

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the service
of NORTHWESTERN PACIFIC RAIL-
ROAD COMPANY between Belvedere
and San Francisco.

Case No. 492.

J. S. Hutchinson, City Attorney, and Arthur Page,
J. H. Berghauer, W. S. Heger and
L. S. Lathrop, members of the Board of
Trustees, for the town of Belvedere.
Henry P. Dimond for certain residents of Belvedere.
W. S. Palmer, General Manager, for Northwestern
Pacific Railroad Company.

THELEN, Commissioner.

O P I N I O N.

This is an investigation on the Commission's own motion into the service of the Northwestern Pacific Railroad Company between Belvedere and San Francisco. Belvedere is a picturesque peninsula located in Marin county, on the north side of San Francisco Bay. Transportation between Belvedere and San Francisco is maintained by means of the boats of the Northwestern Pacific Railroad Company, which operates a line of vessels from San Francisco to Sausalito, with a transfer thence to vessels plying between Sausalito and Tiburon, and stopping at Belvedere Landing. The return trip is made from Tiburon via Belvedere Landing to Sausalito and thence to San Francisco.

This investigation was instituted on receipt by the Commission of a letter dated October 29, 1913, from the Town Trustees of Belvedere, drawing the attention of this Commission to a breakdown of the "Marin," being the vessel which ordinarily plies between Tiburon and Sausalito via Belvedere Landing, and to the discomfort and inconvenience which had resulted to the people of Belvedere by reason thereof, and asking relief from this Commission.

The "Marin" is a gas engine launch, having a seating capacity of 140 to 150 people and carrying some 200 life preservers.

While there is some evidence that at times when the vessel is carrying a large number of people, some of the passengers feel insecure on the "Marin", there is no evidence to show that she is actually unsafe, particularly if the passengers do not all insist on standing on the upper deck. Several weeks ago the "Marin" became disabled because of the breakage of her reversing gear, and was out of commission for 18 days. On the evening of October 25, 1913, while the vessel was heavily loaded with passengers from Tiburon and Belvedere to San Francisco, the vessel again broke down because of the breakage of her rudder. At the time the town authorities of Belvedere wrote their letter to the Commission, the vessel had not been replaced in service but on the day of the hearing, November 7, 1913, she was again placed in commission, after having been laid up for 13 days.

When the "Marin" is out of commission, persons desiring to travel to and from Belvedere must either use small launches between Belvedere and Sausalito, or go to Tiburon and there take the "Donahue" or such other of the larger boats of the Northwestern Pacific Railroad Company as can land at Tiburon but not at Belvedere. The launch "Colonial" which the Railroad Company has impressed into the service temporarily, seats some 20 people in the cabin and has room for 20 more standing outside. The launch is unsatisfactory, particularly in rainy weather, and landings from the launch to floats at either end of its journey are unsafe, particularly for women. The Railroad Company itself does not seek to justify the launch as a permanent or satisfactory substitute for the "Marin". The alternative of taking the "Donahue" at Tiburon is not satisfactory to the people at Belvedere, largely because of the time consumed in traveling to and fro on shore between Belvedere and Tiburon. The evidence shows that the "Marin" has broken down at least four times during the last two years, and also that at times it must be laid off for overhauling and repairs. While one of the larger vessels of the Railroad Company can land at Tiburon in case the "Marin" is not available, such vessels cannot land at Belvedere, for the reason that

the town wharf does not extend far enough out.

The present direct service between Belvedere and Sausalito was instituted by the Northwestern Pacific Railroad Company several years ago as the result of an agreement between the Railroad Company and the people of Belvedere, by which agreement the Belvedere residents agreed to an increased rate for both commutation and single and round-trip tickets in return for a direct service, at least once each hour, between Belvedere and Sausalito. It was agreed at that time that the Railroad Company should furnish a ferry boat with a carrying capacity of, say 300 people, and that the people of Belvedere would provide a proper slip on the Cove side of Belvedere available for such boat. Residents of Belvedere testified at the hearing that they considered the arrangements for the landing at Belvedere to be permanent and that they were well satisfied with the arrangements, except that under existing conditions, if the "Marin" breaks down, there is no satisfactory alternative service.

At the hearing the Commission made a careful investigation into the possibilities for relief, both temporary and permanent.

The officials of the Northwestern Pacific testified that they had now ordered duplicates both of the reversing gear and of the rudder, so as to be in a position to replace these parts promptly in case they should again break. While the time during which the "Marin" must remain out of commission in case of such renewed breakage will thereby be shortened, no one accepts this as a solution of the problem arising from the failure of the Northwestern Pacific to have any vessel to take the place of the "Marin" on the run between Belvedere and Sausalito.

The Commission gave consideration to the possibility of securing some other vessel to take the place of the "Marin" in case the latter should again be disabled or be out of commission for repairs or overhauling. The officers of the Northwestern Pacific testified that they had made diligent search for such a substitute on each of

the last two occasions on which the "Marin" was out of commission, but that they had been unable to find any vessel better than the small launch "Colonial," hereinbefore referred to. While several suggestions were made at the hearing with reference to boats which might have been secured, the Commission is satisfied from the testimony of the officials of the Northwestern Pacific that none of these vessels would be a feasible substitute.

The Commission also gave consideration to the possibility of a purchase by the Northwestern Pacific of a new boat as large as the "Marin" or possibly somewhat larger. Testimony shows that such a vessel would cost between \$10,000 and \$20,000, and that if such vessel were purchased, it could not be used on any other run on the Northwestern Pacific, for the reason that it would be too small for any other run. In other words, if such vessel were purchased it could be used simply as a substitute for the "Marin" to accommodate the people of Belvedere. The records of the Northwestern Pacific show that during the month of August, 1913, the number of daily passengers handled on the "Marin" between Belvedere and Sausalito varied from 129 to 216, that the average per trip varied from 9 to 14, that ^{the} maximum number of passengers was 58, and that on many trips there were no passengers at all. During the same month, the total number of passengers handled on the "Marin", including both the Tiburon and Belvedere passengers, varied from 395 to 614, and the average per trip from 27 to 38, with a maximum of 112 passengers per trip and a minimum on three trips during the month of no passengers at all. The records of the Railroad Company for the first 24 days of October show that the total number of passengers from Belvedere to Sausalito varied from a total of 96 to 140 per day, with an average of between 6 and 10 per trip, and a maximum of ~~100~~ 51 passengers and a minimum on 14 days of the month of no passengers. During the same month, the entire number of passengers carried per day by the "Marin" from both Tiburon and Belvedere to Sausalito varied from 328 to 561, with an

average per trip of from 19 to 37, and a maximum of ~~xxxx~~ 101 per trip and a minimum on three days of no passengers. The records for this month show that of the total number of passengers handled on the "Marin", 31% were Belvedere passengers and 69% Tiburon passengers. < I am convinced that the travel between Belvedere and Sausalito is not sufficient to justify an order directing the Northwestern Pacific Railroad Company to buy a new boat, particularly if there is any other feasible method of giving relief.

The Commission then directed its attention to a permanent solution of Belvedere's transportation problem. Two possible solutions were presented -- (1) the dredging by the town of Belvedere of a channel from the bar to a point on the neck of land between Belvedere and Corinthian Island and the erection of a wharf or pier at said point, and (2) the extension of the ^{present} town wharf at Belvedere Landing, so as to enable vessels of the size of the "Donahue" to land there.

The testimony shows that the residents of Belvedere realize that one of these alternatives must be adopted as the permanent solution of their transportation problem, but that they are apparently uncertain which alternative to adopt. Mr. W. S. Palmer, General Manager of the Northwestern Pacific Railroad Company, testified that his Railroad would prefer the first alternative, but that if this course were pursued, his Company would expect to discontinue the service both to Tiburon and to Belvedere Landing, and to land its boats thereafter only at the head of the Cove. That such a course would meet with strenuous opposition from the residents of Tiburon and of the growing community to the east thereof, is clear. The certainty of such opposition was shown by several witnesses from these localities, who appeared at the hearing and testified that they would be greatly inconvenienced by the discontinuance of the service to Tiburon and that they and their neighbors would protest strongly if such a plan were contemplated. It is likewise probable that people living near the present landing at the town wharf would object, for the reason that they would then have to walk much farther ~~xxxx~~ to and from their homes.

It would not be feasible to stop both at such new wharf and at Tiburon, for the reason that if this were done it would be impossible for the Northwestern Pacific to maintain its schedule.

Finally, the Commission considered the plan of extending the present town wharf for some 75 feet, so as to provide a landing alongside the wharf for the "Marin" and a landing in a slip for vessels of a larger size, such as the "Donahue". Mr. W. S. Palmer testified that his Company was considering the possibility of taking the machinery of the "Donahue", which is comparatively new, and placing it in a new hull of about the same size as that of the "Donahue." If the town wharf were extended, as hereinbefore indicated, the "Marin" could make the run during ordinary times, when not disabled or laid up for repairs, and at other times, a larger boat could make the run, landing directly at the new wharf. If, for any reason, the "Marin" could not make the run, it would be possible for the Northwestern Pacific to substitute one of their larger boats, continuing the direct service between Belvedere and Sausalito, except in the roughest weather, without being put to the large expense of securing a new vessel to be used only as a substitute for the "Marin."

Mr. Palmer testified that his Company estimated that the necessary additions to the town wharf would cost some \$7,100. The present wharf belongs to the municipality and it seems desirable that the extension thereof should also belong to Belvedere. While Mr. Palmer stated that his Company would not desire to pay the entire cost of the extension, for the reason that it would not have any ownership therein, his Company would nevertheless be willing to furnish the labor, machinery and the pile drivers if the town would supply the materials. If the extension were built the town would certainly have the right to charge the Northwestern Pacific a reasonable rental for the wharf. The reasonable value of the labor, machinery and pile drivers supplied by the Northwestern Pacific might be considered as so much advance rent, or some other equitable arrangement for the rent of the wharf and the repair thereof by the Northwestern Pacific could easily be made. The

present means of access to the town wharf is not satisfactory if the wharf is to be extended and used as hereinbefore indicated. The access now consists of a trail along the hillside. Invalids and old people do not like to use the trail and it is not adequate for the transportation of baggage, freight or express matter. The Town Attorney stated that the town had brought condemnation proceedings to condemn a strip of land from the town wharf to the head of the Cove near the old hotel and that it is probable that the amount to be paid will be ascertained by arbitration. If this is done, a boulevard could be built along the shore, so as to give ready access to the wharf. It was suggested at the hearing that the town could then save \$1200 which it uses each year to subsidize an omnibus to run between Belvedere and Tiburon, and that it could use this sum to pay the interest and eventually to help pay the principal on the bonds necessary to build the boulevard. If this arrangement were made, the town of Belvedere would then have a permanent and satisfactory solution of its transportation problem. The uncertainty of the ultimate solution of this problem has undoubtedly acted to the detriment of the people of Belvedere. Its permanent solution would unquestionably be of great advantage to them.

The Commission will render no formal order in this proceeding. A full opportunity has been given for the interchange of views between the people of Belvedere and the Northwestern Pacific Railroad Company, and we believe that the parties have now come to a practical agreement with reference to a permanent solution of this problem. We hope that the people of Belvedere will be able to unite on a feasible permanent solution and that they will then take up the matter actively with the Railroad Company. Mr. Palmer stated that his Company would meet the people at least half way. Under these circumstances, it ought to be possible before long to settle Belvedere's transportation problem.

If the Commission can hereafter be of assistance in working out the final plan, we stand ready to be of service to both parties.

The foregoing opinion is hereby approved and ordered filed as the opinion of the Railroad Commission of the State of California.

November 14th, 1913.

John W. Buchanan

H. J. Loveland

Max Thelen

Commissioners.