

Decision No. 33181

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of PACIFIC GREYHOUND LINES, a corporation, for a certificate of public convenience and necessity to operate a passenger bus service as a common carrier between points in Marin County.

Application  
No. 21358

ORIGINAL

In the Matter of the Application of PACIFIC MOTOR TRUCKING COMPANY, for certificate for the transportation of property between the freight and passenger terminals of the Northwestern Pacific Railroad Company in San Francisco and Sausalito, respectively, upon the discontinuance of its passenger ferry operation.

Application  
No. 22453

In the Matter of the Application of NORTHWESTERN PACIFIC RAILROAD COMPANY, for authority to discontinue all interurban electric passenger service on its electric suburban lines in Marin County, and to discontinue operation of its passenger ferries on San Francisco Bay.

Application  
No. 22454

BY THE COMMISSION:

OPINION AND ORDER DENYING REHEARING

The City of Mill Valley has petitioned for a rehearing of our Decision No. 33103, of May 21, 1940, which granted each of the above applications.

The petition challenges that decision in one respect only, the refusal of the Commission to exclude the Greyhound from the City of Mill Valley. It is alleged that as this City expects to establish its own bus transportation service, it having a right to do so under existing laws, such a municipally conducted service

must be exclusive of all others, and the Commission is without authority to permit another to enter the field which the City proposes to occupy.

We feel compelled to deny the petition. Such contentions were fully weighed by the Commission when issuing its previous order. Our controlling consideration was to effect the establishment of an adequate and economical bus service available to each Marin County community heretofore served by the Northwestern Pacific railway lines. In our judgment, there is only one feasible plan by which this end may be accomplished, the establishment of a complete and coordinated transportation system connecting each of those communities with the other, as well as affording direct commutation service to the City of San Francisco. Without such coordination the adequacy of the service available may be imperiled to the remaining seventy-five percent of the County. The Commission may here take notice of the fact that several months ago the communities herein affected refused by a substantial majority to form a municipal transportation district.

And as a matter of legal right, the contentions advanced by the City are without foundation. True, a municipality may at any time enter the transportation field, and may make such field of operations as large as it elects. But over an undertaking of that kind this Commission has no control. And by the same token we have no right morally or legally to say to the citizens of the various communities in Marin County that in matters of transportation they must sacrifice their convenience to the dictates of a single municipality. No city may close its gates to all except those who are willing to patronize its own transportation service. Nor, though



should be granted and dissent from the foregoing order for the reasons stated in our dissent from Decision No. 33103.

Dated, San Francisco, California, this 6th day of June, 1940.

Frank Wheeler  
Ralph [unclear]  
Commissioners