

ORIGINAL

Decision No. 38825

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
CHARLES E. MOSER, operating under the)
name of MARIN TRANSIT LINES, for)
certificate of public convenience and)
necessity to operate and establish an)
automotive service for the transpor-)
tation of passengers and baggage,)
within the city of San Rafael, and)
from there to Santa Venetia and Bay-)
side Acres; and between the cities of)
Sausalito and Marin City.)

Application No. 27003

O P I N I O N

Charles E. Moser, doing business as Marin Transit Lines, in his application as amended, requests the Commission to issue to him a certificate of public convenience and necessity authorizing the establishment and operation of a passenger stage service for the transportation of passengers and baggage, (a) between Marin City and Sausalito and intermediate points, and (b) within San Rafael, and between San Rafael and the suburban areas of Santa Venetia and Bayside Acres and intermediate points.

Pacific Greyhound Lines, the only passenger stage corporation serving the area, has waived protest to the application.

According to the application, the distance between termini on the Marin City-Sausalito operation is 3 miles. The distance from San Rafael to Santa Venetia and Baysides Acres is 3.4 and 3.2 miles, respectively. The operation between Marin City and Sausalito would be separate from the San Rafael operation.

Two fare zones would be established for the Marin-Sausalito operation, and three fare zones for the San Rafael service. The fares would be 10 cents cash for transportation in any one zone and fifteen cents between two or more zones with free transfers.

Between Marin City and Sausalito service would be provided between 7:00 a.m. and 11:30 p.m. daily on a 30 minute headway, and between Marin City and what is known as Marin City (North Hill), service would be provided on a 15 minute headway between 9:00 a.m. and 6:45 p.m. Within San Rafael, a 30 minute headway would be provided between 7:00 a.m. and 12:30 a.m. Between San Rafael and Santa Venetia an hourly service would be provided between about 7:25 a.m. and 12:25 a.m. Between San Rafael and Bayside Acres service would be provided between 7:45 a.m. and 11:45 p.m. at two hour intervals, except that the midday schedule would be operated at 11:45 a.m. and 12:45 p.m.

According to the application, applicant has ten units of passenger stages varying in seating capacity from 12 to 35 passengers which would be used to provide the proposed services. (1)

Applicant's financial statement attached to application as Exhibit F indicates that he has ample resources to conduct the operations described.

(1)

<u>EQUIPMENT</u>			
<u>NUMBER</u>	<u>YEAR</u>	<u>MAKE</u>	<u>CAPACITY</u>
1	1930	Fageol	35 passengers
1	1929	White	30 "
1	1933	Twin Coach	21 "
1	1934	Ford	25 "
1	1937	Chevrolet	12 "
1	1934	Ford	25 "
1	1930	Twin Coach	21 "
1	1930	Twin Coach	21 "
1	1930	Twin Coach	21 "
1	1927	Fageol	28 "

As justification for the authority sought, the application states in substance that there has been a substantial increase in population of the districts which applicant proposes to serve. The United States census of 1944 shows the population of the communities of Marin City, Bayside Acres and Santa Venetia to be 6,601; 475 and 564 respectively. The residents of the suburbs of San Rafael and nearby communities have no transportation service to and from the business district of San Rafael which is located principally along Third and Fourth Streets between Lincoln Avenue and H Street, except taxi cabs or private cars. It is further stated that many residents of these areas and communities need a local transportation service to and from the San Rafael Terminal of Pacific Greyhound Lines in order to use the latter's commutation service to and from their places of business at San Francisco. Applicant's schedules are arranged to make connections with such service. Applicant thus would provide a feeder service to Greyhound Lines. Applicant's plan of operation in San Rafael would also provide a needed service for approximately 7,000 school students attending San Rafael High School, the Dominican College and other preparatory and elementary schools within the city. A needed service, so it is asserted, would also be provided to and from a camp maintained by the United States Army Air Force intermediate to San Rafael and Bayside Acres. The military population of this camp varies and the only method of transportation is by taxi cab or by hitch-hiking.

According to the application, applicant is already engaged in the transportation of passengers and their baggage within the city limits of San Rafael, and between Marin City and Sausalito. The operation between Marin City and Sausalito appears to be one that

required certification before it was established. The Public Utilities Act provides that no one may establish service as a passenger stage corporation before a certificate therefor has first been obtained from the Commission. The Commission may consider appropriate action for the violation of law which applicant frankly admits in his application. We do not believe however, that the public should be penalized by being deprived of the service which applicant is now rendering. We find there is a public need for the services described in the application and a certificate therefor will be granted.

Charles E. Moser is hereby placed upon notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate-fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the State, which is not in any respect limited to the number of rights which may be given.

ORDER

An application therefor having been filed and it having been found that public convenience and necessity so require,

IT IS ORDERED as follows:

(1) That a certificate of public convenience and necessity is hereby granted to Charles E. Moser authorizing the establishment and operation of service as a passenger stage corporation for the

transportation of passengers and baggage (a) between Marin City (North Hill), Marin City and Sausalito and intermediate points, and (b) within San Rafael and between San Rafael, Santa Venetia and Bayside Acres and intermediate points.

(2) That applicant in providing service pursuant to the certificate herein granted shall comply with the following service regulations:

- (a) Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed 30 days from the effective date hereof.
- (b) Applicant shall establish the service and comply with the provisions of General Order No. 79 and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective, appropriate tariffs and time tables within 60 days from the effective date hereof and on not less than 5 days' notice to the Commission and the public.
- (c) Subject to the authority of this Commission to change or modify them by further order, applicant shall conduct operations pursuant to the certificate herein granted over and along the following routes:

SAUSALITO-MARIN CITY

Route 1. Beginning at Bridgeway at Sausalito Civic Center, thence along Bridgeway, old U. S. Highway No. 101, U. S. Highway No. 101, Briones Street (Marin City), Richardson Avenue, Drake Avenue, Tagliaferio Avenue, Coleman Way, Richardson Avenue, Briones Street, Park Circle to U. S. Highway 101.

MARIN CITY-NORTH HILL

Route 2. Beginning at Briones Street and Park Circle in Marin City, thence on Briones Street, Atherton Center, Drake Avenue, Donahue Street to its circle at the top of Marin City (North Hill).

SAN RAFAEL

Route A. In San Rafael, beginning at Third Street and Tamalpais Avenue, thence along Third Street, D Street, San Rafael Avenue, Marin Street, Clayton Street, E Street, Fourth Street, H Street, Fifth Street, California Avenue, Humboldt Street, Nevada Street, Solano Street, K Street, Center Street, H Street, Fourth Street, E Street, Third Street to point of beginning.

Route B. In San Rafael, beginning at Third Street and Tamalpais Avenue, thence along Third Street, Lincoln Avenue, U. S. Highway No. 101, San Pedro Avenue, Mabry Way (Santa Venetia), Geneva Way, Adrian Way, to its intersection with San Pedro Avenue. Beginning at the junction of Linden Lane and Lincoln Way, thence along Linden Lane, Third Street, to Tamalpais Avenue.

Route C. In San Rafael, beginning at Third Street and Tamalpais Avenue, thence along Third Street, High Street, Mission Avenue, Point San Pedro Road, to Main Drive in Bayside Acres.

Applicant may turn his motor vehicles at termini or intermediate points either in the intersection of the street, or by operating around a block, in either direction, contiguous to such intersection.

The effective date of this order shall be the date hereof.

2nd Dated at San Francisco, California, this day of April, 1946.

Harold Anderson
Justin F. Cameron
Stephen W. Dwyer
Samuel J. Linnell
Harold P. Hula
COMMISSIONERS