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Decision No. 7538.

ORIGINAL

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) Application No. 5120
 Valley, Sausalito and intermediate)
 points, County of Marin, State of :
 California.)

James F. McCue for Applicant
 J. J. Geary for Northwestern
 Pacific Railroad, Protestant.

BY THE COMMISSION.

ORDER

George Learned has applied for a rehearing of said application after decision number 6963 by the Commission, dated December 19, 1919, finding that there is no evidence before the Commission in this proceeding other than that of said applicant which indicates any desire on the part of any representative of any of the communities proposed to be served for additional service to Sausalito, and that there is no evidence in this proceeding justifying the establishment of any automobile stage service between the Tamalpais Union High School and Sausalito.

A public hearing on said petition for rehearing was held before Examiner Satterwhite at Sausalito on April 9th, 1920, at which time and place further evidence was introduced and argument presented, the matter was duly submitted and is now ready for decision.

The Northwestern Pacific Railroad Company protested the granting of the application. Applicant again testified in his own behalf and called several other witnesses.

The evidence at the rehearing shows that the proposed stage line follows the highway along Tamalpais Valley and has its terminal at "Old Town" in Sausalito, about one mile in a southerly direction from the Sausalito Ferry Station.

In Tamalpais Valley are residing nearly 100 families, who live along or near the highway and who desire from time to time to travel to and from Sausalito and other intermediate points. Those residing in "Old Town" travel back and forth to various parts of Sausalito and other intermediate points along the proposed route.

Residents of Tamalpais Valley in coming to Sausalito are now compelled to walk from three-quarters to about a mile and a half to the Northwestern Pacific Railroad and often have to wait nearly an hour for the train.

Residents of "Old Town" in traveling to any intermediate point over proposed line are compelled to walk about a mile to Sausalito Ferry or else pay extra fare on a local jitney service. It was shown that ten or twelve school children living in "Old Town" attend the Union High School and have to walk to and from the Sausalito Ferry Station or patronize the local jitney.

Mr. J. Mecchi, a large retail merchant at Sausalito testified that many of his patrons who live in Tamalpais Valley and along the proposed route have often expressed a desire for this proposed service for the reason that the housewives who now make but one trip to Sausalito a week to make necessary purchases, would make two or three trips a week if this service was established.

It was shown that those desiring to attend lodge meetings, theatres or social gatherings at Sausalito or intermediate points desire this service on account of the more favorable time schedule.

The evidence shows that there are about 75 men employed at the Mason's -By - Product Company which is located a short distance out of Sausalito and that many of these workers desire this proposed service, particularly those who live in "Old Town" and are compelled to walk at least two miles to and from Sausalito Ferry to catch the train.

C. J. Gardiner, Supervisor of the Third District, through which this proposed line would operate, testified that many of the residents of Sausalito and Tamalpais Valley desire this service and that it is a necessity for the welfare and development of the entire district.

After careful consideration of the evidence, we are of the opinion that the application should be granted over the proposed route between Tamalpais Union High School and Sausalito and intermediate points.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by George Learned of an automobile stage line as a common carrier of passengers between Tamalpais Union High School and Sausalito and intermediate points; provided, however, that the rights and privileges herein 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 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 90 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 applicant herein, or is leased by said applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 31 day of May, 1920.

Edw. C. Egan
H. D. Loveland
Walter R. Hartman
H. C. Branding

Commissioners