

Decision No. 90422

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 THE GRAY LINE, INC. (San Francisco)
 to operate two sight seeing tours;
 (1) Around San Francisco Bay;
 (2) Muir Woods and Marin County.

Application No. 15022.

Richard T. Eddy for Applicant.
 Orrick, Palmer & Dahlquist, by C. M. Jenks, for
 Northwestern Pacific Railroad Co., Interested Party.
 W. H. Pearson, H. W. Regan and H. E. Ashton for
 Pacific Auto Stages, Inc. and Peninsula Rapid
 Transit Co.
 H. E. Ashton for Peerless Stages, Inc.

BY THE COMMISSION:

O P I N I O N

The applicant conducts a sightseeing service in and about the City of San Francisco, offering to the public a choice of ten tours, each routed to include distinct points of interest to tourists. Some of these tours in a measure overlap, but because of the different points of interest at which stops are made and the variation in time consumed, each tour has been established to meet a distinct public demand.

Applicant now proposes to add to its existing service two more tours; Tour No. 11, a trip from San Francisco to San Jose and around the bay by way of Oakland and Berkeley; and Tour No. 12, a trip from San Francisco to various points in Marin County and return. Though the applicant possesses operative rights over

much of the highway which will be traversed upon the proposed tours, it, nevertheless, applies for a certificate covering generally the routes and territory covered by each, in order to retain the distinctiveness of each tour established. We see no objection to such duplication.

Accordingly, since the applicant has introduced evidence at a public hearing as to the public need for the inauguration of the two additional tours proposed, no protest having been made to the application as amended, we will grant a certificate as prayed for covering the entire routes to be traversed on each tour.

Time schedules, fares and general rules governing these tours will be filed by applicant in accordance with those set forth in Exhibits A and B filed with the application.

The Gray Line, Inc. 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.

O R D E R

A public hearing on the above entitled application having been held, the matter being submitted and now being ready

for decision;

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby declares that the public convenience and necessity require the operation by The Gray Line, Inc. of an automotive sightseeing stage service from San Francisco to points in the vicinity thereof and return, over and along the routes following, said sightseeing stage service to have one terminus, namely, San Francisco, and not to include service to or between points along said routes;

TOUR NO. 11: AROUND SAN FRANCISCO BAY:

Market Street to 3rd St.; to Bay Shore Highway; to South San Francisco; to Mills Field; to Burlingame and Hillsborough; to State Highway; to Redwood City; to Woodside Road; to Woodside; to Searsville Lake and Woodside Country Club, Portola Valley and Stanford University, touring through the Campus and stopping at points of interest; to Palo Alto and return to State Highway; to Mountain View; Sunnyvale and Santa Clara, passing the Santa Clara College and Mission San Jose; then via the Alameda to San Jose; to 13th Street and East Bay Highway to Milpitas, Warm Springs and Mission San Jose de Guadalupe to Niles, Hayward and Foothill Boulevard to Oakland; around Lake Merritt; to Piedmont and the Skyline Boulevard to Lookout Point; to the University of California, visiting the Stadium, Greek Theater and University Campus; through Berkeley and returning to San Francisco via University Avenue and Golden Gate Ferry.

TOUR NO. 12: MUIR WOODS AND MARIN COUNTY SCENIC TRIP:

Market Street to Stockton; to Golden Gate Ferry or Northwestern Pacific Railroad Company Ferry to Sausalito; to Mill Valley; to Muir Woods where a stop is made to visit the Big Trees, returning to Mill Valley and the Highway; over the Corte Madera Grade to Corte Madera, Larkspur and Kentfield; through the fine residence district of Kentfield and Ross to San Anselmo; to Fairfax, returning to San Anselmo; to San Rafael; to San Quentin; to Greenbree; to Alto, and returning via Sausalito and Golden Gate Ferry or Northwestern Pacific Railroad Ferry to San Francisco.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for said service be and it is hereby granted to the Gray Line, Inc., 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 sixty (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 is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 1st day of November, 1928.

Leon Whiteley
W. J. Devery
Ernest J. Galt
W. H. H. H. H.
M. J. C.
Commissioners.