

Decision No. 18820.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

**ORIGINAL**

In the Matter of the Application of  
WESTERN MOTOR TRANSPORT COMPANY,  
a corporation, for certificate of public  
convenience and necessity to operate  
an auto stage line for the transportation  
of persons between Oakland and Healdsburg,  
California, and intermediate points.

Application No. 5758.

In the Matter of the Application of  
WESTERN MOTOR TRANSPORT COMPANY to sell  
and A. DUNHAM to purchase operative  
rights of the former between Napa and  
Santa Rosa, and of the WESTERN MOTOR  
TRANSPORT COMPANY to sell and J.F.BIRCH  
to purchase the operative rights of the  
former between Santa Rosa and Healdsburg.

Application No. 6775.

Sanborn & Roehl, by A. B. Roehl, for Western Motor  
Transport Company, and A. Dunham, Respondents.  
Devlin & Brookman, by Frank R. Devlin, for J. F. Birch,  
Respondent.

J. E. Lyons, for Southern Pacific Company,  
J. J. Geary and R. W. Palmer, for Northwestern Pacific  
Railroad Company.

John T. York, for San Francisco, Napa and Calistoga Railway.  
A. L. Whittle, for San Francisco-Oakland Terminal Railway.  
Jesse Steinhart, for San Francisco-Sacramento Railroad.

BY THE COMMISSION:

OPINION

By its Decision No. 8466 on Application No. 5758, as  
decided December 20, 1920, the Commission granted a certificate of  
public convenience and necessity to Western Motor Transport Com-  
pany, a corporation, in accordance with the following declaration:

"THE RAILROAD COMMISSION HEREBY DECLARES that  
public convenience and necessity require the oper-  
ation by applicant, Western Motor Transport Company,  
of a through auto stage service as a common carrier  
of passengers and baggage between Oakland and  
Healdsburg, via Napa, Sonoma and Santa Rosa, but it  
shall not carry local passengers between North  
Vallejo and Napa and intermediate points nor between  
Napa and Santa Rosa and intermediate points, nor be-  
tween Santa Rosa and Healdsburg and intermediate  
points, but it may carry passengers traveling through  
from one to another of said portions of said through  
route and between any such points and points on its

Sacramento line east of Sacramento Junction."

By its Decision No. 8994 on Application No. 6775, decided May 21, 1921, the Commission by its order therein approved the sale and transfer by Western Motor Transport Company to A. Dunham of the portion of the operating right between Napa and Santa Rosa as heretofore granted by this Commission's Decision No. 8466 on Application No. 5758, said application being for through service between Oakland and Healdsburg; and also approved the sale and transfer by said Western Motor Transport Company to J. F. Birch of the portions of the operative right between Santa Rosa and Healdsburg as heretofore granted by this Commission in its said Decision No. 8466 on Application No. 5758, said application being for through service between Oakland and Healdsburg.

By reason of the granting of authority for the transfer of two certain portions of an operative right originally granted for the operation of a through service it appearing that investigation should be had as to the ability of Western Motor Transit Company to render the through service for which the certificate was originally granted, the Commission made its order reopening Applications Nos. 5758 and 6775 for further hearing and investigation and citing Western Motor Transport Company, a corporation, A. Dunham and J. F. Birch to appear and show cause why Decisions Nos. 8466 and 8994, both of either of them, should not be amended or annulled.

A public hearing on the investigation and order to show cause was conducted by Examiner Handford at San Francisco, at which time respondents appeared, evidence was received, and the matter was duly submitted.

F. D. Everman, former traffic manager of respondent Western Motor Transport Company, A. Dunham and J. F. Birch, testi-

Filed as to the operation now conducted under the authority of the abovementioned decisions.

By stipulation the record heretofore made in Applications Nos. 5758 and 6775, and the subsequent tariff filings were to be considered herein.

In compliance with the Commission' order in Decision No. 8466, respondent Western Motor Transport Company on January 13, 1921, filed with the Railroad Commission its Local Passenger Tariff No. 4, (C.R.C. No. 5, issued January 8, 1921; effective March 1, 1921), naming one-way and round-trip fares between Oakland and Healdsburg and intermediate points. The intermediate points appearing in this tariff are Richmond, Pinole, Rodeo, South Vallejo, North Vallejo, Napa, Sonoma, Boyes Springs, Santa Rosa and Windsor.

On March 2, 1921, Western Motor Transport Company filed with the Railroad Commission its Local Passenger Tariff No. 5, (C.R.C. No. 6, issued February 23, 1921, effective March 1, 1921), cancelling Local Passenger Tariff No. 4, and naming one-way and round-trip fares between Oakland and Healdsburg and intermediate points. The intermediate points appearing in this tariff are Albany, Pinole, Rodeo, Tormey, Crockett, South Vallejo, North Vallejo, Florda, Napa Junction, Sacramento Junction, Soscol, Napa Hospital, Napa, Kings, Carneros, Vineburg, Sonoma, Boyes Springs, Eldridge, Glen Ellen, Kenwood, Annadel, Mellita, Santa Rosa and Windsor.

On May 24, 1921, Western Motor Transport Company filed with the Railroad Commission its Supplement No. 1 to Local Passenger Tariff No. 5, (Supplement No. 1 to C.R.C. No. 6, issued May 23, 1921, effective May 29, 1921), naming one-way and round-trip fares between Oakland and Napa, and between Sacramento and Napa, and intermediate points, said tariff supplement being issued under Rule 13-b of General Order No. 51 and order dated May 21, 1921, in Application No. 6775. This supplement cancels all fares

applying between points east of Napa on the one hand and points west of Napa on the other and refers to rates in Western Motor Transport Company's Joint Tariff C.R.C. No. 7, supplements thereto and reissues thereof, providing joint fares via Dunham Auto Bus Line and J. F. Birch's Healdsburg-Santa Rosa Auto Stage Line; also cancelling all fares in tariff applying between all points west of Napa and referring to such rates to Dunham Auto Bus Line Joint Passenger Tariff No. 1, supplements thereto and reissues thereof, naming joint fares in connection with J. F. Birch's Healdsburg-Santa Rosa Auto Stage Line. The following intermediate points are the only ones to which rates are effective after the effective date of this supplement: Albany, Pinole, Rodeo, Tormey, Crockett, South Vallejo, Flosda, Napa Junction, Sacramento Junction, Soscol and Napa Hospital.

On May 24, 1921, Western Motor Transport Company filed its Tariff in connection with A. Dunham and J. F. Birch (C.R.C. No. 7, Issued May 23, 1921, effective May 29, 1921), naming joint one-way and round-trip fares between Oakland and Sacramento, California, and Healdsburg, California and to intermediate points, via Napa, in which appear the following intermediate points: Albany, Pinole, Rodeo, Tormey, Crockett, South Vallejo, North Vallejo, Flosda, Napa Junction, Sacramento Junction, Soscol, Napa Hospital, Kings, Carneros, Vineburg, Sonoma, Boyes Springs, Eldridge, Glen Ellen, Kernwood, Annadel, Melitta, Santa Rosa and Windsor.

J. F. Birch, owner Birch's Automobile Line, filed with the Railroad Commission his Local Passenger Tariff No. 1, (C.R.C. No. 1, issued February 19, 1917, effective March 1, 1917), naming one-way, round-trip, party and commutation passenger fares between Santa Rosa and Healdsburg and intermediate points, said intermediate points being Mark West Corner, Windsor and Sotayome Corner. Also his Local Passenger Tariff No. 2, (C.R.C. No. 2, issued June 28, 1918, effective July 1, 1918), in which the additional intermediate point

of Fulton Corner was shown.

On September 23, 1922, J. F. Birch filed Supplement No. 1 to Local Passenger Tariff No. 5, (Supplement No. 1 to C.R.C. No. 5, issued September 22, 1922, effective September 23, 1922), cancelling all fares and A. Dunham adopted as his own the rates, rules and regulations as previously filed by J. F. Birch, all in accordance with the authorization contained in the Commission's Decision No. 11007, on Application No. 8258, as decided September 20, 1922.

A. Dunham, proprietor Dunham's Auto Bus, filed his Local Passenger Tariff No. 1, (C.R.C. No. 1, issued February 24, 1917, effective March 1, 1917), naming one-way and round-trip passenger fares between Napa and Santa Rosa and intermediate points, said intermediate points being Carnerous, Vineburg, Sonoma, Hot Springs, Eldridge, Glen Ellen, Kenwood, Annadel, and Melitta.

A. Dunham, proprietor Dunham's Auto Bus, filed his Local Passenger Tariff No. 1, (C.R.C. No. 2, issued February 24, 1917, effective March 1, 1917), naming one-way and round-trip fares between Santa Rosa and Healdsburg and intermediate points, said intermediate points being Mark West, Windsor and Sotoyome Corners. This tariff was cancelled, the service having been discontinued by Supplement No. 2 to C.R.C. No. 2, issued December 17, 1917.

On May 24, 1921, A. Dunham by his participation in Joint Tariff No. 1 of A. Dunham and J. F. Birch, filed tariff (C.R.C. No. 3, of A. Dunham, issued May 23, 1921, effective May 29, 1921), naming joint fares between Napa and Healdsburg and intermediate points, said intermediate points being Carneros, Vineburg, Sonoma, Boyes Springs, Eldridge, Glen Ellen, Kenwood, Annadel and Melitta. This tariff was issued under Rule 13-a of General Order No. 51, and in compliance with the order in Decision No. 8994, on Application No. 6775, as decided May 21, 1921. This tariff was cancelled on September 23, 1922, by A. Dunham's participation in

the cancellation by Birch and the adoption by Dunham (Supplement No. 1 to C.R.C. No. 3, issued September 22, 1922, effective September 23, 1922), of all fares, rules and regulations as previously filed by J. F. Birch under said joint tariff. This supplement was issued under the authorization of the Railroad Commission as contained in its Decision No. 11007, on Application No. 8258, as decided September 20, 1922.

By the authority contained in this Commission's Decision No. 10073 on Application No. 7540, as decided February 8, 1922, Western Motor Transport Company transferred its operative rights to California Transit Company, and said California Transit Company filed with the Railroad Commission on February 20, 1922, its adoption of the rates, fares, rules and regulations of Western Motor Transport Company (Calif. Transit Co. Supplement No. 1, to C.R.C. No. 8 of Western Motor Transit Co., issued February 18, 1922, effective February 23, 1922.)

We have given full consideration to the record in this proceeding and it is apparent that no authority was granted for other than a through service between Oakland and Healdsburg by our Decision No. 8466 on Application No. 5758, as decided December 20, 1920, with the exception of the transportation of passengers locally from one to another portion of said route.

The amended application specifically eliminated such local transportation by paragraph IV of its amended application under date of November 3, 1920, (filed November 5, 1920), as follows:

"That applicant now desires to operate an auto stage line, as a common carrier of passengers for compensation, between Oakland and Healdsburg, California, and intermediate points, via Vallejo, Napa, Sonoma, Boyes Springs, Fetter Springs, Agua Caliente, Glen Ellen, Kenwood and Santa Rosa, EXCEPT that applicant does not desire to carry local passengers between North Vallejo and Napa, California, or between Napa and Santa Rosa or between Santa

Rosa and Healdsburg."

The opinion preceding the order in Decision No. 8466 recited the waiver of applicant as follows:

"It appears from the amended application and by statement of applicant at the hearing, that applicant does not desire to carry local passengers between North Vallejo and Napa and intermediate points, that portion of its proposed through route being now served by San Francisco, Napa and Calistoga Railway, herein referred to as the Napa line.

Applicant does not desire to carry local passengers between Napa and Santa Rosa or intermediate points, this territory being served by Dunham's Santa Rosa, Sonoma & Napa Auto Stage Line, hereinafter referred to as the Dunham line.

Applicant does not desire to carry local passengers between Santa Rosa and Healdsburg, that portion of its proposed through route being served by J. F. Birch, operating Santa Rosa-Healdsburg Auto Line, hereinafter referred to as the Birch line."

By the transfer authorized in the Commission's Decision No. 8994 on Application No. 6775, as decided May 21, 1921, the Western Motor Transport Company by the sale of its operative rights between Napa and Santa Rosa to A. Dunham, and of its operative rights between Santa Rosa and Healdsburg to J. F. Birch, said operative rights constituting portions of the through route granted to said Western Motor Transport Company by the Commission's Decision No. 8466 on Application No. 5758, was no longer able to render the through service, Oakland to Healdsburg, for which authority was granted under Decision No. 8466. The situation as regards service between Napa and Santa Rosa, and between Santa Rosa and Healdsburg, thereupon became the same as that existing prior to the granting of the authority for the through route authorized by Decision No. 8466 in that A. Dunham eliminated the duplicate service over his established route between Napa and Santa Rosa by the through stages, and J. F. Birch likewise eliminated similar duplicate service over his established route between Santa Rosa and Healdsburg.

As no authority was granted to, or requested by Western Motor Transport Company for the transportation of passengers locally between North Vallejo and Napa, we hereby conclude and find as a fact that no right now exists for such operation and the tariff filings of Western Motor Transport Company, to which company California Transit Company is successor in interest must be withdrawn as regards local business between Oakland and South Vallejo and intermediate points on the one hand and the stations of North Vallejo, Flosda (or Flosedn), Napa Junction, Soscol, Napa Hospital (or Napa State Hospital), and Napa.

O R D E R.

A public hearing having been held in the above-entitled proceedings which were reopened on the Commission's own motion, evidence having been received, the matter having been duly submitted, the Commission being now fully advised and basing its order on the conclusion and finding of fact as appearing in the opinion which precedes this order,

IT IS HEREBY ORDERED that California Transit Company, a corporation, successor in interest to Western Motor Transport Company, a corporation, by the authority contained in this Commission's Decision No. 10073, on Application No. 7340, as decided February 8, 1922, be and the same hereby is directed to immediately discontinue the transportation of passengers locally between Vallejo (formerly North Vallejo), and Napa, and the intermediate points of Flosda (or Flosedn), Napa Junction, Soscol, and Napa Hospital (or Napa State Hospital), and between any such intermediate points; and to immediately cancel all tariffs and time schedules as now filed.



with this Commission naming rates, fares and service to said unauthorized points.

Dated at San Francisco, California, this 19<sup>th</sup> day of September, 1927.

Ernesto  
C. Seamy  
Leon Whitall  
Thos. B. Powell  
M. J. Can  
Commissioners.