

ORIGINAL

Decision No. 34784

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
JOHN W. SILVA and ROSE DAVIS SILVA, )  
his wife, Sellers, and A. B. and )  
KENNETH C. CLARK, Buyers, for an )  
order of the Railroad Commission )  
of the State of California author- )  
izing the sale and transfer of the )  
operative rights and properties )  
herein described. )

Application No. 24477

BY THE COMMISSION:

O P I N I O N

(1)  
John W. Silva and Rose Davis Silva, his wife, have petitioned the Railroad Commission for an order approving the sale and transfer by them to A. B. and Kenneth C. Clark of a highway common carrier operating right between San Francisco, on the one hand, and points in the vicinity of Salinas, including Fort Ord, on the other hand, and limited as to the delivery of freight northbound to San Jose, Mountain View and Oakland only. A. B. and Kenneth C. Clark have petitioned for authority to purchase and acquire said operating right and to hereafter operate said right as an integral part of their existing highway common carrier operating rights (2) with which it is to be merged and

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(1) The certificate of public convenience and necessity herein proposed to be transferred stands in the name of J. W. Silva, an individual. Rose Davis Silva, due to the protracted illness of J. W. Silva, has, allegedly, actively managed and operated the service.

(2) Generally operated between the San Francisco Bay Area, Richmond and Oleum, on the one hand, and Pajaro Valley points in the vicinity of Watsonville, on the other hand, limited in part as to the commodity and territory.

consolidated. The sale and transfer is to be made in accordance with an agreement, a copy of which marked Exhibit C, is attached to and made a part of the application herein.

The consideration to be paid for the property herein proposed to be transferred is given as \$15,000, which is declared to be the value of the intangibles.

The operating right herein proposed to be transferred was created by Decision No. 22552, dated June 21, 1930, in Application No. 15858, as amended by Decision No. 33007, dated April 16, 1940, in Applications Nos. 23189 and 23199.

The other carriers of property generally serving this area, i.e. Railway Express Agency, Incorporated, Valley Express Co., Valley Motor Lines, Inc., Southern Pacific Company, Pacific Motor Trucking Company and Highway Transport, Inc., have each, in writing, waived protest to the granting of this application.

The record herein shows that under the operative right herein proposed to be transferred, service has been continuously provided since its inception in 1930.

After a full consideration of this matter the Commission is of the opinion and finds that the request for authority for the proposed transfer is in the public interest and that a public hearing is not necessary. The application will be granted.

O R D E R

Based upon the foregoing opinion and the Commission's finding,

IT IS ORDERED that John W. Silva is hereby authorized to

transfer to A. B. and Kenneth C. Clark the operative right referred to in the foregoing opinion, and A. B. and Kenneth C. Clark are hereby authorized to purchase and acquire said operative right and hereafter to operate thereunder.

IT IS FURTHER ORDERED that the applicants herein shall comply with the Commission's General Order No. 80 and Part IV of the Commission's General Order No. 93-A by filing, in triplicate, and concurrently making effective tariffs and time schedules satisfactory to the Commission within sixty (60) days from the effective date of this order and upon not less than five (5) days' notice to the Commission and the public.

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

Dated at San Francisco, California, this 26<sup>th</sup> day of November, 1941.

[Signature]  
[Signature]  
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COMMISSIONERS