

Decision No. 21188.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application)
of DELUXE MOTOR TOURS COMPANY, a)
corporation, for certificate of)
public convenience and necessity) Application No. 15283.
to operate passenger service as a)
common carrier between San)
Francisco and Yosemite Valley via)
Del Monte.)
_____)

R. W. Macdonald for Applicant.

Brobeck, Phleger & Harrison, by Jas. S. Moore, Jr.,
for Yosemite Park and Curry Co., Protestant.

Earl A. Bagby, for California Transit Company
and Pickwick Stages System, Protestants.

H. W. Hobbs, for Southern Pacific Company,
Southern Pacific Motor Transport Company and
California Parlor Car Tours, Inc., Protestants.

H. W. Hobbs and W. L. White, for Yosemite Valley
Railroad Co., Protestant.

Platt Kent and L. R. Everett, for Atchison,
Topeka and Santa Fe Railway Co., Protestant.

BY THE COMMISSION:

O P I N I O N

This is an application by De Luxe Motor Tours Company for authority to operate an all-paid sight-seeing service between San Francisco, Del Monte and Yosemite National Park, returning to San Francisco via the San Joaquin Valley. Accompanying the application are proposed time schedules and rates of fare, as well as an exhibit illustrative of the equipment to be used.

A public hearing was held before Examiner Cannon at San Francisco, the matter was submitted and is now ready

for decision.

The application sets forth that the purpose of the proposed tour is to furnish sight-seeing service to tourists desiring to visit both Del Monte and Yosemite National Park on a single trip. The application further recites that a permit had been granted by the National Park Service allowing applicant to operate the proposed tour into Yosemite National Park, but at the hearing an amendment was offered proposing to turn passengers over to Yosemite Park and Curry Company for transportation into and through the Park.

Herman R. Hewelcke, President and Manager of applicant company was the only witness who testified at the hearing in support of the application. He outlined his offer of service as follows:

Starting at San Francisco, the route is over the Skyline Boulevard to Del Monte, stopping en route at Santa Cruz, Big Trees and the Seventeen Mile Drive on Monterey Bay, thence over the San Juan grade to Hollister and via Pacheco Pass to Merced. At this point passengers will be turned over to Yosemite Park and Curry Company who will transport them into Yosemite National Park in their own busses, returning them to Merced where applicant again assumes charge of the tour. From Merced the return to San Francisco is made via Modesto, Tracy, Livermore and over the new bridge between Hayward and San Mateo. The trip embraces a total mileage of 602 miles and the cost is fixed at \$85.00, of which \$35.31 is allocated to transportation, \$12.75 to commission and \$32.25 to direct passenger cost, including hotels, meals, etc. This would leave a profit on each passenger of \$4.69

based on an eighty per cent load. It is proposed to use twenty-five passenger parlor cars, leaving San Francisco at 8:00 a.m., returning at 6:00 p.m. on the fourth day, with all expenses paid, and hotel and other accommodations to be first-class. The period of operation would be for three months beginning about May 12th.

As to the frequency of trips, the witness testified that he intended to run only when he had sufficient passengers, "occasional tours" as he described them, and that less than fifteen passengers would be a losing venture. From conversations had with various travel bureaus he was of the opinion that there was a demand for a tour of this kind, especially from Eastern tourists, though on cross-examination he admitted that the demand would have to be created by an intensive advertising campaign.

The application was protested by three railroads, by four stage lines, and by one sight-seeing service. Five of these protestants joined in a brief filed subsequent to the hearing. The basis of these protests generally is alleged to be (a) lack of demand for the proposed service, and (b) inability of applicant to properly render the service should such service be required. The testimony of ticket agents representing competing stage lines was that they had had no requests for a sight-seeing tour combining Del Monte and Yosemite Valley, notwithstanding they handled tickets for strictly sight-seeing companies. Representatives of the Southern Pacific Company and the Atchison, Topeka & Santa Fe Railway Company testified that the business of both these rail lines into Yosemite Valley had fallen off in

recent years due to the competition of private cars and auto stages, but that despite this fact adequate and satisfactory service was being maintained between San Francisco and the Valley. Southern Pacific Company made similar representations as to service between Bay points and Del Monte, both rail lines supporting such testimony by exhibits. California Transit Company also offered testimony tending to set forth the adequacy of its own service between San Francisco and Merced and of other stage service to Del Monte.

A review of the record herein fails to indicate any evidence justifying the authorization of service proposed by applicant. Standing entirely unsupported is the desire of applicant to furnish a certain type of service between the points involved. The record is quite barren of evidence that such service would have any patronage. There may be future prospects but there is no present demand. We are aware that a sight-seeing service is essentially different from a strictly transportation service, and the necessity therefore cannot always be proved by prospective users, nevertheless the Commission cannot grant certificates upon the mere unsupported statement of applicants that they desire to establish such service in the hope that it may develop. Under these circumstances it is not necessary for us to consider herein the qualifications of the applicant nor his financial and operating ability. The application will be denied.

O R D E R

A public hearing having been held in the above entitled application, the matter having been submitted and being

now ready for decision.

IT IS HEREBY ORDERED that the application of De Luxe Motor Tours Company, a corporation, be and the same is hereby denied.

Dated at San Francisco, California, this 15 day
June, 1929.

Paul S. Lott

Chas. A. ...

Leon Whitell

M. A. ...

Commissioners.