

Decision No. 22207

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
MT. TAMALPAIS & MUIR WOODS RAILWAY)
for an order extending the provisions)
of Order and Decision No.4927, and)
authorizing it to continue the suspension)
of operations up to and including the)
30th day of April of each year.)

Application
No.16328.

Thomas, Beedy, Presley & Paramore,
by J. W. Paramore, for Applicant.

H. C. Symonds, Town Attorney, for Town of
Mill Valley, Protestant.

ORIGINAL

BY THE COMMISSION -

OPINION

Mt. Tamalpais & Muir Woods Railway, a corporation, has petitioned the Railroad Commission for an order extending the provisions of Order in Decision No.4927 and authorizing the continuance of the suspension of operations as permitted by such Order and Decision until April 30th of each year.

The Commission, by its Decision No.22176 under date February 28, 1930, made its preliminary order authorizing the continued suspension of operation until March 15, 1930, pending a public hearing on the application .

A public hearing on this application was conducted by Examiner Handford at Mill Valley at which time the matter was duly submitted, and it is now ready for decision.

The Commission in its Decision No.4927 on Application No.3272, as decided December 6, 1917, made the following order with respect to the main line service of this applicant:

"IT IS HEREBY ORDERED that Mount Tamalpais and Muir Woods Railway be, and the same hereby is authorized to discontinue all mountain service on its main line from Mill Valley to the summit of Tamalpais, including the Muir Woods branch, during the months of November, December, January and February of each year until the further order of this Commission."

Applicant now seeks authority to extend the period of suspension of operation to include the months of March and April of each year.

W. A. Cannons, for the past two years employed as Manager of applicant's railway, and formerly employed as Secretary and Auditor, testified regarding the results from operation during the months of February and March of each year, and presented an exhibit showing such results.

This witness is of the opinion that the falling off in net revenue during the months of March and April of each year is caused by the increasing use of privately owned automobiles, it now being possible to reach the summit of Tamalpais by the Ridge Crest Toll Road, opened in September, 1925. Witness is of the further opinion that the facilities of his railroad are not patronized to any material extent by ^{residents of} the local communities in the San Francisco Bay region, but are principally attractive to the tourists visiting such region, and that the securing of tourist patronage is now difficult due to information and ticket selling concessions in the majority of San Francisco hotels being controlled by sight-seeing companies, who give their best efforts toward the sale of their own tours.

The granting of the application is protected by the Town Council of the Town of Mill Valley by its Resolution No. 715 N.S. under date March 6, 1930. It is the contention of the Town Council, as expressed in its resolution, that the discontinuance of service on the line of the applicant during the months of March and April of each year would deprive the public of service during the most attractive period of the year and at a time when the scenic advantages of a trip over said railroad are at their best; that no other method of access to the summit of Mt. Tamalpais is available, except by private conveyance over the highway and a long detour to the Ridgecrest Toll Road; and that the discontinuance of operation, during the months of

March and April of each year, will be an invitation to the public to further withdraw its patronage. Protestant, by its resolution, urges that applicant be compelled to operate its railroad until it sells the property to some other company that will properly serve the public or else abandon its operation entirely in which latter event the right-of-way would revert to the Marin Municipal Water District and such District be free to open said right-of-way to others willing to serve the public in its desire for access to Mt. Tamalpais and its surroundings.

The record of the railroad operations during the months of March and April as appearing from an exhibit filed at the hearing (Exhibit A), is as follows:

<u>Year</u>	<u>Operating Revenue</u>	<u>Operating Expense</u>	<u>Gain and Loss</u>	<u>Taxes</u>	<u>Interest</u>	<u>Total Loss</u>	<u>Number of passengers</u>
1920	\$22,873.78	11,241.83	11,631.95	1,200.92	553.68	9,377.35	8995
1921	13,479.64	12,677.20	5,802.44	966.12	511.60	4,324.72	6784
1922	14,556.96	11,107.25	3,449.71	1,949.39	587.78	912.54	5683
1923	13,994.71	11,595.08	2,399.63	1,539.18	595.92	264.53	5648
1924	11,380.42	12,388.22	*1,007.80	1,072.19	341.70	*2,421.69	3873
1925	8,352.65	12,435.73	*4,083.08	894.32	432.20	*5,409.60	2914
1926	10,874.03	11,717.70	*843.67	623.51	467.60	*1,934.78	4298
1927	9,294.15	10,256.72	*962.57	570.86	341.60	*1,675.03	3837
1928	8,062.21	8,566.48	*504.27	487.94	341.60	*1,333.81	3350
1929	7,370.28	10,277.28	*2,907.00	423.27	341.60	*3,671.87	2951
	\$125,238.83	112,263.49	12,975.34	9,727.70	4,515.28	*1,267.64	

Note: (*) indicates deficit.

It is apparent that since the year 1923 the operation of the railroad during the months of March and April has resulted in deficits and that the number of passengers carried shows a downward trend. For the purpose of comparison, a check of the railroad operating results has been made, using the data contained in the annual reports of the applicant for the calendar years 1920 to 1929, inclusive. The results are as follows:

