

Decision No. 21418

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 CALIFORNIA PARLOR CAR TOURS COMPANY, )  
 a corporation, for a certificate of )  
 public convenience and necessity for ) Application No. 15731  
 a partial change of route of its service )  
 between Los Angeles, California, and )  
 Ventura, California. )

E. W. Hobbs, for Applicant.

**ORIGINAL**

BY THE COMMISSION -

OPINION

California Parlor Car Tours Company, a corporation, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the rerouting, by two proposed alternate routes, of that portion of its route between San Francisco and Los Angeles as operated between Ventura and Los Angeles.

A public hearing on this application was conducted by Examiner Handford at Los Angeles, at which time the matter was duly submitted for decision.

Applicant operates two-day and three-day, all-expenses-paid, motor tours between San Francisco and Los Angeles, the service being a through service and no local or intermediate business being handled. The route now followed between Los Angeles and Ventura is as follows:

NORTHEBOUND

From 1201 South Olive Street, Los Angeles, south on Olive Street to Pico Street, west on Pico Street to Alvarado Street, north on Alvarado Street to Seventh Street, west on Seventh Street to Park View Street, north on Park View Street to Wilshire Boulevard, west on Wilshire Boulevard to Rossmore Avenue, north on Rossmore Avenue to Vine Street, north on Vine Street to Hollywood Boulevard, west on Hollywood Boulevard to Cahuenga Avenue, northerly on Cahuenga Avenue to Lankershim Boulevard, thence in a northerly direction through San Fernando, Newhall, Sagus, Fillmore, Santa Paula, to Ventura.

SOUTHBOUND

By a reversal of the foregoing route.

The routes proposed to be operated as alternate routes between Ventura and Los Angeles, in lieu of the present authorized route, are as follows:

ROUTE NO.1

NORTEBOUND

From 1201 South Olive Street, Los Angeles, south on Olive Street to Pico Street, west on Pico Street to Alvarado Street, north on Alvarado Street to Seventh Street, west on Seventh Street to Park View Street, north on Park View Street to Wilshire Boulevard, west on Wilshire Boulevard to Rossmore Avenue, north on Rossmore Avenue to Vine Street, north on Vine Street to Hollywood Boulevard, west on Hollywood Boulevard to Laurel Avenue, south on Laurel Avenue to Sunset Boulevard, west on Sunset Boulevard through Beverly Hills, continuing westerly on Beverly Boulevard to the Pacific Ocean, thence northerly on Malibu Highway to Oxnard and along Coast Highway to Ventura.

SOUTHBOUND

By a reversal of the foregoing route.

ROUTE NO.2

NORTEBOUND

From 1201 South Olive Street, Los Angeles, south on Olive Street to Pico Street, west on Pico Street to Alvarado Street, north on Alvarado Street to Seventh Street, west on Seventh Street to Park View Street, north on Park View Street to Wilshire Boulevard, west on Wilshire Boulevard to Rossmore Avenue, north on Rossmore Avenue to Vine Street, north on Vine Street to Hollywood Boulevard, west on Hollywood Boulevard to Cahuenga Avenue, northerly on Cahuenga Avenue to Ventura Boulevard, thence in a general westerly and northerly direction along Ventura Boulevard through Girard, Calabasas and Camarillo to Ventura.

SOUTHBOUND

By a reversal of the foregoing route.

Applicant relies as justification for the granting of the application on the following alleged facts: that in connection with the operation of its service applicant has consistently and at great expense advertised its service as being conducted over

the Pacific Coast Highway, and as a result of such advertising the public considers the Pacific Coast Highway as being identified with applicant's operation and service; that no transportation company is now providing service as a common carrier over the proposed routes; that the operations of applicant are of a distinct and different character from those of ordinary common carriers of passengers in that applicant provides two-day and three-day sightseeing motor tours designed to furnish visitors and travelers in California access to the scenic and historic points of interest between Los Angeles and San Francisco by a through trip conducted on an all-expense basis; and that the changes of route herein proposed would add to the attractiveness of a motor tour between Los Angeles and San Francisco by reason of the climatic advantages of the Malibu Route over the present Santa Paula Route, particularly during the warmer months of the year, and by revealing the scenic beauties of the ocean shore highway which are superior to those available via the inland route now followed.

Applicant further alleges in justification for the granting of the alternate routing, heretofore described as Route No.2, that by reason of heavy cuts incidental to the construction of the Malibu Highway proposed to be used as a portion of Route No.1, there is a probability of frequent slides blocking the highway and thereby interrupting traffic thereover, particularly during the rainy season, thereby making it necessary to have available authority for the use of the proposed alternate route; that such alternate route, via Girard and Camarillo, will be less subject to fog conditions than the Malibu Route, said fog conditions obstructing the view of patrons; and that at certain seasons of the year the proposed alternate route will be preferable to the Malibu Route.

The application does not propose any changes in rates, fares or schedules or the enlargement by the applicant of any service

now being conducted under the authority of the Commission, the through service between Los Angeles and San Francisco being continued with no change except the alternate rerouting herein proposed.

At the hearing on this application there was no protest against the granting of the proposed alternate rerouting.

From the record herein we are of the opinion that public convenience and necessity require the change of routing between Los Angeles and Ventura by the discontinuance of route via Santa Paula as originally authorized in this Commission's Decisions Nos. 14035 and 17904, on Applications Nos. 9936 and 12281, as decided September 10, 1924, and January 13, 1927, respectively, and the substitution of alternate routes via the Malibu Highway and via Girard and Camarillo.

California Parlor Car Tours Company, a corporation, 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 as to the number of rights which may be given.

#### O R D E R

A public hearing having been held on the above entitled application, the matter having been duly submitted and the Commission being now fully advised,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the abandonment of that portion of the through route between San Francisco and Los Angeles as heretofore operated by applicant California Parlor Car Tours Company between Ventura and Los Angeles via Santa Paula and the substitution therefor of alternate

routes via the Malibu Highway and via Girard and Camarillo, and

IT IS HEREBY ORDERED that applicant California Parlor Car Tours Company, a corporation, be and the same hereby is authorized to discontinue operation over that portion of its through route between San Francisco and Los Angeles as operated between Los Angeles and Ventura, via Santa Paula, said operation being the route heretofore followed under the authority contained in Decisions Nos. 14035 and 17904 on Applications Nos. 9936 and 12281, as decided September 10, 1924, and January 13, 1927, respectively, and to substitute therefor operation over the following alternate routes:

ROUTE NO.1

NORTHBOUND

From 1201 South Olive Street, Los Angeles, south on Olive Street to Pico Street, west on Pico Street to Alvarado Street, north on Alvarado Street to Seventh Street, west on Seventh Street to Park View Street, north on Park View Street to Wilshire Boulevard, west on Wilshire Boulevard to Rossmore Avenue, north on Rossmore Avenue to Vine Street, north on Vine Street to Hollywood Boulevard, west on Hollywood Boulevard to Laurel Avenue, south on Laurel Avenue to Sunset Boulevard, west on Sunset Boulevard through Beverly Hills, continuing westerly on Beverly Boulevard to the Pacific Ocean, thence northerly on Malibu Highway to Oxnard and along Coast Highway to Ventura.

SOUTHBOUND

By a reversal of the foregoing route.

ROUTE NO.2

NORTHBOUND

From 1201 South Olive Street, Los Angeles, south on Olive Street to Pico Street, west on Pico Street to Alvarado Street, north on Alvarado Street to Seventh Street, west on Seventh Street to Park View Street, north on Park View Street to Wilshire Boulevard, west on Wilshire Boulevard to Rossmore Avenue, north on Rossmore Avenue to Vine Street, north on Vine Street to Hollywood Boulevard, west on Hollywood Boulevard to Cahuenga Avenue, northerly on Cahuenga Avenue to Ventura Boulevard, thence in a general westerly and northerly direction along Ventura Boulevard through Girard, Calabassas, and Camarillo to Ventura.

SOUTHBOUND

By a reversal of the foregoing route.

This order is subject to the following conditions:

1- Service under the certificate hereby granted shall be confined solely to the transportation of passengers and their baggage between the termini of San Francisco and Los Angeles, no service whatsoever to be rendered to or from intermediate points or stopovers of any kind permitted.

2- Applicant shall file its written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from the date hereof.

3- The rights and privileges herein authorized may not be sold, leased, transferred or assigned, nor service thereunder be discontinued, unless the written consent of the Railroad Commission to such sale, lease, transfer, assignment or discontinuance of service 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.

Dated at San Francisco, California, this 1st day of

August, 1929.

*[Signature]*

*Leon Whitall*

*M. J. Carr*

COMMISSIONERS.