

MCS

Decision No. 11494.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of)
J. C. REYNOLDS to sell and LAKE COUNTY)
AUTOMOBILE TRANSPORTATION COMPANY to :
purchase passenger and baggage service) Application No. 8522
between Lakeport, via Upper Lake, :
Bartlett Landing and Bartlett Springs, :
Lake County, California.)

BY THE COMMISSION,

ORDER

In the above entitled application J. C. Reynolds has filed a joint application with Lake County Automobile Transportation Company in which applicants petition the Railroad Commission for an order authorizing Reynolds to sell and the corporation to purchase a certain automobile stage line alleged to be operated between Lakeport and Bartlett Springs via Bartlett Landing.

The operative right herein sought to be transferred was obtained by J. C. Reynolds under Decision No. 7246 in Application No. 3733, dated March 11, 1920. This certificate of public convenience and necessity was granted by ex parte order upon application of J. C. Reynolds in which he proposed to operate a gasoline launch between Lakeport and Bartlett Landing and an automobile passenger stage line between Bartlett Landing and Bartlett Springs, Lake County, California.

It now appears that the road between Bartlett Landing and Bartlett Springs is not a public highway as defined

in Section 1, sub-section "d" of Chapter 213, Statutes of 1917, and amendments thereto, but is in effect and has been since prior to the granting of the certificate to J. C. Reynolds, a private toll road, and accordingly, one over which this Commission has no power under the provisions of the above numbered statutory enactment to grant a certificate of public convenience and necessity. Furthermore, no certificate of public convenience and necessity is required under the provisions of Chapter 213, Statutes of 1917, and amendments thereto, nor the Public Utilities Act, for the operation of a boat or boats engaged in the transportation of passengers or property for compensation over the inland waters of this State.

In view of the foregoing, no certificate of public convenience and necessity was required by applicant, nor could one be granted by the Railroad Commission. It further appears that sometime prior to the filing of the application herein to transfer, said J. C. Reynolds abandoned the operation of a gasoline launch between Lakeport and Bartlett Landing and operated his automobile stages from Bartlett Springs to Upper Lake, via Bartlett Landing, such operation insofar as it was conducted between Bartlett Landing and Upper Lake being over a public highway not covered by a certificate issued by this Commission in accordance with the provisions of Chapter 213, Statutes of 1917, as amended, and accordingly, such operation by said J. C. Reynolds was in violation of the provisions of the above numbered statutory enactment.

In view of the foregoing, there being no certificate of public convenience and necessity to transfer, we are of the opinion that the above entitled application should be dismissed.

Good cause appearing,

IT IS HEREBY ORDERED that the above entitled application be and the same heroby is dismissed.

Dated at San Francisco, California, this 17th
day of January, 1923.

C. A. Kearney
Deering Martin

Egerton Shore

J. P. Whitley
Commissioners