Decision No. 10708

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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| In the matter of the application of CLAUDE E. RILEY for certificate of public convenience and necessity to operate passenger, baggage and express service between St. Helena and Walters Springs, California. | Application No. 7852. |
| In the matter of the application of W. B. TWICHELL, operating as a common carrier of passengers, freight, and U. S. Mail between St. Helena and Aetna Springs and intermediate points, for a certificate of public convenience and necessity to extend present route from Pope Valley Store to White Rock Mine and Walters Springs. | Application No. 7873. |

W. B. Twichell in propria persona.

Claude E. Riley in propria persona.

C. E. Brown for San Francisco, Napa & Calistoga Railway.

BY THE COMMISSION.

OPINION

These two applications were consolidated for hearing and will be disposed of on one report.

W. B. Twichell now operates as a common carrier of passengers and freight and of the United States mails between St. Helena and Aetna Springs, by way of Pope Valley store. At the latter point, the road diverges, the lefthand road going to Aetna Springs, a distance of six miles, and the righthand road to Walters Springs, six and one-half miles. Walters Springs is a resort hotel, open from April 1st to November 1st, although the busy season is during June, July and August. The nearest railroad station is St. Helena,

from which point the Springs may be reached over two roads: one known as the Mountain Road, via Howell Mountain, the Pacific Union College and Pope Valley, and a southerly route which, although three miles longer than the Mountain Road, is said to be a better route.

Applicant Twichell leaves St. Helena for Aetna Springs at 11:00 a.m., and is scheduled to reach Pope Valley store at 12:30. He proposes to operate a Reo 16-passenger truck between Pope Valley store and Walters Springs, leaving the store at 12:30 and reaching the Springs at 1 o'clock; the return trip to the store will be made immediately, and he is scheduled to reach that point at 1:15 p.m. This schedule is not at all satisfactory to H. L. Connor, owner of the hotel at Walters Springs. His testimony indicates that the majority of the guests of that resort reach St. Helena about 1 o'clock from the south, and that invariably they desire to leave the hotel shortly after breakfast, so as to make early train connections at St. Helena. In order to accommodate his guests, he has heretofore operated a private conveyance between the Springs and St. Helena, but is unable longer to furnish this service. Applicant Riley, who lives at the Springs, proposes to leave the hotel at 9:00 a.m., reaching St. Helena at 10:30; leaving that point on the return trip at 2 o'clock, arriving at the Springs at 4:30. This schedule is to be maintained only during the summer season, May 1st to October 15th. Over the route which Riley proposes to operate there is no settlement of importance, and he proposes to handle passengers only between St. Helena and Walters Springs, the distance over this route being about 23.5 miles. Although longer by three miles than the route over which Mr. Twichell proposes to operate, the road itself and the proposed schedule will afford a better service to the traveller between St. Helena and

Walters Springs. The Pope Valley route will necessitate a detour of several miles and a change of cars, and apparently would not be satisfactory to the proprietor of the Walters Springs hotel or his guests, who alone would use the service. Each applicant proposes to make the same charge, namely, $2.50, which is the charge regularly made by automobiles between St. Helena and the Springs. Applicant Riley will have a 5-passenger Scripps-Booth machine, which the record indicates will be ample to take care of the traffic.

## O R D E R

Hearing having been held in the above entitled applications, the matters having been submitted and the Commission being fully advised,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by Claude E. Riley of an automobile stage service as a common carrier of passengers, baggage and express between St. Helena and Walters Springs during the period May 1st to October 15th of each year, and that a certificate of public convenience and necessity be and it is hereby granted, subject to the following conditions:

1. That no express matter may be carried under the certificate herein granted in which any single consignment from one consignor to one consignee shall exceed one hundred pounds in weight or in which any single package shall exceed seventy-five pounds in weight, nor shall express matter be carried upon a passenger car to the extent that passengers therein will be inconvenienced due to the transportation of excessive amounts of express matter.

2. Applicant Claude E. Riley shall file within a period of not to exceed ten (10) days his written acceptance of the certificate herein granted, and shall file within a period of not to exceed twenty (20) days from date hereof, in duplicate, tariff of rates and time schedules in accordance with the tariff of rates and time schedules attached to the application herein and marked Exhibits "A" and "B", respectively, and shall commence service within a period of not to exceed thirty (30) days from date hereof. All such

tariff of rates and time schedules to be filed in accordance with General Order No. 51 of the Railroad Commission.

3. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

4. No vehicle may be operated by Claude E. Riley unless such vehicle is owned by him or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

IT IS HEREBY ORDERED that Application No. 7873 be and it is hereby denied.

Dated at San Francisco, California, this 15th day of July, 1922.

H. W. Brundige

Irving Martin

W. J. Benedick

Commissioners.