

Decision No. 9163

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

-oOo-

ORIGINAL

In the Matter of the Application of J. F. BIRCH for certificate of public convenience and necessity to operate passenger and baggage service between Healdsburg and Calistoga via Jintown and Kellogg.

)  
:  
) Application No. 6954  
:  
)

BY THE COMMISSION.

ORDER

In the above entitled petition, J. F. Birch has made application to the Railroad Commission for a certificate of public convenience and necessity authorizing the operation of an automobile stage line for the transportation of passengers and baggage between Healdsburg, Sonoma County and Calistoga, Napa County, via Jintown, Kellogg and intermediate points.

By its Decision No. 8634, dated February 21, 1921, the Railroad Commission, after a hearing, authorized the Western Motor Transport Company to operate an automobile stage for the transportation of passengers between Healdsburg and Calistoga serving Kellogg and Alexander Valley as intermediate points. The order in said Decision provided that applicants should file their written acceptance thereof within twenty (20) days. No such written acceptance being received, the Western Motor Transport Company was thereafter notified that the certificate granted under the above numbered Decision was automatically annulled.

The Western Motor Transport Company subsequently filed a joint application with J. F. Birch in which they applied for permission to transfer their operative rights between Calistoga and Healdsburg via Kellogg and between Santa Rosa and Healdsburg to J. F. Birch, and on May 21, 1921, the Railroad Commission issued its Decision No. 8994 in which it authorized the Western Motor Transport Company to

transfer its operative rights, Santa Rosa to Healdsburg to J. F. Birch. Such transfer, however, did not include the operative rights of the Western Motor Transport Company between Calistoga and Healdsburg via Kellogg due to the fact that the Western Motor Transport Company had not perfected its title to such rights and therefor had no operative rights to transfer between the latter named points.

Due to the fact that there is at the present time no transportation service, other than by private conveyance, between Calistoga and Healdsburg via Kellogg, it is the opinion of this Commission that this is a matter in which a public hearing is not necessary and that the application should be granted,-

IT IS HEREBY DECLARED that public convenience and necessity require the operation by J. F. Birch of an automobile stage line for the transportation of passengers and baggage between Calistoga, Napa County and Healdsburg, Sonoma County, via Jintown and Kellogg, and that a certificate of public convenience and necessity be, and the same hereby is granted subject to the following conditions:

1. That applicant J. F. Birch shall file his written acceptance of the certificate herein granted within twenty (20) days from date of service of this order and that operation under such certificate shall begin within a period of sixty (60) days after service of the order herein.

2. That applicant J. F. Birch shall file duplicate copies of his tariffs and time schedules covering the route over which he is hereby authorized to operate, such tariffs and time schedules to be substantially the same as the tariffs and time schedules shown in Exhibits "A" and "B" attached to his application.

3. That the rights and privileges 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.

