

Decision No. 18798

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

THE TOWN OF BELVEDERE, Inc.,

Complainant,

vs.

NORTHWESTERN PACIFIC RAILROAD
COMPANY, a corporation,

Defendant.

ORIGINAL

CASE NO. 1517

Thayer, Breuner & Erb by Arthur Erb, for Complainant,
Stanley Moore, for Defendant.

BY THE COMMISSION -

OPINION

In this proceeding the Town of Belvedere, Inc., a municipal corporation, complains of defendant Northwestern Pacific Railroad Company, a corporation, alleging that the service for the transportation of persons or vehicles as now maintained and operated between Tiburon, Belvedere and Sausalito is improper, inadequate, unreasonable and insufficient in the following respects: (1) that the last boat operated by defendant from San Francisco to Sausalito and affording a Sausalito-Belvedere connection, with the exception of Saturday night, leaves San Francisco at 10:15 P.M.; (2) that there is no boat to Belvedere or Tiburon making connection at Sausalito with defendant's San Francisco-Sausalito schedule leaving San Francisco at 4:15 P.M.; (3) that the morning vehicle boat leaves Tiburon at 9:42 A.M., thereby necessitating any vehicle waiting or laying over at Sausalito for a connection at 11:20 A.M. for San Francisco. Complainant prays for an order of the Commission requiring defendant (1) to arrange to run a boat from Sausalito to Belvedere and Tiburon making a connection daily with defendant's San Francisco-Sausalito ferry boat leaving

San Francisco daily at 11:45 P.M.; (2) to discontinue the present connection at Sausalito for Belvedere and Tiburon which meets the ferry leaving San Francisco at 3:45 P.M. and to establish a schedule, Sausalito to Belvedere and Tiburon, meeting the ferry leaving San Francisco at 4:15 P.M.; and (3) requiring the vehicle boat to leave Tiburon at or about 7:30 or 9:00 A.M., with either swing service or connecting with the vehicle boat leaving Sausalito at 7:50 or 9:20 A.M. thereby eliminating unnecessary waste of time by defendant's Belvedere patrons.

Defendant duly filed its answer herein (1) admitting that the last boat operated from San Francisco to Sausalito making Belvedere-Tiburon connection leaves San Francisco, with the exception of Saturday night, at 10:15 P.M. and alleging that the Belvedere-Tiburon traffic is not sufficient to justify the operation of a ferry boat from Sausalito to Belvedere-Tiburon connecting with the ferry leaving San Francisco for Sausalito at 11:45 P.M., and that to accomplish such service it would be necessary to provide another crew for the steamer "Marin", the present service requiring two crews for sixteen hours scheduled operation and the additional trip falling beyond the sixteen hour period thereby requiring an additional or third crew, the expense of which is not justified by the patronage available for such service; (2) defendant is willing to discontinue its present connection at Sausalito for Belvedere and Tiburon with the ferry leaving San Francisco at 3:45 P.M. daily and in its place and stead to inaugurate service connecting with the ferry leaving San Francisco at 4:15 P.M. daily; (3) alleges that it would be unable without putting on an extra boat to have its vehicle boat leave Tiburon at or about 7:30 A.M. or 9:00 A.M. daily but in lieu of present service defendant is willing to change the present leaving time of its vehicle boat from 9:40 A.M. to 10:40 A.M., making connection at Sausalito with automobile boat leaving Sausalito at 11:20 A.M.

A public hearing on this complaint was conducted by Examiner Handford at San Francisco and the matter was duly submitted for decision.

Witnesses who were residents of Belvedere testifying in behalf of complainant, stated their objections to the scheduled service, particularly as to the elimination of service which made it impossible to attend theatres in San Francisco and return, excepting on Saturday night, later than via the 10:15 P.M. ferry from San Francisco; that a regular theatre boat schedule was operated some years ago but was discontinued during the period of the world war; and that the service at the time of complaint was such that it did not meet the convenience of at least 75 percent of the residents of Belvedere, it being difficult for residents to retain satisfactory domestic help by reason of no convenient schedule being available for theatre attendants. A petition signed by 266 residents of Belvedere was filed as an exhibit, said petition requesting the adjustment of service substantially in accordance with the prayer of the complaint.

Officials of defendant company testified as to service and schedules effective on the Tiburon-Belvedere-Sausalito service and the necessity for the use of the steamer "Marin" if the landing at Belvedere was to be continued. It appears that formerly on some trips direct service was given between Tiburon and San Francisco and that during the continuance of such service the schedule satisfactorily cared for the vehicle service, the theatre service and the afternoon service, now the cause of complaint. By reason of a recommendation by the Board of Railroad Wages and Working Conditions to the Director General of Railroads (Recommendation No.82 in Docket 129) the wages of steamer crews were increased and the working conditions changed to provide for an eight hour day for a six day period. The present Saturday theatre boat service is given by reason of an extra crew, provided to allow the regular crew to lay over at the expiration of their six day working period, being available on such day, but if this

service were to be given regularly throughout the entire week a material increase in the amount paid as wages to steamer crews would be necessary and such would care only for the late trips which are desired and which would run after the assigned working hours have been completed. A statement of revenue derived from the San Francisco-Tiburon-Belvedere service for a yearly period shows the revenue from ticket sales to have amounted to \$40510.23. In compiling this revenue full credit has been given for the entire amount received for fares paid between San Francisco and Tiburon-Belvedere as well as for the local tickets sold between Tiburon-Belvedere and Sausalito, no deduction having been made for the proportion of the steamer rate for the trip between Sausalito and San Francisco. The direct operating cost of the Sausalito-Tiburon-Belvedere steamer service for the same period, including depreciation and taxes but no overhead expense, was \$48,216.63, resulting in a deficit of \$7706.20.

From a travel check extending over a period of eighteen months it appears that the number of passengers transported daily on the ferry between Sausalito and Tiburon-Belvedere averages 271. During twelve months of this period the passengers transported on the ferry connecting with the 10:15 P.M. ferry from San Francisco averaged 5.9 daily, and on Saturday only, connecting with the 11:45 P.M. ferry from San Francisco an average of 19.9 passengers were carried. During six months of this period there was ferry service connecting with the 9:30 P.M. daily, 10:45 P.M., Saturday, only, and 11:30 P.M. boats from San Francisco and the average of passengers carried on the respective schedules during such period was 9:30 P.M. daily, 14.5; 10:45 P.M., Saturday only, 7; and 11:30 P.M. daily, 17.33.

From the record it appears that the minimum expense of providing an extra crew for the steamer "Marin" to afford a later connection between Sausalito and Tiburon-Belvedere with the ferry schedule leaving San Francisco after 10:15 P.M. would approxi-

mate \$720.00 per month for wages of crew, no consideration being given to the cost of fuel or other operating expenses, and such increase in operating expenses would further increase the deficit, there being no substantial amount of passenger traffic to be served by the added service.

No material evidence was submitted by complainant in support of its complaint regarding additional ferry service for the transportation of vehicles, such transportation requiring the use of the larger ferry steamers which are not able to negotiate the Belvedere landing by reason of tide and current conditions, the steamer "Marin" being as large a steamer as can be safely operated to the Belvedere landing. It also appears that the time consumed for the automobile trip from Tiburon to Sausalito, via the highway, is thirty five minutes and that for direct connection to the San Francisco-Sausalito ferries, the highway has been principally used by automobile owners.

Since the submission of this proceeding the addition of new schedules has made ferry service available between Sausalito and Belvedere-Tiburon on a daily schedule of 14 round trips with an additional round trip Saturdays only. This service cares for the connection with the 4:15 P.M. departure from San Francisco. As regards the vehicular service three round trips daily are now operated between San Francisco and Tiburon, via Sausalito without change, and in addition there are available 35 round trip daily services by defendant's facilities between San Francisco and Sausalito, and the facilities and frequent service of the Golden Gate Ferry Company between Sausalito and San Francisco.

From the record herein we are of the opinion and hereby find as a fact that the inauguration of a ferry service schedule between Sausalito and Belvedere-Tiburon connecting at Sausalito with ferry service leaving San Francisco after 10:00 P.M. is not justified by the prospective patronage, it having been shown that to establish such schedule that the employment of an additional steamer crew would be necessary under the agreement with steamer

employers as authorized and approved by the Federal Wage Board.
The complaint will be dismissed.

O R D E R

A public hearing having been held on the above entitled complaint, the matter having been duly submitted, the Commission being now fully advised and basing its order on the finding of fact as appearing in the opinion which precedes this order.

IT IS HEREBY ORDERED that this complaint be and the same hereby is dismissed.

Dated at San Francisco, California, this 14th day of September, 1927.

Edmund G. Kelly
Chairman

Thomas J. Kautz
Commissioner