dispose of its certificate of public convenience and necessity under which it conducts its transportation operations and other properties, to Sam Aronson and P. A. Taylor.

The properties to be sold and transferred include the following:-

- a. The certificate of public convenience and necessity granted by Decision No. 24922 dated June 27, 1932 in Application No. 18085.
- b. That certain real and personal property located in Lassen County, more particularly described as follows:-

Lots Three (3), Four(4), Five(5), Seven(7), Eight (8) and Nine(9) of Block Eight(8) of the Millwood Tract, as the same is laid down on the official map of Millwood Tract, as it may or may not have been amended, on file in the offices of the County Recorder of Lassen County, State of California, together with all buildings thereon and appurtenances thereto.

- c. Certain automobile stages described as follows:-

- A. White 60-1929-Motor No. 2a1-783 Described as "Bus No. 18"
- B. White 60-1929-Motor No. 2a1-789 Described as "Bus No. 16"
- C. White 60-1929-Motor No. 2a1-172 Described as "Bus No. 14"
- D. White 60-1929-Motor No. 2a1-493 Described as "Bus No. 15"
- E. White-1935-Motor No. 9a-855 License No. BE-X302. Model 713
- F. White-1935-Motor No. 9a-856 License No. BE-X301. Model 713

A copy of the agreement for the sale and transfer by and between Mt. Lassen Transit Company on the one hand and Sam Aronson and P. A. Taylor on the other hand, is attached to the application and marked "Exhibit A". In consideration for the transfer it appears that the purchasers agree to pay the sum of \$6,000.00 upon execution of the agreement and the sum of \$11,500.00 when the Railroad Commission has approved the transfer of the certificate of public convenience and necessity and titles to the real property to be conveyed are cleared. They will assume the payment of the note amounting to \$2,092.03 as of March 4, 1938 on the real property and buildings at Susanville.

The Commission has considered this application and is of the opinion that a public hearing is not necessary and that the application should be granted, as herein provided. In authorizing the transfer of the certificate of public convenience and necessity, however, the Commission wishes to place Sam Aronson and P. A. Taylor 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.

IT IS HEREBY ORDERED that Mt. Lassen Transit Company, a corporation, be, and it hereby is, authorized to sell and transfer on or before April 30, 1938, to Sam Aronson and P. A. Taylor the certificate of public convenience and necessity granted to it by Decision No. 24922, dated June 27, 1932, and the properties referred to herein, such sale and transfer to be in accordance with the terms and conditions of the agreement filed in this proceeding as Exhibit A.

The authority herein granted is subject to the following conditions:-

1. Applicants shall within twenty(20) days after the effective date of the order herein, unite in common supplement to the tariffs on file with the Commission covering service given under the certificate herein authorized to be transferred, applicant Mt. Lassen Transit Company withdrawing and applicants Sam Aronson and P. A. Taylor accepting and establishing as their own, such tariffs and all effective supplements thereto.

2. Applicant Mt. Lassen Transit 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 applicants Sam Aronson and P. A. Taylor shall within twenty(20) days after the effective date of the order herein file in duplicate in their own names time schedules covering service to be given by them, which time schedules shall be identical with the time schedules now on file with the Railroad Commission in the name of applicant Mt. Lassen Transit Company, or time schedules satisfactory to the Railroad Commission.

3. 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.

4. No vehicle may be operated by applicants Sam Aronson and P. A. Taylor 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.

5. 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.

6. Applicant 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.

7. The authority herein granted will become effective upon the date hereof.

DATED at San Francisco, California, this 14<sup>th</sup> day of March, 1938.

Leon A. Whittall  
Grace R. Allen  
Walter W. W. W.  
Ray L. Cherry  
Commissioners.