

ORIGINAL

Decision No. \_\_\_\_\_

Decision No. 5174

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the matter of the application :  
of WESTMORELAND & THORNBURGH for :  
certificate of public convenience : Application No. 3520.  
and necessity to operate stage or :  
truck service between Santa Maria :  
and Sisquoc. :

E. M. Thornburgh for applicant.

BY THE COMMISSION:

O P I N I O N

Westmoreland and Thornburgh apply for certificate that public convenience and necessity require them to operate an automobile stage service between Santa Maria and Sisquoc, Santa Barbara County, a distance of about 13 miles over oiled roads for the common carriage of passengers, baggage and express packages.

A public hearing upon the application was conducted by Examiner Westover at Santa Maria.

Applicant has operated the line since November 6, 1917, having paid \$300 to Hickey Brothers for their right to operate, due to the fact that Hickey Brothers were operating the line prior to May 1, 1917, and were not required by Chapter 213, Laws of 1917 to procure

permit from the local authorities nor certificate of public convenience and necessity from the Commission. The statute, however, requires local permits and the Commission's certificates for all persons not operating in good faith prior to May 1, 1917. Hence this application. The right of Hickey Bros to continue operation after May 1, 1917 was a personal right, and not transferrable.

Applicant also purchased from Hickey Bros. two cars for \$550 which he afterwards sold for the same amount, and purchased a 7 passenger Hupmobile at \$1675, on which \$400 is still due; and a 5 passenger Dodge car at \$725, on which there is \$250 still due.

He is operating two round trips per day from Sisquoc, charging a one way fare of 25¢ between Sisquoc and Garey; and 75¢ between Sisquoc or Garey and Santa Maria.

The line is very well patronized; is the only transportation service over the route in question, and clearly is needed to serve public convenience and necessity.

Application for suitable permits from the local authorities will be made at an early date.

#### O R D E R

WESTMORELAND & THORNBURGH having filed application asking that the Railroad Commission declare that public convenience and necessity require the operation by them of automobile service hereinafter described, and a public hearing having been held on said application, the matter having been submitted and being now ready for decision,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by A. E. Westmoreland and E. M. Thornburgh partners in business under the name and style of Westmoreland &

Thornburgh, operating what is known as Cat Canyon Stage line, of automobile service as a common carrier of passengers, express packages and light baggage between Santa Maria and Sisquoc, Santa Barbara County;

PROVIDED that this declaration shall not become effective until said A. E. Westmoreland and H. M. Thornburgh have procured from the Railroad Commission a supplemental order herein reciting that applicants have filed herein certified copies of permits from the County of Santa Barbara and the governing board or body of each incorporated city or town through which applicant intends to operate, as provided by Section 3 of Chapter 213, Laws of 1917; and

PROVIDED FURTHER that the rights and privileges herein granted shall not be assigned or transferred unless the written consent of the Railroad Commission to such assignment or transfer has first been procured.

IT IS HEREBY ORDERED that no vehicle may be operated under this certificate unless such vehicle is owned by the applicants herein or is leased by such applicants under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 2<sup>d</sup> day of *March* 1918.

*Manuel Thelen*  
*H. W. Westmoreland*  
*Alex. Gordon*  
*Edwin O. Elmer*  
*Howard R. Brown*  
Commissioners.