

Decision No. 31113

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of SOUTHERN PACIFIC GOLDEN GATE FERRIES, LTD. for authority to abandon its ferry lines (a) Between San Francisco (Hyde Street Terminal) and Sausalito; and (b) Between San Francisco (Foot of Market Street) and Tiburon;

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In the Matter of the Application of SOUTHERN PACIFIC GOLDEN GATE FERRIES, LTD. to reconvey to Northwestern Pacific Railroad Company and of NORTHWESTERN PACIFIC RAILROAD COMPANY to re-acquire the operative rights for vehicular ferry transportation between San Francisco (Foot of Market Street) and Sausalito.

ORIGINAL

Application No. 22066

E. J. Foulds, for Applicants

George H. Harlan and the firm of Sloss, Turner & Finney,  
for the Golden Gate Bridge & Highway District

F. M. McAuliffe and Lloyd W. Dinkelspiel for California  
Toll Bridge Authority

John J. O'Toole, City Attorney and Dion R. Holm, Assistant  
City Attorney, for the City and County of San Francisco

BY THE COMMISSION:

O P I N I O N

In the above-entitled joint application, Southern Pacific Golden Gate Ferries, Ltd., hereinafter sometimes referred to as the ferry company, seeks authority to abandon all ferry operations between San Francisco, on the one hand, and Sausalito and Tiburon, on the other hand, and to transfer its operating rights for vehicular ferry transportation between San Francisco (foot of Market Street) and Sausalito to the Northwestern Pacific Railroad Company, hereinafter sometimes referred to as the railroad.

A public hearing was held in the above-entitled proceeding on Friday, July 8, 1938, at San Francisco, by Examiner Hunter, at which time the matter was taken under submission.

Applicant railroad requested authority to modify that portion of the application dealing with the proposed round trip fares by eliminating the proposed 70-cent round trip rate, thus making the round trip rate equal to two one-way fares of 40 cents each. No objection was voiced to the granting of this request to so modify the application and it was so authorized by the presiding examiner. It was stipulated by all parties that the record in Cases Nos. 4201, 4204, 4225, and related cases would be considered in evidence in this proceeding in so far as relevant. The attorney for the ferry company stated that the Commission's order in said Decision No. 31026 was accepted in toto.

The Commission, by its Order in Decision No. 20925 (32 C.R.C. 803), dated April 1, 1929, in Application No. 15428, among other things authorized the railroad to transfer its operative rights to transport motor vehicles between San Francisco (foot of Market Street) and Sausalito to the Southern Pacific Golden Gate Ferries, Ltd.<sup>(1)</sup> Pursuant to this authority the ferry company, on May 1, 1929, took over all motor vehicle transportation from the Northwestern Pacific Railroad Company.

By agreement between the ferry company and the railroad, however, and pursuant to the provisions of condition (10) of the decision referred to above, the railroad has continued to transport motor

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(1) "10. The authority herein granted to the Northwestern Pacific Railroad Company to transfer ferries, operative rights, properties and equipment to the Southern Pacific Golden Gate Ferries, Ltd. will become effective when said applicants have filed with the Commission in satisfactory form a copy of the agreement or agreements under which applicant, Southern Pacific Golden Gate Ferries, Ltd., will be permitted to use the terminal properties of the Northwestern Pacific Railroad Company at Sausalito and Tiburon and Northwestern Pacific Railroad Company agrees to carry on its passenger boats vehicles for, and on account of, applicant, Southern Pacific Golden Gate Ferries, Ltd." (From 32 C.R.C. at P. 815).

vehicles, both automobiles and trucks, on boats regularly operated in connection with the railroad's interurban operations. Such operations have been for the account of the ferry company, but with the railroad retaining the entire revenue received therefrom.

Previous to the railroad's transfer to the ferry company of its rights to transport motor vehicle traffic between San Francisco and Sausalito, it not only transported motor vehicles on the ferry boats operated in connection with its regular interurban operation but also operated other ferry boats engaged exclusively in motor vehicle transportation.

In Decision No. 31026, dated June 27, 1938, in Cases Nos. 4204 and 4225, it was found that the ferry company should discontinue its San Francisco-Sausalito-Tiburon operations<sup>(2)</sup> and it was ordered to cancel its tariffs.<sup>(3)</sup>

In the instant application the ferry company seeks authority to discontinue all operations in accordance with the Commission's views as expressed in said Decision No. 31026, and to transfer to the railroad its rights to transport motor vehicles between San Francisco (foot of Market Street) and Sausalito. The right now sought to be acquired by the railroad to transport motor vehicles is limited to the boats regularly engaged in its interurban operation, with the further understanding that, for safety reasons, no motor vehicles will be

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(2) Finding No. 6 of this order reads as follows:

"The San Francisco-Sausalito and San Francisco-Tiburon operations should be discontinued forthwith."

(3) "IT IS HEREBY ORDERED that Southern Pacific Golden Gate Ferries, Ltd., cancel all tariffs containing rates, rules and regulations for the transportation of persons and property between San Francisco, on the one hand, and Sausalito and Tiburon, on the other hand, said cancellation to become effective within ten (10) days after the effective date of this order and on not less than five (5) days' notice to the Commission and to the public."

(The effective date of the Order is July 17, 1938).

carried on ferries operated during times of peak travel, i.e., on the morning schedules from Sausalito to San Francisco, and on the evening schedules from San Francisco to Sausalito.<sup>(4)</sup> Furthermore, the railroad desires to limit its offer to serve the public to the boats now in interurban service, which have a limited overhead clearance of approximately 10 feet, and also to limit the loads received to the capacity of the existing slips.

Representatives of the Golden Gate Bridge and Highway District state that the District is not opposed to the granting of the application to transfer the operative rights for the transportation of motor vehicles between San Francisco (foot of Market Street) and Sausalito from the ferry company to the railroad, provided the service is limited to the plan proposed by the railroad as set forth above.

A witness for the railroad testified that if the proposed plan of operation is put into effect, the estimated annual revenue per year from motor vehicle transportation will amount to approximately \$14,400.00. This estimate is based upon the revenue to be derived from the proposed fare of 40 cents per one-way trip for an automobile and approximately \$1.00 per truck. With this increased rate for autos over that now in effect (30 cents one-way, 50 cents round trip), it is estimated that the traffic carried will be materially less than one per cent of the traffic which will pass over the Golden Gate Bridge.

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- (4) Under the present method of operation, motor vehicle traffic on week days will be carried on 22 round trips between the hours of 6 A.M. and midnight. Boat schedules on which motor vehicles will not be carried are as follows:

From San Francisco to Sausalito

10:15 AM - Saturday  
12:15 PM (Except Saturday)  
1:15 PM (Except Saturday)  
2:15 PM (Except Saturday)  
4:45 PM (Except Saturday,  
Sunday & Holidays)

From Sausalito to San Francisco

7:00 AM (Except Saturday, Sunday  
and Holidays)  
7:30 AM ditto  
8:00 AM ditto  
8:30 AM ditto  
12:30 PM (Except Saturday)  
1:30 PM (Except Saturday)

It was shown that the railroad has experienced a substantial reduction in operating revenue during the past two years and that any relief it can obtain from the transportation of motor vehicles under the plan proposed herein will aid in relieving the distressed financial condition of this carrier.

With respect to the portion of the record dealing with the public convenience and necessity of continuing the transportation of motor vehicles by the railroad between San Francisco and Sausalito, it was urged that this ferry service constitutes a material convenience to the residents of Sausalito as well as the traffic originating or destined to points near the Ferry Building in San Francisco. Also, that the continuation of this ferry service will be in public interest in that it will continue to afford to the public a means of traveling between San Francisco and Sausalito by ferry at a somewhat reduced rate as compared to the bridge and offer an alternate route which is attractive to tourists and those who enjoy the facilities offered by the ferry company.

A representative of The Gray Line, Inc., operating sight-seeing tours, stated that the ferry operation by the railroad would permit of routing tours between San Francisco and Marin County points one way by the ferry and the other by bridge, which was desired by many of the patrons of these tours.

Counsel for the California Toll Bridge Authority opposed the granting of the ferry company's application to discontinue operations between San Francisco and the two terminals in Marin County, as proposed herein, on the ground that the ferry company's entire operations, which include the San Francisco-Oakland route, as well as the ones involved herein, should be considered as a whole and that it is improper and illegal for the Commission to grant the ferry company

the right to discontinue its operations between San Francisco, on the one hand, and Sausalito and Tiburon on the other hand, without abandoning the San Francisco-Oakland route.

Subject to the limitations proposed by the parties on the right to be transferred to the railroad, we see no reason why the present application should not be granted.

O R D E R

Good Cause Appearing, IT IS ORDERED as follows:

1. Southern Pacific Golden Gate Ferries, Ltd. may transfer the right to carry motor vehicles by ferry between San Francisco (foot of Market Street) and Sausalito to Northwestern Pacific Railroad Company; provided, that the right herein authorized to be transferred is limited to the carriage of motor vehicles only on boats operated by Northwestern Pacific Railroad Company in its regular interurban passenger operation and subject to the height, weight and safety restrictions indicated in the above opinion.

2. Northwestern Pacific Railroad Company shall file appropriate tariffs and time schedules which shall conform to those indicated in the above opinion.

3. Southern Pacific Golden Gate Ferries, Ltd. is hereby authorized to discontinue and abandon, as of July 25, 1938, all ferry operations between San Francisco and Sausalito and between San Francisco and Tiburon.

This order shall become effective immediately.

Dated at San Francisco, California, this 19<sup>th</sup> day of July, 1938.

*William H. Hall*  
*Frank R. Brown*  
*John S. Kelly*  
Commissioners