

Decision No. 13452

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application)	
of TANNER MOTOR LIVERY for)	
certificate of public conven-)	
ience and necessity to operate)	Application No. 14431.
an automobile sight seeing service)	
in and around Pasadena, California.)	

BY THE COMMISSION:-

O P I N I O N A N D O R D E R

The above entitled proceeding is an application by Tanner Motor Livery, a corporation, for a certificate of public convenience and necessity to operate an automobile sight seeing service in and around Pasadena.

Applicant proposes to charge rates and to give service in accordance with the rates and schedules and rules and regulations shown in Exhibits A and B, both of which exhibits are attached to the application herein and made a part thereof. The equipment proposed to be used is set forth in Exhibit C which is also attached to the application herein and made a part thereof.

C.C. Tanner, (president of the applicant corporation and its principal stockholder), operates at Los Angeles and Pasadena an automobile service furnishing automobile service to the guests of the leading hotels in both cities. As an individual, operating under the fictitious name of the Tanner Motor Tours, he holds a certificate from the Railroad Commission for the operation of sight seeing services in and around Los Angeles; between Los Angeles and San Diego; Los Angeles and Riverside and Los Angeles and Santa Barbara. He is also operating under authority of the Commission a passenger and baggage service between the piers of the Dollar Steamship Line on Terminal Island and the metropolitan district of the City of Los Angeles. The Tanner Motor Tours, by Decision No. 18908 on Application No. 14110, was authorized

to purchase the sight seeing service in Southern California formerly conducted by the Golden State Auto Tours.

Tanner has a working arrangement with eastern tourist agencies, and travel bureaus, as well as with Los Angeles tourist agencies, hotels, and others, for the handling of tourists in sight seeing services in Southern California. In connection with this branch of applicant's activities, as well as in supplying automobile livery service to the larger Pasadena hotels, frequent requests are made for sight seeing trips in and around Pasadena, and it is in response to requests of this character, the applicant declares, that this application is filed.

The Pacific Electric Railway and Pasadena Ocean Park Stage Line, Inc. (Mt. Wilson Division), carriers now operating in part of the territory proposed to be served, according to applicant, have declared they do not oppose the granting of the certificate asked for. Attached to the application herein is a copy of a letter from the Pasadena Ocean Park Stage Line, Inc., to that effect.

We are of the opinion that this is a matter in which a public hearing is not necessary and that the application should be granted.

Tanner Motor Livery is hereby placed upon notice that "Operative rights" do not constitute a class of property which should be capitalized or used as an element of value in determining reasonable rates. 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.

The Railroad Commission of the State of California hereby declares that public convenience and necessity require the operation by Tanner Motor Livery, a corporation, of an automotive sight seeing service, with Pasadena as the single terminus, over and along the following route:

LEAVING MARYLAND HOTEL, north on Euclid to Walnut; west on Walnut to Garfield; south on Garfield to Green; west on Green to Pasadena Avenue; north on Pasadena to Colorado; west on Colorado to Orange Grove; north on Orange Grove to Arroyo Terrace; south on Grand to Maylin; east on Maylin to Orange Grove; south on Orange Grove to Madeline Drive; west on Madeline Drive to Busch Gardens; north on Arroyo Drive to Brookside Park and Rose Bowl; west to Linda Vista Avenue; north on Linda Vista to Flintridge Hotel; cross Devil's Gate Dam to Lincoln Avenue; north on Lincoln to Foothill Boulevard; east on Foothill to Holliston; south on Holliston to New York; east on New York to Allen Avenue; south on Allen to Colorado; west on Colorado to Hill; south on Hill to San Pasqual; west on San Pasqual to Wilson; south on Wilson to California; through Oak Knoll District and Huntington Hotel; north on Lake to Colorado; west on Colorado to Maryland Hotel.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such a service be, and the same hereby is granted to Tanner Motor Livery, a corporation, subject to the following conditions:

- 1- Applicant shall file its written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof.
- 2- Applicant shall file, in duplicate, within a period of not to exceed twenty (20) days from the date hereof, tariff of rates and time schedules, such tariffs of rates and time schedules to be identical with those attached to the application herein, or rates and time schedules satisfactory to the Railroad Commission, and shall commence operation of said service within a period of not to exceed (60) days from the date hereof.
- 3- The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.
- 4- No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or his leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 10th day of

March, 1928.

C. Seaver

Samuel L. Green

M. J. Cox
COMMISSIONERS.