

Decision No. 80868

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of MARY C. BRIDGES to Assign and
of FLOYD S. BRIDGES to Receive a
Freight Line Operated Between
Eureka and Garberville, California.)

ORIGINAL

Application No. 21969.

BY THE COMMISSION

O P I N I O N

Mary C. Bridges has petitioned the Railroad Commission for an order approving the transfer and assignment by her to Floyd S. Bridges of an undivided five-sixths (5/6) interest in an operating right for the automotive transportation as a highway common carrier of property between Eureka and Garberville; and Floyd S. Bridges has petitioned for authority to acquire said five-sixths (5/6) interest in said operating right and to hereafter operate thereunder, the transfer and assignment to be in accordance with an agreement, a copy of which, marked Exhibit "B", is attached to the application herein and made a part thereof.

The consideration involved is the love and affection held by the transferor for the transferee.

Attached to the application herein and made a part thereof, marked Exhibit "A", is a copy of the order and decree of distribution of the estate of Henry J. Bridges, deceased, entered by the Superior Court of the State of California in and for the County of Humboldt, in which the property of decedent was distributed to Mary C. Bridges, surviving widow of said decedent, in compliance with the terms and conditions of the last will and testament of said decedent. A part of the property distributed by

said decree, and as herein proposed to be transferred, is an undivided five-sixths (5/6) interest in a highway common carrier operative right between Eureka and Garberville as heretofore created by the Railroad Commission's Decision No. 12861, dated November 26, 1923, on Application No. 9539, as amended by Decision No. 27545, dated November 26, 1934, on Application No. 19666, authorizing certain operations by H. J. Bridges, now deceased, and Floyd S. Bridges, one of the applicants herein.

Floyd S. Bridges 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 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. Applicants Mary C. Bridges and Floyd S. Bridges shall within twenty (20) days after the effective date of the order herein unite with applicant Floyd S. Bridges in common supplement to the tariffs on file with the Commission, covering service given under the certificate herein authorized to be transferred, applicants Mary C. Bridges and Floyd S. Bridges withdrawing and applicant Floyd S. Bridges accepting and establishing such tariffs and all effective supplements thereto.

3. Applicants Mary C. Bridges and Floyd S. Bridges shall within twenty (20) days after the effective date of the order herein withdraw all time schedules filed in their name with the Railroad Commission and applicant Floyd S. Bridges 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 applicants Mary C. Bridges and Floyd S. Bridges which time schedules shall be identical with the time schedules now on file with the Railroad Commission, in the name of applicants Mary C. Bridges and Floyd S. Bridges 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.


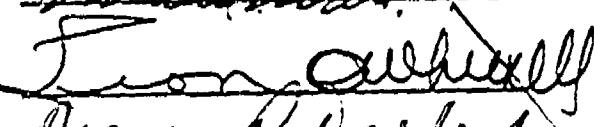
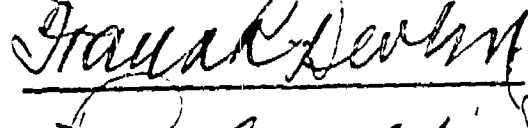
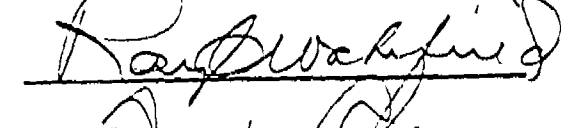

5. No vehicle may be operated by applicant Floyd S. Bridges unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

6. The authority herein granted to 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. 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.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 12th day of June, 1938.






COMMISSIONERS