

ORIGINAL

Decision No. 6963.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application of )  
GEORGE LEARNED for certificate of )  
public convenience and necessity to )  
operate passenger motor bus service )  
between San Rafael, Mill Valley, )  
Sausalito and intermediate points, )  
County of Marin, State of California.)

Application No. 5120 .

James F. McCue for Applicant.

H. C. Symonds for Board of Trustees of the  
Town of Mill Valley.

John F. Barnett as Chairman of Committee  
appointed by Community Council of Mill  
Valley.

J. J. Geary for United States Railroad  
Administration; Northwestern Pacific  
Railroad, Protestant.

BY THE COMMISSION:

O R D E R

George Learned has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile stage line as a common carrier of passengers between San Rafael, Mill Valley, Sausalito and intermediate points, all in the County of Marin.

Public hearings on this application were conducted by Examiner Handford at Sausalito on November 28th and at San Francisco on December 13, 1919, the matter was duly submitted and is now ready for decision.

Applicant proposes to charge rates in accordance with a schedule marked exhibit "A" and filed with the amended application in this proceeding and to operate on a schedule of twenty round trips daily over a route serving Ross, Kentfield, Escallo, Baltimore Park, Corte, Madera, Alto, Tamalpais Union School, Waldo, Manzanita, Marin Heights and Pine. The equipment proposed to be used consists of three Kleiber Trucks, equipped with special passenger bodies, each with a seating capacity of thirty passengers.

Applicant relies as justification for the granting of the desired certificate upon the alleged fact that the schedules maintained by the Northwestern Pacific Railroad Company between the points proposed to be served are infrequent during the mid-day hours and that there are intervals of from one to two hours in such schedule after 8:45 P. M. Also that the fares charged by the Northwestern Pacific Railroad between intermediate stations over the proposed route are high.

Witnesses for applicant testified as to the inconvenience of facilities offered by the Northwestern Pacific Railroad as regards trips between <sup>Mill</sup>Valley and points on the San Rafael-Sausalito line north of the transfer station of Almonte; also as to the lack of proper shelter station facilities at the transfer point. Students attending the Union High School and using the facilities of the Northwestern Pacific Railroad are obliged to wait at the transfer point, whereas the proposed stage line of applicant would pass the door of the Union High School. The schedule of the Northwestern Pacific Railroad requires from one hour and seven minutes to one hour and thirteen minutes to make the trip between Mill Valley and San Rafael as against a proposed schedule of thirty-five minutes as proposed by applicant. The appli-

cation is endorsed by the Community Council, the Outdoor Art Club and by the Chairman of the Board of Trustees, all of the Town of Mill Valley. Residents of San Anselmo and San Rafael, including city officials of the latter community, favor the granting of the application, although testifying that the direct service afforded by the trains of the Northwestern Pacific Railroad as regards Mill Valley-Sausalito and San Rafael-Sausalito business is satisfactory. Witnesses are of the opinion that the establishment of the proposed stage line will add to the present facilities enjoyed by the respective communities and will aid in the development of the portion of Marin County proposed to be served. Applicant claims to have the financial backing of a resident of Sausalito and that ample funds will be available for the conduct of the line should certificate be granted. Applicant has had no experience in the transportation business and has no definite data upon which to base his expectations that the proposed line if inaugurated would be a financial success.

This application is opposed by the United States Railway Administration on behalf of its lessor, the Northwestern Pacific Railroad. Counsel for protestant, while admitting that the service between Mill Valley and points on the main line between Almonte and San Rafael justifies some complaint due to a change of cars being required and a wait being necessary at the junction point, directs attention to the fact that the schedules are framed to care for the majority of the patrons who use the line between Mill Valley and Sausalito and between San Rafael and Sausalito and that the travel using a combination of the main line and the Mill Valley Branch is not sufficient to justify the establishment of special service and that it is impossible to arrange a satisfactory schedule to accommodate the few patrons

desiring such service by use of the present trains as now operating. Protestant operates trains between San Rafael and Sausalito on a half hourly schedule between the hours of 6:18 A. M. to 9:18 A. M. then on an hourly schedule until 4:18 P.M.; then on a half-hourly schedule until 8:18 P. M. and thereafter at 9:18; 10:48 P. M. and 12:18 and 1:33 A. M. On the Sausalito-Mill Valley line trains operate on a similar schedule. Applicant herein proposes a schedule of an hourly headway which is not as convenient for the public, especially during the peak hours of travel and offering no advantage to the public other than eliminating the delay in transfer at Almonte for passengers between points on the Mill Valley Branch and points on the main line between Almonte and San Rafael. The Northwestern Pacific Railroad offers commutation rates for patrons to and from San Francisco and the majority of its patrons using the suburban trains are commuters between San Francisco and Marin County points. A comparison of the one way and round trip fares as existing on the line of the Northwestern Pacific Railroad and those proposed by applicant is as follows:

	<u>Applicant's Rate</u>		<u>N.W.P.R.R. Rate</u>	
	<u>One Way</u>	<u>Round Trip</u>	<u>One Way</u>	<u>Round Trip</u>
Between				
San Rafael and Kentfield	10¢	20¢	15¢	30¢
San Rafael and Corte Madera	15¢	30¢	15¢	30¢
San Rafael and Tamalpais Union High School	20¢	35¢	35¢	70¢
San Rafael and Mill Valley	20¢	35¢	35¢	70¢
San Rafael and Sausalito	25¢	35¢	35¢	70¢
Sausalito to Mill Valley	15¢	30¢	20¢	40¢
Sausalito to Tamalpais Union High School	10¢	20¢	15¢	30¢
Sausalito to Corte Madera	20¢	35¢	20¢	40¢

After careful consideration of all the evidence in this proceeding we are of the opinion that no showing of public convenience and necessity has been made justifying the Commission in granting the application as regards the entire route herein sought. The public convenience and necessity would be served, or the limited portion of the public desiring such service, by the establishment of the desired line over the portion of the route between San Rafael and the Tamalpais Union High School. There is no evidence before the Commission in this proceeding, other than that of the applicant, which indicates any desire on the part of any representative of any of the communities proposed to be served for additional service to the Town of Sausalito, and the testimony of the applicant's witnesses is that the service of the Northwestern Pacific Railroad on the main line and Mill Valley Branch as regards Sausalito traffic is good.

We are not satisfied that the volume of business that would offer over the portion of the route sought by applicant for which a necessity exists as shown by the testimony in this proceeding, will justify applicant in entering the business of a transportation company. The Commission cannot, however, authorize the establishment of duplicate facilities in the absence of an affirmative showing that the facilities of existing carriers are not satisfactorily meeting the demands of the public desiring transportation, and there is no evidence in this proceeding justifying the establishment of any automobile stage service between the Tamalpais Union High School and Sausalito.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation of an automobile stage service as a common carrier of passengers between Tamalpais Union High School and San Rafael, serving the intermediate com-

munities of Mill Valley, Corte Madera, Larkspur, Escalle, Kentfield, Ross and San Anselmo; provided, however, that the rights and privileges hereby authorized may not be transferred nor assigned unless the written consent of the Railroad Commission to such transfer or assignment has first been procured.

IT IS HEREBY ORDERED that applicant herein be required to file with the Railroad Commission, within ten days from the date of service of this order, a written acceptance of the certificate herein granted such acceptance to contain advice as to the date upon which service will be commenced, which date shall not be more than thirty days from the date of service of this order.

IT IS HEREBY FURTHER ORDERED that no vehicle may be operated under this certificate unless such vehicle is owned by the applicant herein or is leased by such applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.

The Railroad Commission reserves the right to make such other and further orders in this proceeding as to it may appear just and proper or as in its opinion the public necessity and convenience may require.

Dated at San Francisco, California, this 14<sup>th</sup> day of December, 1919.

Edwin J. Fitzgerald  
J. A. ...  
Frank R. ...  
H. ...  
Henry ...  
Commissioners.