

ORIGINAL

Decision No. 31112

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of	)	
BRUCE F. WOODWORTH to lease to and	)	
DICK W. MERRILL to lease from said lessor,	)	Application No. 22093
an automobile passenger and freight line,	)	
operated between Hornbrook and Happy	)	
Camp, California.	)	

BY THE COMMISSION:

O P I N I O N

Bruce F. Woodworth, the owner of a prescriptive operative right for the transportation of passengers and property between Hornbrook and Happy Camp and intermediate points, herein makes application to lease said operative right to Dick W. Merrill; and Dick W. Merrill herein requests authority to conduct the above operations under and in accordance with a lease agreement, a copy of which, marked Exhibit A, is attached to the application and made a part thereof.

Under the terms of said lease agreement the lessee pays the lessor the sum of \$10 monthly for a period ending July 1, 1942.

The Commission by its Decision No. 28059, on Application No. 20011, authorized Bruce F. Woodworth to lease the herein described right to H. T. Watson under a lease agreement which expired July 1, 1938. Because of such expiration Decision No. 28059 will be vacated and set aside.

The operative right herein proposed to be leased is a prescriptive operative right acquired by B. F. Woodworth under authority of the Commission's Decision No. 22748, dated August 5, 1930, on Application No. 16736.

O R D E R

IT IS ORDERED that the above entitled application is hereby granted subject to the following conditions:

1. Applicant Woodworth shall within twenty (20) days after the effective date of the order herein unite with applicant Merrill in common supplement to the tariffs on file with the Commission, covering service given under the certificate herein authorized to be leased, applicant Woodworth withdrawing and applicant Merrill accepting and establishing such tariffs and all effective supplements thereto.

2. Applicant Woodworth shall within twenty (20) days after the effective date of the order herein withdraw all time schedules filed in his name with the Railroad Commission and applicant Merrill 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 Woodworth which time schedules shall be identical with the time schedules now on file with the Railroad Commission, in the name of applicant Woodworth 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 applicant Merrill 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.

5. The authority herein granted 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.

IT IS FURTHER ORDERED that Decision No. 28059, dated June 24, 1935, is hereby vacated and set aside, and

IT IS FURTHER ORDERED that the authority herein granted will terminate upon the expiration of the lease agreement set forth as Exhibit A attached to the application herein.

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

Dated at San Francisco, California, this 19<sup>th</sup> day of July, 1938.

Walter H. ...

James A. ...

W. L. Riley  
COMMISSIONERS