

Decision No. 8994

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application)
of Western Motor Transport Company)
for an order granting permission to)
sell and transfer its right, title)
and interest in an automobile pass-)
enger line operating between Napa)
and Santa Rosa and for permission to)
discontinue service.)

And)

Application of A. Dunham for an order)
granting permission to purchase and)
operate said automobile passenger line)
thereafter.)

In the Matter of the Application of)
Western Motor Transport Company for)
an order granting permission to sell)
and transfer its right, title and)
interest in an automobile passenger)
line operating between Santa Rosa and)
Healdsburg and for permission to dis-)
continue service.)

And)

Application of J.F. Birch for an order)
granting permission to purchase and)
operate said automobile passenger line)
thereafter.)

ORIGINAL

APPLICATION NO. 6775.

BY THE COMMISSION:

O R D E R

Western Motor Transport Company, by its president,
E. Schulze, and A. Dunham and J. F. Birch, have applied to the
Railroad Commission for an order authorizing the sale and transfer
of an automobile passenger line as a common carrier of passengers
between Napa and Santa Rosa, California and between Santa Rosa and
Healdsburg, California, the applicant, Western Motor Transport
Company, desiring to sell, and the applicants, A. Dunham and J.F. Birch,

desiring to purchase, acquire and hereafter operate said passenger line.

The rights and privileges, transfer of which is hereby authorized, are those acquired by applicant, Western Motor Transport Company, by reason of certificate of public convenience and necessity having been granted by the Railroad Commission in its Decision No. 8466 on Application No. 5758, rendered December 22, 1920. The transfer of the rights and privileges is to be made in accordance with an agreement, set forth in the application and as amended in this proceeding.

We are of the opinion that this is a matter in which a public hearing is not necessary and that the application should be granted.

IT IS HEREBY ORDERED that the application of A. Dunham for an order approving the sale and transfer of the operative rights, title and privileges of the Western Motor Transport Company between Napa and Santa Rosa, California and the application of J. F. Birch for an order approving the sale and transfer of the operative rights, title and privileges of the Western Motor Transport Company between Santa Rosa and Healdsburg, California, be and the same are hereby granted, subject to the following conditions:

1- That the applicant, Western Motor Transport Company, will be required to immediately cancel all tariffs and time schedules now on file with the Railroad Commission, such cancellation to be in accordance with the provisions of General Order No. 51 and other regulations of the Railroad Commission.

2- That applicant, A. Dunham, will be required to immediately file tariff and time schedule, in duplicate, in his own name, or to adopt as his own the tariffs and time schedules heretofore

filed with the Railroad Commission by applicant, Western Motor Transport Company, all rates to be identical with those filed by applicant, Western Motor Transport Company.

3- That applicant, J. F. Birch, will be required to immediately file tariff and time schedule, in duplicate, in his own name, or to adopt as his own the tariffs and time schedules heretofore filed with the Railroad Commission by applicant, Western Motor Transport Company, all rates to be identical with those filed by applicant, Western Motor Transport Company.

4- The rights and privileges of transfer hereby 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.

5- No vehicle may be operated by the applicant, A. Dunham, unless such vehicle is owned by him or is leased by him for a specified amount on a trip or term basis, the leasing of equipment not to include the services of a driver or operator. All employment of drivers or operators of leased cars shall be made on the basis of a contract by which the driver or operator shall bear the relation of an employee to the Transportation company.

6- No vehicle may be operated by the applicant, J.F. Birch, unless such vehicle is owned by him or is leased by him for a specified amount on a trip or term basis, the leasing of equipment not to include the services of a driver or operator. All employment of drivers or operators of leased cars shall be made on the basis of a contract by which the driver or operator shall bear the relation of an employee to the Transportation company.

7- The purchase price shown in this proceeding shall at no time be used as a basis for rates, either before this Commission or any other regulatory body.

Dated at San Francisco, California, this 21st day of May, 1921.

H. B. Boudiga
H. Howard

H. B. Boudiga
Commissioners.