

Decision No. 32456

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SANTA CRUZ MOTOR EXPRESS, INC., a corporation, for an enlargement of its certificate of public convenience and necessity, which would authorize it to serve Oakland, California.

Application 22323

In the Matter of the Application of ERNEST DEL CIELO, G. ROSSI, P. BRUNETTO and E. TOBACCO, a copartnership, doing business as PESCADERO FARMS ASSOCIATION DRAYAGE, for an enlargement of their certificate of public convenience and necessity, which would authorize service from farms and ranches located between Half Moon Bay and Coastway Ranch (Año Nuevo Point) on the one hand, to Oakland and San Leandro, on the other, with a return movement of used empty crates and containers.

Application 22378

In the Matter of the Application of COAST LINE TRUCK SERVICE, INC., a corporation, for certificate of public convenience and necessity to operate a motor truck service, as a common carrier, for the transportation of property between points described in the territory between San Gregorio, Aptos Creek and Alma, on the one hand, and Oakland, Emeryville, Berkeley, and San Leandro, California, on the other hand, as an enlargement of its present certificate of public convenience and necessity.

Application 22407

In the Matter of the Application of ADOLPH TOLOMEI, E. DEL GRANDE and LOUIS J. GERBONI, copartners doing business under the name of HALF MOON BAY DRAYAGE COMPANY, for an enlargement of their certificates of public convenience and necessity so as to authorize auto truck service, as a common carrier, from Half Moon Bay and vicinity and San Gregorio and vicinity, on the one hand, to Oakland and San Leandro, on the other hand, with a return movement for empty crates and containers, supplies, farm equipment and other necessities.

Application 22603

REGINALD L. VAUGHAN for applicant Santa Cruz Motor Express, Inc.

REGINALD L. VAUGHAN for applicants Ernest Del Cielo, G. Rossi, P. Brunetto and E. Tobacco, doing business as Pescadero Farms Association Drayage.

HUGH S. CENTER and CARL R. SCHULZ, for applicant Coast Line Truck Service, Inc.

THELEN & MARRIN by GORDON JOHNSON for applicants Adolph Tolomei, E. Del Grande and Louis Gerboni, doing business as Half Moon Bay Drayage Company.

F. X. VIEIRA for Southern Pacific Company and Pacific Motor Trucking Company, protestants.

WARE & BEROL, by MARVIN J. HANDLER, for Frasher Truck Co., Inc. and Valley Express Company, protestants.

MARVIN S. HANDLER for Highway Transport, Inc., Interested Party.

BY THE COMMISSION:

O P I N I O N

By its application, as amended, (Application No. 22323) Santa Cruz Motor Express, Inc., a corporation, seeks a certificate of public convenience and necessity to establish and operate an automotive service, as a highway common carrier, of berries, fruits, vegetables, cut flowers, bulbs of all kinds, poultry, rabbits, eggs, mushrooms and fresh milk from Santa Cruz and Swanton and points intermediate, from Santa Cruz and Boulder Creek and points intermediate, from Santa Cruz and Aptos Creek and points intermediate, and from Santa Cruz and Lexington and points intermediate, on the one hand, to Oakland, San Leandro, Emeryville and Berkeley, on the other hand, and for a return movement of empty containers and fertilizer from Berkeley to farms and ranches only in the producing area. In

addition, this applicant seeks to operate within a five-mile lateral zone on each side of the highways traversed between Santa Cruz and Swanton, Boulder Creek, Aptos and Lexington. This certificate is sought as an extension and enlargement of, and to be consolidated with, the operative rights now held by this applicant, which were created by Decisions Numbers 29470 and 30754.

By their application (Application No. 22378) Ernest DeI Cielo, G. Rossi, F. Brunetto and E. Tobacco, copartners, doing business as Pescadero Farms Association Drayage, seek a certificate of public convenience and necessity to establish and operate an automotive service, as a highway common carrier, of berries, fruits, vegetables, cut flowers, bulbs of all kinds, and rabbits from the producing area located between Half Moon Bay and Coast Way Ranch (Ano Nuevo Point) on the one hand, to Oakland, San Leandro, Emeryville and Berkeley, on the other hand, with a return movement of empty containers and fertilizer from Berkeley to points and places within the producing area herein described. This applicant seeks to operate within a seven-mile lateral zone on each side of the highways traversed, extending easterly from the Coast Highway, and westerly to the Pacific Ocean shoreline. These applicants also seek this certificate as an extension and enlargement of, and to be consolidated with, their existing operative rights, which rest upon Decision No. 27716

By its application, as amended, (Application No. 22407) Coast Line Truck Service, Inc., a corporation, seeks a certificate of public convenience and necessity to establish and operate an automotive service, as a highway common carrier, of fresh fruits, fresh vegetables, cut flowers, bulbs, and mushrooms from all points

south of and including Pomponio Creek, to Aptos Creek, inclusive, on State Highway No. 1, and south of Holy City on State Highway No. 17, on the one hand, to Oakland, Berkeley, Emeryville and San Leandro, on the other hand. It also seeks to operate laterally from and to all points situated within a zone extending two miles on each side of the highways described, south of Pomponio Creek and Holy City; also within a zone extending two (2) miles on each side of the County Road from Soquel to the point of intersection with Highway No. 17, south of Holy City; and, also within the same distance on each side of State Highway No. 17 between Holy City and Lexington. On the return movement, it proposes to handle empty containers to all points within the producing area described, and also to transport fertilizer from Berkeley to farms located within that territory. This certificate, applicant proposes, is to be deemed an extension and enlargement of, and to be consolidated with, its existing operative rights. These were granted by Decision No. 28960.

By their application, as amended, (Application No. 22603) Adolph Tolomei, E. Del Grande and Louis J. Gerboni, copartners, doing business as Half Moon Bay Drayage Company, seek a certificate of public convenience and necessity to establish and operate an automotive service, as a highway common carrier, of vegetables and other perishable farm products from farms and ranches situated between Half Moon Bay and San Gregorio, and within a lateral zone extending three miles on each side of the highway between those points, on the one hand, to Oakland, San Leandro, Emeryville and Berkeley, on the other hand. On the return movement, applicants propose to transport empty containers, supplies, farm equipment and other necessities consigned to ranches located in the producing area. Applicants request that this certificate be granted as an

extension and enlargement of, and that it be consolidated with, their existing operative rights. These are founded upon Decisions Nos. 22716, 24143 and 25981, as amended by Decision No. 26029.

These matters were consolidated for hearing and decision. A public hearing was had before Examiner McGettigan at Santa Cruz on January 24 and 25, 1939; at Pescadero on January 26, March 9 and 29, 1939; at Santa Cruz on April 11 and 21, 1939; at Oakland on May 15, 1939; and at San Francisco on May 31, 1939, when evidence was received, the matter submitted on briefs, since filed, and it is now ready for decision.

In these proceedings, the Commission is confronted primarily with the problems attending the movement of perishable farm products from two producing territories, viz: the Santa Cruz and the Half Moon Bay - Pescadero areas,⁽¹⁾ on the one hand, to the commission markets, canneries and packing houses located in Oakland, Emeryville and San Leandro, on the other hand, together with a return movement of empty containers and farm supplies from these points to the farms and ranches located in the producing areas. There is also involved a request for authority to transport fertilizer from Berkeley to these farms and ranches.

The granting of these applications was protested by Southern Pacific Company, Pacific Motor Trucking Company and Frasher Truck Co., Inc. Highway Transport, Inc. entered an appearance in these proceedings as an interested party.

(1) The Half Moon Bay - Pescadero area includes San Gregorio.

During the course of the hearing, a total of seventy
(2) witnesses testified for applicants, and the testimony of five
witnesses was stipulated as to the general public need for a
service to Oakland from the producing areas.

The public witnesses unanimously voiced the opinion
that a service such as that proposed by applicants was necessary.
The only divergence of views, as shown by the record, resulted
from a desire on the part of some witnesses to express a pref-
erence, based for the most part, on past experience, for one or
the other of the applicants. It is not necessary to repeat their
testimony in detail. In substance, they declared the proposed
service would open to them an additional marketing center in the
Metropolitan Bay Area, thereby doubling the opportunities to dispose
of their products. Witnesses from the Oakland commission markets
pointed out that within the East Bay Area reside some 500,000
people who may be considered prospective consumers of the field and
orchard crops of the Santa Cruz and the Half Moon Bay - Pescadero
areas. The East Bay, they asserted, is entitled to a public trans-
portation service from this producing territory equal to that
afforded San Francisco. At present, three highway common carriers
provide such a service for San Francisco, but no service of this
type is available to the East Bay.

Each of the applicants is now and for some years past,
has been engaged under a certificate of public convenience and
necessity in transporting produce from either the Santa Cruz or
the Half Moon Bay - Pescadero areas to San Francisco or Los Angeles.

(2) For Santa Cruz Motor Express, 21 witnesses were called; for
Pescadero Farms Association Drayage, 15; for Coast Line Truck
Service, Inc. 33; and for Half Moon Bay Drayage Company, 1.

Santa Cruz Motor Express Inc., Pescadero Farms Association Drayage and Half Moon Bay Drayage Company serve San Francisco, and Coast Line Truck Service, Inc. reaches Los Angeles. All, therefore, are experienced operators in this special field of transportation, well able to provide the additional service sought. Each applicant produced witnesses who testified to the generally satisfactory nature of its past performance; all expressed satisfaction with the operating methods and practices of the individual carriers as they had found them. Divergent views were expressed regarding the relative advantages of using pickup trucks or line haul equipment for picking up produce, and also concerning the effect of transfers from the pickup truck to the line haul trucks, the witnesses differing in their opinions as to the effect of such practices upon the products moved. On this subject, the opposing views were fairly evenly balanced. The record establishes, however, that the growers and shippers in the producing areas are primarily interested in obtaining an expedited service which will permit the delivery of their products at the commission markets within the time limits imposed by marketing practices. Aside from minor differences in the territory to be served, and variations in the pickup areas and the methods of pickup, there exists no material differences respecting the applicants' operating methods. Generally, applicants desire to serve the same areas by means of all available direct and alternate routes so that they may provide to the maximum degree a service commensurate with all the requirements of the traffic. The time schedules provide for evening departures to commission markets, where trucks will arrive at the opening of the markets or immediately thereafter. This will meet the shippers' demand for a pickup at the farm, ranch or depot at as late an hour as will permit

delivery immediately following the opening of the market. Generally the rates to be observed by applicants will be maintained on a common level, and wherever minimum rates have been established by the Commission they will be observed.

Protestant Southern Pacific Company, the record shows, maintains a daily service from Santa Cruz to the East Bay area providing first morning delivery after loading. For the movement of perishables to commission markets, this service, according to witnesses, has not been satisfactory because of the early departures⁽³⁾ and the arrival at the East Bay the next morning, too late for the market. No rail service is available between San Gregorio, Half Moon Bay and Pescadero and the East Bay region.

The operative rights of Highway Transport, Inc. are restricted so as to preclude the transportation of berries, green fruits, vegetables, poultry and eggs from the Aptos - Santa Cruz area; moreover, it now possesses no authority to serve Oakland directly. Protestant Valley Express Company, an express corporation, uses Highway Transport, Inc. as an underlying carrier in this area. It is bound, of course, by this restriction and precluded from serving these points. Protestant H. Frasher Truck Line now has pending an application (Application No. 20504) for a certificate of public convenience and necessity to operate as a highway common carrier, transporting property generally to and from points south and west of San Jose, including Santa Cruz and Soquel; however, it does not propose a specialized produce service such as that involved here.

(3) The present rail schedules provide for departure from Davenport at 4:30 P.M. and from Santa Cruz at 5:00 P.M.

The record establishes the existence of a public need for a common carrier motor truck service to and from the points described, of the limited type proposed by the applicants. The applicants, it appears, have had long experience in the transportation of produce; each is well qualified to perform the services proposed. The existing service to the East Bay for the transportation of produce from the areas involved, is neither satisfactory nor adequate to meet the needs of the growers or the commission merchants.

Since most, if not all, of the commodities involved are transported in containers of one kind or another, which under the practice prevailing among growers and shippers, are used repeatedly, it is quite important to the growers and to the shippers that any service they may be afforded should provide for the return of empty containers, to be used in future shipments. To this proposal, no objection was raised. We are convinced that authority should be granted for the return movement of these containers. However, no need was shown to exist for the return movement of fertilizer from Berkeley; at best, the demand is quite spasmodic.

Nothing of substance appears in the record to support the requests for authority to transport farm supplies and equipment from Oakland, Berkeley, San Leandro and Emeryville, to the farms and ranches located in the producing areas. The primary need is for a service devoted to the transportation of farm perishables from the producing areas to commission markets, canneries and packing houses.

There remains for determination the question whether any particular applicant or all of them should be chosen to provide this

service. In arriving at a solution, the nature of the traffic must be considered. With the exception of a period of some four months each year, when there appears to be a slack season, a substantial tonnage moves regularly from this territory, ranging, it is estimated, from 15 to 40 truck loads daily. The commodities transported, of which there is quite a variety, ⁽⁴⁾ mature at different times throughout the shipping period. During this season, therefore, peak movements occur frequently. Because of this, no one operator is able to provide facilities adequate to handle all of the traffic. It is clear that the nature of these commodities and the need for expeditious delivery within definite time limits, impel the establishment of an additional public transportation service, as proposed by these applicants, if the producer and the consuming public are to be served adequately.

Another factor of considerable weight here is the stabilizing effect upon the transportation service accorded these territories which will flow from the establishment of regular certificated service. This will replace the ineffectual trucking service now furnished by peddler and proprietary trucks, and by highway carriers operating under permits issued by the Commission. This service, many witnesses testified, did not meet their needs. It was shown that these operators, due to the inherent limitations and the necessarily restricted scope of their operations, have not been able to afford a service commensurate with the requirements of

(4) These commodities comprise artichokes, sprouts, peas, corn, grain, flowers, lettuce, broccoli, grapes, cherries, apricots, lemons, apples, plums, peaches, persimmons, pears, prunes, garlic, pigeons, mushrooms, onions, potatoes, cauliflower, cabbage, rhubarb, turkeys, cattle, red oats, vetch, hay, beans, strawberries, figs, crab apples, bulbs, blackberries, loganberries, raspberries, tomatoes, cucumbers, lima beans, string beans, and fertilizer.

the producing and the consuming public. The movement of produce, with its markedly personalized service, the necessity for expeditious and careful transfer and the rigid time limits to be observed, presents problems not usually found in other transportation fields.

Having fully considered all aspects of the problem presented, the Commission has concluded that, subject to the exceptions announced above, certificates should be granted, as sought, to all the applicants, thus affording to the increasingly important East Bay area a service comparable to that now enjoyed by San Francisco.

Santa Cruz Motor Express, Inc., a corporation, Ernest Del Cielo, G. Rossi, P. Brunetto and E. Tobacco, copartners, doing business as Pescadero Farms Association Drayage, Coast Line Truck Service, Inc., a corporation, and Adolph Tolomei, E. Del Grande and Louis J. Gerboni, copartners, doing business as Half Moon Bay Drayage Company, are, and each of them 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

A public hearing having been had, evidence having been received, the matter having been duly submitted, and the Commission being now fully advised:

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment and operation by each of the applicants hereinafter named of an automotive service, as a highway common carrier, as such is defined by section 2-3/4 of the Public Utilities Act, between the points and over the routes hereinafter set forth immediately following the names of said applicants, respectively, to-wit:

SANTA CRUZ MOTOR EXPRESS, INC.

Between Santa Cruz and Swanton and points intermediate, Santa Cruz and Aptos Creek and points intermediate, Santa Cruz and Boulder Creek and points intermediate, Santa Cruz and Lexington and points intermediate, on the one hand, and commission markets, canneries, and packing houses in Oakland, Emeryville and San Leandro, on the other hand, limited on the northbound movement to the transportation of fresh fruits, fresh vegetables, cut flowers, bulbs, poultry, rabbits, eggs and mushrooms, originating at farms, ranches and packing houses in said area, with the right to pick up at distances not to exceed five (5) miles off the highways between Santa Cruz and Swanton, Santa Cruz and Boulder Creek, Santa Cruz and Aptos Creek, and Santa Cruz and Lexington, and limited on the southbound or return movement, to the transportation of empty containers destined to farms and ranches in said area, said service to be conducted over and along the following routes, to-wit:

1. From and to Swanton, and points intermediate between Swanton and Santa Cruz, via State Highway Route No. 1.
2. From and to Boulder Creek, and points intermediate between Boulder Creek and Santa Cruz, via State Highway Route No. 9.
3. From and to Aptos, and points intermediate between Aptos and Santa Cruz, via State Highway Route No. 1.
4. From and to Santa Cruz, and the East Bay points of Oakland, San Leandro, Berkeley and Emeryville, via:
 - (a) State Highway Route No. 17 through Los Gatos, Campbell, San Jose, Milpitas, Irvington and Alvarado.
 - (b) State Highway Route No. 17 to Los Gatos; thence via State Highway Route No. 9 through Saratoga, Cupertino, Sunnyvale, Mountain View, Alviso and Milpitas; thence via State Highway Route No. 17.
 - (c) State Highway Route No. 17 to Los Gatos; thence via State Highway Route No. 9 through Saratoga, Cupertino, Sunnyvale and Mountain View; thence via U. S. Highway No. 101 to San Francisco; thence via San Francisco - Oakland Bay Bridge or Southern Pacific Golden Gate Ferries, Ltd.

as an extension and enlargement of applicant's existing operative rights, and consolidated therewith.

ERNEST DEL CIELO, G. ROSSI, F. BRUNETTO and E. TOBACCO

Between Half Moon Bay and Ano Nuevo Point (Coastway Ranch) and points intermediate, on the one hand, and commission markets, packing houses and canneries in Oakland, San Leandro and Emeryville, on the other hand, with the right to pick up at distances not to exceed seven (7) miles easterly off the highways traversed between Half Moon Bay and Ano Nuevo Point (Coastway Ranch) and points intermediate, and with the right also to pick up in a westerly direction as far as the Pacific Coast Shore Line between the points

just named, limited on the northbound movement to the transportation of fresh fruits, fresh vegetables, cut flowers, bulbs, poultry, rabbits, eggs and mushrooms, originating at farms, ranches, and packing houses in the described area, and limited, on the southbound or return movement to the transportation of empty containers destined to the farms and ranches in said area, over and along the following routes, to-wit:

1. State Highway Route No. 1 to Half Moon Bay; thence via Crystal Springs Road to San Mateo; thence via San Mateo Toll Bridge to Mr. Eden; thence via State Highway Route No. 17 to destination.
2. State Highway Route No. 1 to Half Moon Bay; thence via Crystal Springs Road to San Mateo; thence via either El Camino Real or Bay Shore Highway to San Francisco; thence via either San Francisco - Oakland Bay Bridge or Southern Pacific Golden Gate Ferries, Ltd., to destination.

as an extension and enlargement of applicant's existing operative rights, and consolidated therewith.

COAST LINE TRUCK SERVICE, INC.

Between Santa Cruz and Pomponio Creek and points intermediate; between Santa Cruz and Aptos Creek and points intermediate; between Santa Cruz and Lexington and points intermediate; and between Soquel and Holy City and points intermediate, on the one hand, and commission markets, canneries and packing houses in Oakland, San Leandro and Emeryville, on the other hand, limited on the northbound movement to the transportation of fresh fruits, fresh vegetables, cut flowers, bulbs, poultry, rabbits, eggs and mushrooms, originating at farms, ranches and packing houses in the described area, with the right to pick up at distances not

to exceed two (2) miles off the highways between Santa Cruz and Pomponio Creek and intermediate points; between Santa Cruz and Aptos Creek and intermediate points; between Santa Cruz and Lexington and intermediate points; and between Soquel and Holy City and intermediate points, and limited on the southbound or return movement to the transportation of empty containers destined to farms and ranches in said area, over and along the following routes:

1. Shipments originating on or adjacent to State Highway Route No. 1 shall be routed via State Highway Route No. 1 to Santa Cruz; thence via State Highway Route No. 17 to Warm Springs; thence via Irvington and Centerville or via Mission San Jose, Niles and Hayward to destination.
2. Shipments originating on or adjacent to the County Road extending from Soquel to the points of intersection with State Highway Route No. 17 shall be routed via County Road to State Highway Route No. 17; thence via Highway No. 17 to Warm Springs; thence via either Irvington and Centerville or via Mission San Jose, Niles and Hayward to destination.
3. Shipments originating on or adjacent to State Highway Route No. 17 shall be routed via State Highway Route No. 17 to Warm Springs; thence via either Irvington and Centerville or via Mission San Jose, Niles and Hayward to destination.
4. Shipments for consolidation at Soquel shall be brought to Soquel via State Highway Routes Nos. 1, 17 or County Road, depending upon point of origin; thence to Santa Cruz via State Highway Route No. 1; thence via State Highway Route No. 17 to Warm Springs; thence via either Irvington and Centerville or via Mission San Jose, Niles and Hayward to destination.
 - (a) As an alternative, shipments originating in the so-called Santa Cruz Area, and also those shipments originating between Swanton and Pomponio Creek, shall be routed via State Highway Route No. 1 to San Francisco; thence via San Francisco - Oakland Bay Bridge or Southern Pacific Golden Gate Ferries, Ltd.; thence via State Highway Route No. 17 to San Leandro.
 - (b) Also as a further alternative, applicant shall operate via State Highway Route No. 1 to Half Moon Bay; thence via Crystal Springs Lakes to San Mateo Toll Bridge; thence via State Highway Route No. 17 to Oakland.

as an extension and enlargement of applicant's existing operative rights, and consolidated therewith.

ADOLPH TOLOMEI, E. DEL GRANDE and LOUIS J. GERBONI

Between Half Moon Bay and San Gregorio and points intermediate, on the one hand, and commission markets, canneries and packing houses in Oakland, San Leandro and Emeryville, on the other hand, limited on the northbound movement to the transportation of fresh fruits, fresh vegetables, cut flowers, bulbs, poultry, rabbits, eggs and mushrooms, originating at farms, ranches or packing houses in the area described, with the right to pick up at distances not to exceed three (3) miles off the highways traversed, and limited on the southbound or return movement to empty containers destined to farms and ranches in said area, over and along the following routes:

1. From San Gregorio via State Highway Route No. 1 to Half Moon Bay; thence via Crystal Springs Road to San Mateo; thence via San Mateo Toll Bridge to Mt. Eden; thence via State Highway Route No. 17 to destination.
2. From San Gregorio via State Highway Route No. 1 to Half Moon Bay; thence via Crystal Springs Road to San Mateo; thence via either El Camino Real or Bay Shore Highway to San Francisco; thence via either San Francisco - Oakland Bay Bridge or Southern Pacific Golden Gate Ferries, Ltd., to destination,

as an extension and enlargement of applicant's existing operative rights, and consolidated therewith.

IT IS HEREBY ORDERED that certificates of public convenience and necessity be and they are hereby granted to Santa Cruz Motor

Express, Inc., Ernest Del Cielo, G. Rossi, P. Brunetto and E. Tobacco, doing business as Pescadero Farms Association Drayage, Coast Line Truck Service, Inc., and Adolph Tolomei, E. Del Grande and Louis J. Gerboni, doing business as Half Moon Bay Drayage Company, respectively, authorizing said applicants severally to establish and operate service, as highway common carriers, between the points and over the routes hereinabove set forth immediately following the names of said applicants, respectively.

The authority herein granted is subject to the following conditions as to each of said applicants:

1. The authority herein granted shall lapse and be void if applicants shall not have complied with all of 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.
2. Each applicant shall file a written acceptance of the certificates herein granted within a period of not to exceed thirty (30) days from the effective date hereof.
3. Applicants shall commence the service herein authorized within a period of not to exceed thirty (30) days from the effective date hereof, and shall file in triplicate, and concurrently make effective on not less than ten (10) days' notice to the Railroad Commission and the public, a tariff or tariffs constructed in accordance with the requirements of the Commission's General Orders and containing rates and rules which in volume and effect shall be identical with the rates and rules shown in the exhibits attached to their applications, in so far as they conform to the certificates herein granted, or rates and rules satisfactory to the Railroad Commission.
4. Applicants shall file in duplicate, and make effective within a period of not to exceed thirty (30) days after the effective date of this order, on not less than five (5) days' notice to the Railroad Commission and the public, a time schedule or time schedules covering the services herein authorized in a form satisfactory to the Railroad Commission.
5. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned, unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been obtained.

6. No vehicle may be operated by applicants herein unless such vehicle is owned by said applicants or is leased by applicants under a contract or agreement on a basis satisfactory to the Railroad Commission.
7. Applicants shall, prior to the commencement of services 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 10th day of October, 1939.

Paul W. [unclear]
Frank [unclear]
Ray & [unclear]
[unclear]
Justin J. [unclear]
COMMISSIONERS