

Decision No. ~~65695~~

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
L. AMSELL and MAURICE S. AMSELL, a )  
co-partnership, doing business as )  
PACIFIC INTERURBAN TRANSPORTATION )  
COMPANY, to sell; and P. H. VERNAND )  
and H. L. NORTON, a co-partnership, )  
doing business as WEST COAST DRAYAGE )  
COMPANY, to purchase, an automobile )  
freight line operated between Los )  
Angeles, Randsburg, and certain )  
other points, California. )

Application No. 25133

BY THE COMMISSION:

O P I N I O N

In this proceeding L. Amsell and Maurice S. Amsell, co-partners doing business as Pacific Interurban Transportation Company, seek approval for the transfer of an operative right, as a highway common carrier, to P. H. Vernand and H. L. Norton, co-partners doing business as West Coast Drayage Company. The operative right to be transferred was granted by Decision No. 20751, rendered February 5, 1929, in Application No. 15146; subsequently, it was extended by Decision No. 28347, in Application No. 20094, dated November 12, 1935. Decision No. 20751 authorized the operation by L. Amsell and Maurice S. Amsell, as such co-partners, of a service as a highway common carrier "between Los Angeles and Randsburg, Osdic, Atolia, Inn City, Hampton and Johannesburg and all points intermediate to Mojave and Randsburg," subject to certain limitations. By Decision No. 28347 there was granted to the same operators, subject to certain restrictions and as an extension and enlargement of the operative rights granted by Decision No. 20751, a certificate authorizing the establishment

of a highway common carrier service between Los Angeles and the area contained within a defined zone lying west of Rosamond, Gloster, Fleta and Mojave.

Under the terms of a contract executed July 8, 1942 between L. Amsell and Maurice S. Amsell, on the one hand, and P. H. Vernand and H. L. Norton, on the other, in their respective capacities as co-partners, (referred to subsequently, for brevity, as the vendors and the vendees, respectively) the vendors agreed to sell and transfer to the vendees, and the latter undertook to purchase and acquire from the former, the operative rights described herein, as well as certain operative rights which had been granted to vendors by the Interstate Commerce Commission, under the Federal Motor Carrier Act, authorizing interstate operation as a common carrier by motor vehicle. The vendees agreed to pay to the vendors \$300 as the purchase price for the operative rights granted by this Commission, and \$200 for the certificates issued by the Interstate Commerce Commission. In consideration of the payment by the vendors of the sum of \$100, the vendees were clothed with an exclusive option to purchase these operative rights for the total price of \$500, during the period required to secure approval of the transfers from the State and the Federal Commissions. Following the granting of such authority, this payment would be credited upon the purchase price, and the balance, amounting to \$400 would be payable in four monthly installments of \$100 each, commencing one month following the authorization of the transfer. The operative rights alone would be conveyed; no tangible property is involved.

Because of the development of National Defense projects throughout the desert area served under these certificates, it is essential, so the application alleges, that the operation be

continued by a well financed carrier capable of providing an efficient service. The vendees, it is stated, because of adequate equipment and ample financial backing, are better able to do so than the vendor.

The Commission's records disclose that for several years the vendees have been engaged in the business of transporting property for hire, pursuant to permits issued under the Highway Carriers' Act. Both the partnership and Vernand, individually, severally hold permits authorizing operation as radial highway common carriers, highway contract carriers and as city carriers. Their business, it appears, has grown substantially. The vendees are experienced operators, financially able to provide an adequate and dependable service.

In our judgment, public interest would be served by granting this application, and, accordingly, such will be the order. A public hearing is unnecessary. In accordance with our present practice, the routes will be covered by the service regulations.

#### O R D E R

Application having been made as above entitled; and the Commission now finding that public convenience and necessity so require:

#### IT IS ORDERED:

(1) That L. Amsell and Maurice S. Amsell, co-partners doing business as Pacific Interurban Transportation Company, be and they hereby are authorized to transfer to P. H. Vernand and

H. L. Norton, co-partners doing business as West Coast Drayage Company, the certificates of public convenience and necessity authorizing operation as a highway common carrier, as defined by section 2-3/4 of the Public Utilities Act, which were granted to said L. Amsell and Maurice S. Amsell, co-partners, doing business as Pacific Interurban Transportation Company, by Decision No. 20751, rendered February 5, 1929, in Application No. 15146, and by Decision No. 28347, rendered November 12, 1935, in Application No. 20094.

(2) That said P. H. Vernand and H. L. Norton, co-partners doing business as West Coast Drayage Company, be and they hereby are authorized to acquire from said L. Amsell and Maurice S. Amsell, co-partners doing business as Pacific Interurban Transportation Company, the operative rights described in paragraph (1) hereof, and thereafter to operate thereunder.

The transfer of said operative rights is authorized subject to the following condition:

Said P. H. Vernand and H. L. Norton, their successors or assigns, may never claim before this Commission, or any court or other public body, a value for the intangibles herein authorized to be transferred.

(3) That in respect to the transfer of said operative rights, pursuant to the authority herein granted, and in the operation of a highway common carrier service thereunder by said P. H. Vernand and H. L. Norton, co-partners doing business as West Coast Drayage Company, the applicants herein shall severally comply with and observe the following service regulations:

- (a) Applicants shall severally comply with General Order No. 80 by filing, in triplicate, within sixty (60) days from the effective date of this order and upon not less than one (1) day's notice to the Commission, withdrawal and adoption notice as required by said General Order, or in a form satisfactory to the Commission.
- (b) Applicants shall severally comply with Part IV of General Order No. 93-A within sixty (60) days from the effective date of this order and upon not less than one (1) day's notice to the Commission.
- (c) Applicants, P. E. Vernand and H. L. Norton, co-partners doing business as West Coast Drayage Company, shall conduct said highway common carrier service over and along the following route, subject to the authority of the Commission to change or modify it at any time by further order, viz.:

From Los Angeles to Newhall via U. S. Highway No. 99; from Newhall to Cantil, through Mojave, via U. S. Highway No. 6; from Cantil to Johannesburg, via unnumbered county road; and diverging from said road near Johannesburg over a connecting unnumbered county road to Randsburg; from Johannesburg to Atolia via U. S. Highway No. 395. Returning over the same route.

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

Dated at San Francisco, California, this 11<sup>th</sup> day of August, 1942.

Justice P. Casner

[Signature]

Frank R. Havenner

[Signature]

COMMISSIONERS