

Decision No. 20317.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of GOLDEN GATE STAGES, (formerly known as Santa Rosa, Petaluma & Sausalito Auto Stage Company) a corporation, for a certificate of public convenience and necessity to operate a limited package and express service between Santa Rosa and Calistoga; to establish certain new rules and regulations governing the transportation of persons and baggage; and to operate an automobile stage service for the transportation of passengers and baggage, as a common carrier, between Santa Rosa and San Francisco as an extension of applicant's present service between Santa Rosa and Sausalito.

Application
No. 13362.

ORIGINAL

Wallace L. Ware, Earl A. Bagby,
L.C. Markel and F.A. Meyer, for applicant.

Orrick Palmer & Dahlquist, by
R.W. Palmer; J.J. Geary, and
Donald Geary, for protestant, Northwestern
Pacific Railroad Company.

Frank B. Anderson, for the Sausalito
Chamber of Commerce and the Sausalito News, protestant.

BY THE COMMISSION:-

OPINION ON REHEARING.

Northwestern Pacific Railroad Company, a corporation, protestant in Application 13362, filed its application for rehearing in said matter on March 22, 1928, alleging that Decision No. 19469, as decided March 12, 1928, (1) was based on insufficient evidence to establish public convenience and necessity and (2) that the granting of the application would tend to divert from protestant such a considerable portion of its passenger revenue that it will be unable to maintain its present passenger service into the territory served by it, the maintenance

of said passenger service being necessary to the continued welfare and prosperity of the territory served. The Commission, on April 2, 1928, made its order granting rehearing.

Public hearings on this matter were conducted by Examiner Handford at San Francisco and Petaluma, the matter was duly submitted following the filing of briefs and is now ready for decision.

The Commission has carefully and fully reviewed the evidence and exhibits herein and concludes that the finding of public convenience and necessity as appearing in its Decision No. 19469, as decided March 12, 1928 was fully established by the record. In its application for rehearing protestant, Northwestern Pacific Railroad Company, refers to the denial of a similar application filed by the present applicant's predecessor in interest. (Application No. 10064, Decision No. 14997, decided June 3, 1925). The record in such application was not a portion of the present proceeding and in its determination of the question of fact as to the public convenience and necessity to be served, the Commission relies upon the record as before it in the instant proceeding.

We have fully and carefully considered the evidence and exhibits insofar as they refer to the diversion of business from protestant Northwestern Pacific Railroad Company to an extent that it will be unable to maintain its present passenger service into the territory involved, the maintenance of such service being necessary for the continued welfare and prosperity of the territory served.

The record and exhibits show a substantial decrease in the passenger revenue of this protestant, which according to protestant's officials is attributed to the operation of privately owned cars and the establishment of stage service. There is no evidence before us showing which of these factors has been the real cause of the declining passenger revenue. The decrease in the revenue under "Water Transfers - Passenger" to which is credited

the earnings from the ferry service is largely accounted for by the operation of the Golden Gate Ferry Co. between San Francisco and Sausalito. The decreases in interurban and main line passenger earnings are those which protestant attributes to the increasing use of privately owned automobiles, and stage service. In view of the greatly increasing use of privately owned automobiles and in the absence of any record enabling a segregation or approximation of the portion of revenue that has been lost by protestant to competing stage lines, we are not of the opinion that the inauguration of the extension of service as proposed by applicant will result in an impairment of protestant's ability to render satisfactory passenger service or result in the necessity for curtailment of passenger train service in the district herein under consideration.

After full consideration of the original record herein and of the matters as presented in the re-hearing thereon we are of the opinion and hereby conclude and find as a fact that the decision heretofore rendered on Application No. 13362 on March 12, 1928 (Decision No. 19469) should be affirmed.

O R D E R

Northwestern Pacific Railroad Company, protestant in the above entitled proceeding, having filed herein the application for rehearing, the Commission having made its order granting rehearing, public hearings having been held, the matter having been duly submitted following the filing of briefs, the Commission being now fully advised and basing its order on the conclusion and finding of fact as appearing in the opinion which precedes this order,

IT IS HEREBY ORDERED that Decision No. 19469 on

Application No. 13362, as decided March 12, 1928, be and the same hereby is affirmed.

Dated at San Francisco, California, this 15th
day of August, 1928.

Leon Whitell

Edmund

David

COMMISSIONERS