

Decision No. 31661

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
FLOYD S. BRIDGES
to sell and A. E. BRANSCOMB to purchase
a one-third interest in an automobile
freight line operated between Garber-
ville and Eureka, California.

ORIGINAL
Application No. 22265

BY THE COMMISSION:

O P I N I O N

Floyd S. Bridges has petitioned the Railroad Commission for an order approving the sale and transfer by him to A. E. Branscomb of an undivided one-third interest in an operative right for the transportation of property as a highway common carrier between Eureka and Garberville; and A. E. Branscomb has petitioned for authority to purchase and acquire said undivided one-third interest, the sale and transfer to be in accordance with an agreement, a copy of which is filed in this proceeding as Exhibit A.

The consideration to be paid for the property herein proposed to be transferred is given as \$3,000.00, all of which sum represents the value of equipment and other personal property.

The operative right referred to herein was acquired by applicant Bridges by virtue of the Commission's Decision No. 30966, dated June 13, 1938, on Application No. 21969.

This does not appear to be a matter in which a public hearing is necessary and the authority requested will be granted.

A. E. Branscomb and Floyd S. Bridges 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 ORDERED that Floyed S. Bridges is hereby authorized to transfer the above described undivided one-third interest in said operative right to A. E. Branscomb, and A. E. Branscomb is hereby authorized to acquire said undivided one-third interest in said operative right, 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 Floyd S. Bridges shall within twenty (20) days after the effective date of the order herein unite with applicant A. E. Branscomb in common supplement to the tariffs on file with the Commission, covering service given under the certificate herein authorized to be transferred, applicant Bridges withdrawing and applicants Branscomb, and Bridges accepting and establishing such tariffs and all effective supplements thereto.
3. Applicant Bridges 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 applicants Branscomb and Bridges shall within twenty (20) days after the effective date of the order herein file, in duplicate, in their names, time schedules covering service heretofore given by applicant Bridges which time schedules shall be identical with the time schedules now on file with the Railroad Commission in the name of the applicant 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 applicants Branscomb and Bridges 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 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 16th day of
January, 1939.

Robert A. Branscomb
James L. Bridges
Ray K. Rice
W. B. ...
Justus F. ...
COMMISSIONERS.