

Decision No. 35782

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)
on the Commission's own motion into)
the highway common carrier operations,)
rates, charges, contracts, and practices)
of H. CUNNINGHAM and A. A. WILKINS, co-)
partners, doing business as Sausalito-)
Stinson Beach-Bolinas Stage Line.)

Case No. 4639

ORIGINAL

CHARLES H. CUNNINGHAM and FLOYD D. ALLENSEY,
for respondents.

JOHN M. GREGORY, for the transportation
department of the Commission.

BY THE COMMISSION:

O P I N I O N

The above-entitled case was instituted by the Commission to ascertain the facts with respect to the operations and practices of H. Cunningham and A. A. Wilkins doing business as Sausalito-Stinson Beach-Bolinas Stage Line.

Public hearing was held in Sausalito June 11, 1942 before Examiner Howard, evidence was received and the matter submitted on the record made.

The rights in question were acquired originally by E. A. Langford through good faith operations conducted before May 1, 1917 between Sausalito, Stinson Beach and Bolinas. Langford carried both passengers and freight. On September 30, 1921, by Decision No. 9581 in Application No. 7205, Langford was authorized to transfer such rights to Walter H. Caltoft. The latter owned the business until his death, then Charles H. Cunningham and A. A. Wilkins were authorized to acquire such rights by Decision No. 34395, issued July 8, 1941 in Application No. 24291.

The present investigation was initiated because the Commission's records showed that Cunningham and Wilkins failed to maintain personal liability and property damage insurance as required by the Commission's General Order No. 91 and did not file quarterly reports of their gross operating revenue and pay the fees thereon as required by the Transportation Rate Fund Act (Statutes 1935, Chapter 683, as amended).

The evidence adduced at the hearing showed that neither Cunningham nor Wilkins took an active interest in the Sausalito-Stinson Beach-Bolinas Stage Line. Floyd D. Allensby, Mrs. Wilkins son, has devoted some time to the respondents affairs, but their business is conducted principally by the driver. The operation is not profitable now. However, it is hoped that it will become so as a result of increased war work and incidental activity at Sausalito.

Cunningham admitted that the required insurance had been allowed to lapse through inadvertence and that no quarterly gross revenue statements had been filed and no fees paid. However, at the time of the hearing adequate insurance had been acquired and respondents agreed to prepare and file proper gross receipts statements and to remit therewith the fees due. This has been done, therefore, the objective of the investigation has been accomplished. Hence the case will be dismissed.

ORDER

IT IS ORDERED that Case No. 4639 is dismissed.

Dated at San Francisco, California, this 22nd day of September, 1942.

Justus M. Craven
Frank S. Haverwood
Richard Jackson
 COMMISSIONERS