

ORIGINAL

Decision No. 9754.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application of)
JOHN L. ALBERIGI for certificate of)
public convenience and necessity to)
operate an automobile passenger and)
freight service between Pt. Reyes)
Station and Inverness and way points)
in Marin County, Cal.)
.....)

Application No. 7193.

R. C. Lewis for Applicant.

E. V. Martinelli for Ben Pedranti,
Protestant.

BY THE COMMISSION:

OPINION.

John L. Alberigi has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the operation by him of an automobile passenger and freight service between Pt. Reyes Station and Inverness and intermediate points, all in Marin County.

A public hearing on this application was conducted by Examiner Handford at Inverness, 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 attached to the application in this proceeding and to operate on a schedule of four round trips daily between Pt. Reyes Station and Inverness, serving Inverness Park as an intermediate station. One trip is proposed to serve the territory between Inverness and Pt. Reyes

Postoffice. On Saturdays and Sundays an extra round trip is proposed between Pt. Reyes Station and Inverness. The equipment proposed to be used in the desired service consists of 1 - 5 passenger Ford Touring Car; 1 - 7 passenger Studebaker Automobile and 1 Ford Truck of 1-ton capacity.

Applicant relies as justification for the granting of the application on the alleged fact that he is now operating a United States Mail Route for the account of the bondsmen of one John D. Medici, deceased, between Pt. Reyes Station on the Northwestern Pacific Railroad to Inverness and the Pt. Reyes Postoffice; that the only regular passenger and freight service available to the public between Pt. Reyes Station and Inverness and intermediate points is furnished by the Ben Pedranti stage; that said Pedranti stage does not give frequent service; that the Pedranti stage does not operate on a regular schedule; and that the owner of the Pedranti line is not properly equipped to give sufficient care to the stage business.

Applicant testified that it was his intention, if the desired certificate was granted, to immediately procure an automobile stage of 21/^{passenger} capacity and to increase the equipment as rapidly as traffic conditions would warrant. He was also of the opinion that the traffic had increased justifying the establishment of the desired line.

Other witnesses testifying in support of the application stated, in substance, that it was their opinion that a competitive line was a necessity. One instance of a failure to pick up a passenger at the intermediate station of Inverness Park and one instance of a passenger riding on running board of the automobile stage were complaints directed against the service of protestant.

The granting of the application is protested by Ben

Podranti operating the authorized stage line between Pt. Reyes Station and Inverness. This protestant has an investment of from \$10,000.00 to \$12,000.00 in the business, having acquired by purchase and subsequent authorization of the Commission the rights of the stage line formerly conducted by one Morse who operated between Pt. Reyes and Inverness Station. A number of witnesses testified as to the satisfactory service rendered by the Podranti line and that such satisfactory service had existed for a number of years; that all trains of the Northwestern Pacific Railroad were met at Pt. Reyes station on their arrival or in time for their departure; that extra equipment was provided on week-ends, holidays and occasions of heavy traffic; and that the service was reliable and dependable.

It appears that the protestant, Podranti, has as equipment to protect schedules a total of 5 stages; two of 15 passenger capacity, one of 7 passenger capacity and 2 of 5 passenger. It is the custom of the protestant, Podranti, to use equipment according to the volume of business offering which in some periods of the year can be cared for by the smaller cars.

The evidence indicates that the traffic is of but slight volume with the exception of in the summer months, and on week-ends, holidays and Sundays during the balance of the year, also that the privately owned automobile is reducing the number of available passengers, many residents of Inverness during the summer months utilizing their own conveyances who formerly patronized the trains of the Northwestern Pacific Railroad to Pt. Reyes Station and the stage line from such point to Inverness.

A condition exists as regards the operation of the Podranti line which should be noted, as such condition is apparently responsible for the few complaints which are in evidence against such line in this proceeding. The Podranti

line is authorized to operate between Pt. Reyes Station on the Northwestern Pacific Railroad to a terminal at the Pedranti Garage in Inverness, a direct route over the highway connecting the above mentioned termini. There is located intermediate to these termini, and but a short distance from Pt. Reyes Station, a community known as Inverness Park, such community being rather sparsely settled and lying principally to the west of the highway. At Inverness the majority of the residences are located either west of the highway or northerly beyond the terminal at the Pedranti Garage. It has been a custom, evidently since the time of the horse-drawn stages, for the community to receive a pick-up and delivery service. The jurisdiction of the Commission being made effective over the matter of auto stage and truck lines by legislative enactment was on the basis of such jurisdiction being confined to operation over a regular route and between fixed termini. The route of the Pedranti Stage Line is therefore between Pt. Reyes Station on the Northwestern Pacific Railroad as the southerly terminus, over the highway to the northerly terminus at the Pedranti Garage and the time schedules cover operation between such points. Pick-up of passengers and delivery of same has been accorded by Pedranti at the same rate as for the regular trip between the above mentioned and authorized termini, and it has been the custom for patrons to telephone to the Pedranti Garage for their reservations and to give notice that they desired to be picked up at their residences for a certain schedule. This pick-up has been made prior to the regular time of departure from the garage terminus. The delivery of passengers to points in Inverness has been made after the trip from Pt. Reyes Station was completed. Passengers living in the intermediate community of Inverness Park and whose residences are located off the

highway have not regularly received such service, and complaint was made by one witness that a competing line should be authorized to give such service, although the witness admitted that about five minutes would be required to accomplish the diversion from the regular route. Diversions of this nature from a route which requires a schedule of but 10 to 15 minutes to accomplish between termini are impossible as the through passenger is thereby inconvenienced. Passengers originating or destined to the community at Inverness Park should be received and discharged on the highway passing through the eastern portion of such community, and provision should continue to be made by protestant, Pedranti, for seats to accommodate such passengers as may offer at such points on the highway.

After careful consideration of all the evidence in this proceeding we are of the opinion and find as a fact that the applicant herein has not justified the granting of the desired certificate. There is no evidence before the Commission as to the inability of the protestant, Pedranti, to satisfactorily serve all persons desiring passage between Inverness and Pt. Reyes Station over the highway which constitutes his authorized route, and to authorize another and competing line would result in the community eventually receiving indifferent or no service, there being no showing that the traffic is sufficient to sustain a competing line. No showing whatever was made by the applicant as to the necessity of a line between Inverness and Pt. Reyes Postoffice, nor as to the necessity for the carriage of freight and the Commission cannot, in the absence of an affirmative showing, grant a certificate on the mere desire of the applicant to enter the business of a common carrier or to supplement the revenue derived from the conduct of a United States mail contract by

the carriage of passengers and freight.

For the above reasons the application must be denied.

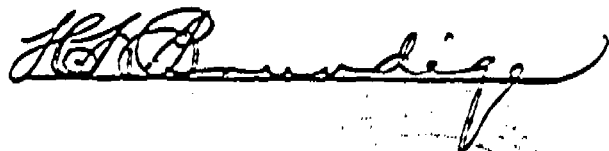
ORDER.

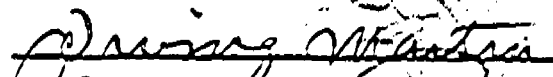

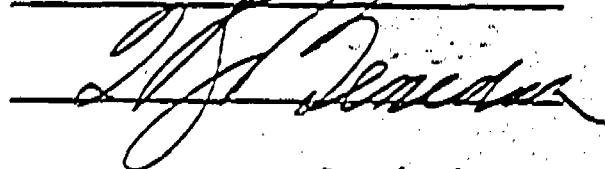
A public hearing having been held in the above-entitled proceeding, the matter having been duly submitted and the Commission being fully advised and basing its order on the finding of fact as set forth in the opinion which precedes this order.

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity do not require the operation by John L. Alberigi of an automobile stage line as a common carrier of passengers and freight, or either passengers or freight, between Pt. Reyes Station and Inverness and intermediate points, or between Inverness and Pt. Reyes Postoffice and intermediate points, and

IT IS HEREBY ORDERED that this application be and the same hereby is denied.

Dated at San Francisco, California, this 10th day of November, 1921.



Commissioners.