

Decision No. ~~37203~~

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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| In the Matter of the Application of) | |
| J. W. SIMMONS, doing business as) | |
| SIMMONS TRANSFER LINE to sell and) | |
| J. W. SIMMONS, JR., doing business) | |
| as SIMMONS TRANSFER LINE to purchase) | Application No. 26205 |
| a highway common carrier line operated) | |
| between Los Angeles, Culver City and) | |
| Palms, California) | |

BY THE COMMISSION:

ORIGINAL

O P I N I O N

Applicant, J. W. Simmons, is presently engaged in the operation of a highway common carrier service transporting general commodities between Los Angeles, Culver City, and Palms, California. Our records indicate he has been continuously conducting this operation since prior to May 1, 1917. He now seeks authority to transfer this prescriptive operating right and one 1940 cab-over-engine Ford truck to his son, J. W. Simmons, Jr. The latter requests permission to acquire said right and property.

This transfer, in effect, is a gift although a nominal consideration of \$1.00 will be paid. Applicant states that he is not in good health and is unable to participate actively in the management of said business. His son has, for some time, been managing this service. The truck and operating rights will be transferred free and clear of all encumbrances, the purchaser assuming no liabilities or obligations. It appears that purchaser is able and willing to continue the service in a satisfactory manner.

This service is rendered daily. The route which has been used has been over Washington Boulevard. In 1942 operating revenues were \$4,318.19 with operating expenses of \$3,757.39. It is alleged in the application that 1943 revenues were \$5,005.44; the operating expenses, however, were not shown. No change is contemplated in the service as now conducted and the current rates will be retained.

It appears from this record that the request to consummate this transfer is reasonable and therefore it will be authorized. A public hearing is not necessary.

J. W. Simmons, Jr. is hereby placed upon notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate-fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. 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

Good cause appearing,

IT IS ORDERED as follows:

- (1) That J. W. Simmons is hereby authorized to transfer the operative rights and property referred to in the above opinion to J. W. Simmons, Jr. and the latter is hereby authorized to acquire said described rights and property and thereafter to operate thereunder.

- (2) That applicants shall comply with the rules of the Commission's General Order No. 80 and Part IV of General Order No. 93-A, by filing, in triplicate, and concurrently making effective, appropriate tariffs and time schedules within sixty (60) days from the effective date hereof and on 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 29th day of August, 1944.

Richard L. Baker
Justice D. Cameron
Francis K. Havens
Frank W. ...
Charles Powell
 COMMISSIONERS