

Decision No. 22644.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of
TANNER MOTOR LIVERY, a corporation,
for a consolidated Certificate of
Public Convenience and Necessity in
lieu of and to include the several
certificates of public convenience
and necessity and other operative
rights now held by said corporation,
and certain alterations thereof.

ORIGINAL

Application No. 16541.

McCutchen, Olney, Mannon and Greene, by Carl I. Wheat
for Applicant.

R. N. Mather for Pacific Greyhound Lines, Inc.
and California Parlor Car Tours, Inc.,
Protestants.

Frank Karr and R.E. Wedekind for Pacific Electric
Railway and Motor Transit Company, Interested
Parties.

James Gunn for Board of Public Utilities and Trans-
portation of City of Los Angeles, Interested
Party.

BY THE COMMISSION:

O P I N I O N

This is an application by Tanner Motor Livery, a corporation, engaged in the business of operating sight-seeing buses in California, for a certificate of public convenience and necessity covering all of its operations, such certificate to be in lieu of, and not in addition to, existing rights. Some of these rights were acquired by purchase, others through certificates granted by the Railroad Commission, and still others as a result of the filing of tariffs and time schedules in accordance with our General Order No. 76. This order was issued following the 1927 amendment to the Public Utilities Act

by which the regulation of sight-seeing buses was brought within the jurisdiction of the Railroad Commission, and directed the filing of such tariffs and time schedules by all automotive carriers as were operating sight-seeing buses on January 1, 1927.

The application, in addition to said consolidated certificate of public convenience and necessity, also requests a certificate for an operating right between Los Angeles and the Terminal Island steamship docks, such certificate to authorize service to all passenger steamship docks situated on said Terminal Island and to be in lieu of existing right.

A public hearing on this application was held by Examiner Gannon at Los Angeles and the matter was duly submitted.

Pacific Greyhound Lines, Inc. and California Parlor Car Tours, Inc. entered an appearance as protestants but offered no evidence in support of such protest. Motor Transit Company, Pacific Electric Railway and the Board of Public Utilities and Transportation of the City of Los Angeles appeared as interested parties.

Attorney Carl I. Wheat, representing the applicant, set forth the reasons which prompted the application for the in lieu certificate herein sought. He stated that because of the establishment of many of the rights through the filing of tariffs and time schedules and affidavits, which inadequately described the operations of the company, there resulted conflicting rules and regulations, and in many instances ambiguities, which subsequently proved difficult of interpretation. This was a burden both upon the public and the operator, and called for a remedy of some sort. Applicant believes, and the Commission is in accord with such belief, that a new certificate definitely setting forth the exact routes, and establishing a uniform set of rules and regulations, varying only to meet the

service requirements or limitations of the different routes or tours, will effectively cure the defects alluded to by counsel for applicant.

The purchased rights, as well as rights obtained by grant from the Commission, Mr. Wheat declared, were equally subject to misinterpretation and required clarification. He pointed out further, and in this respect his statement was borne out by D. N. Booher, General Manager of all Tanner Motor Livery operations and called as a witness by applicant, that the instant proceeding did not propose any enlargement of existing rights but merely a clarification thereof based on a full knowledge of the needs and requirements of the public as demonstrated by operating experience. In two instances the fares are lower than existing published fares.

Mr. Wheat further pointed out that in operations within the limits of cities covered by certificate the exact route should not be laid down, thus making it possible for a sight-seeing bus operator to transport passengers to points within such cities that may be of interest to travelers and which could not be visited should a definite, fixed route be prescribed. We are inclined to take this view of the matter as being reasonable and within the provisions of the law.

A review of the evidence in this proceeding, together with a study of the various rights involved, justifies the conclusion that the in lieu certificate should be granted. Such changes as are proposed appear to us to be of little moment when considered in connection with the benefits accruing to the public and to the operator as a result of a definite knowledge and understanding of the nature and scope of each tour.

As to the certificate for service between Los Angeles and the docks, inasmuch as it authorizes a service which is not a sight-seeing operation but one which is purely that of a common carrier, it cannot be included in the grant of a certificate covering sight-seeing operations only, but necessitates the granting of a separate certificate. The original certificate was issued to cover service between certain Los Angeles hotels and the Dollar Steamship dock only. Since the granting of this certificate the number of docks has been increased and by its application Tanner Motor Livery seeks such enlargement of the certificate as will enable it to reach all docks. There appears no good reason why the enlargement should not be granted and the order will so provide.

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.

O R D E R

A public hearing having been held in the above entitled proceeding, the matter having been submitted and the Commission being fully advised,

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 automobile sight-seeing service over and along the following routes:

TOUR NO. 1. IN AND AROUND PASADENA

ROUTE

Leaving Maryland Hotel passing Civic Center, Orange Grove Avenue residential section, Busch's Gardens, Brookside Park, Linda Vista, Flintridge Hotel, Devil's Gate Dam, Altadena, Oak Knoll residential district, Huntington Hotel grounds and return to Maryland Hotel.

TOUR NO. 2. LOS ANGELES TO PASADENA

ROUTE

Leaving Los Angeles via Mission Road and Huntington Drive through South Pasadena, San Marino and Oak Knoll section to Pasadena, passing Brookside Park, Orange Grove Avenue residential section and Busch's gardens and returning to Los Angeles via Pasadena Avenue and North Broadway.

NOTE: The 9:00 A.M. departure of Tour No. 2 is also run in connection with the Pacific Electric Railway, allowing side trip to Mt. Lowe and return to Los Angeles via Pacific Electric trains.

TOUR NO. 3. LOS ANGELES - HOLLYWOOD - BEVERLY HILLS

ROUTE

Leaving Los Angeles via Edendale to Hollywood thence to Beverly Hills returning through Sherman and Beverly Boulevard.

TOUR NO. 4. LOS ANGELES-HOLLYWOOD-BEVERLY HILLS AND BEACHES.

ROUTE

Leaving Los Angeles via Wilshire Boulevard residential section to Hollywood, thence through Sherman and Beverly Hills, Sawtelle, Santa Monica and Ocean Park, thence to Culver City and return to Los Angeles.

TOUR NO. 5. LOS ANGELES-RIVERSIDE-ORANGE EMPIRE

ROUTE

Leaving Los Angeles via Whittier Boulevard through Fullerton, Placentia, Santa Ana Canyon and Corona to Riverside, returning via Valley Boulevard through Ontario

to Upland, thence Foothill Boulevard to San Dimas, Thence to El Monte and thence by Valley Boulevard to Los Angeles, or vice versa.

NOTE: On special advance booking only, minimum fifteen fares, this tour will be run via San Bernardino and Redlands.

TOUR NO. 6. LOS ANGELES-SAN DIEGO-TIA JUANA (ONE DAY)

ROUTE

Leaving Los Angeles to Long Beach, thence Coast Highway through Seal Beach, Huntington Beach, Newport, Balboa, Laguna Beach, Serra, San Clemente, Oceanside, Carlsbad, Cardiff, Del Mar and La Jolla to San Diego, visiting points of interest in and around San Diego, to International Border, return to San Diego via Coronado thence by Coast Highway to Serra, thence through San Juan Capistrano, Tustin, Santa Ana and Santa Fe Springs to Los Angeles.

NOTE: One day tour, advance booking only, minimum fifteen fares,

TOUR NO. 7. LOS ANGELES-SAN DIEGO-TIA JUANA (TWO DAYS)

ROUTE

Same as route of Tour No. 6.

NOTE: Two day tour, returning to Los Angeles on evening of second day.

TOUR NO. 8. LOS ANGELES-SAN DIEGO-TIA JUANA (THREE DAYS)

ROUTE

Same as route of Tour No. 6.

NOTE: Three day tour, returning to Los Angeles on evening of third day. Operated on advance booking only, minimum fifteen fares.

TOUR NO. 9. LOS ANGELES-MOUNTAIN-MOVIE-MISSION

ROUTE

Los Angeles to San Gabriel Mission, thence past Huntington Estate to Altadena, thence via Flintridge, Glendale and Burbank to Universal City, thence Mulholland Sky Line Drive, Topanga Canyon and Roosevelt Highway to Santa Monica, thence return to Los Angeles.

TOUR NO. 10. LOS ANGELES - SANTA BARBARA

ROUTE

Leaving Los Angeles via San Fernando, Saugus, Santa Paula, Ojai and Ventura, thence Coast Highway to Santa Barbara, thence return via Coast Highway to Ventura, thence Roosevelt Highway to Santa Monica and Los Angeles; or vice versa. Whenever time requirements or other conditions render operation through Ojai inadvisable, in the Company's opinion, this tour will be routed via State Highway between Santa Paula and Ventura.

NOTE: One day tour, operated on advance booking only, minimum fifteen fares.

TOUR NO. 11. LOS ANGELES-SANTA BARBARA

ROUTE

Same as route of Tour No. 10.

NOTE: Two day tour, returning to Los Angeles on evening of second day.

TOUR NO. 12. TRIANGLE SAN DIEGO TOUR (TWO DAYS)

ROUTE

Leaving Los Angeles to Long Beach, thence via Coast Highway through Seal Beach, Huntington Beach, Newport, Balboa, Laguna Beach, San Juan Capistrano, Serra, San Clemente, Oceanside, Carlsbad, Cardiff, Del Mar and La Jolla to San Diego, thence to International Border, return through Coronado, visiting points of interest in and around San Diego, thence via "inland route" through Escondido, Bonsall, Fall Brook, Temecula, Elsinore and Perris to Riverside, thence Valley Boulevard to Ontario and Upland, thence Foothill Boulevard to Arcadia, thence Valley Boulevard to Los Angeles; or vice versa.

NOTE: This tour is operated on advance booking only, minimum fifteen fares, and on special advance booking only, minimum fifteen fares, this tour will be operated via San Bernardino and Redlands.

TOUR NO. 13. TRIANGLE SAN DIEGO TOUR (THREE DAYS)

ROUTE

Same as that of Tour No. 12.

NOTE: Three day tour, returning to Los Angeles on evening of third day. On special advance booking only, minimum fifteen fares, this tour will be operated via San Bernardino and Redlands.

TOUR NO. 14. GRAND CIRCLE SAN DIEGO TOUR

ROUTE

Leaving Los Angeles to Long Beach, thence Coast Highway to San Diego, to International Border, return through Coronado, visit points of interest in and around San Diego, thence return via "inland route" through Escondido, Fall Brook, Elsinore and Perris to Riverside, thence via Valley Boulevard to Ontario and Upland, thence Foothill Boulevard to Pasadena, thence through Eagle Rock, a portion of Glendale, and Los Felix Boulevard to Hollywood, thence to Beverly Hills and return to Los Angeles via Sherman, and Beverly Boulevard.

TOUR NO. 15. CALIFORNIA TOUR DE LUXE (13 DAYS)

ROUTE

Leaving Los Angeles via Santa Monica and Roosevelt Highway through Ventura to Santa Barbara, visiting points of interest in and around Santa Barbara, thence through Santa Maria, San Luis Obispo, Paso Robles and Salinas to Monterey, visiting points of interest in and around Monterey, including Carmel Mission, Point Lobos and Pacific Grove; thence through Watsonville and Pajaro Valley to Santa Cruz, visiting points of interest in and around Santa Cruz, including Felton Grove of giant redwoods; thence through Los Gatos to Stanford University, visiting Stanford University; thence through Redwood City and San Mateo to San Francisco, visiting points of interest in and around San Francisco; thence through Sausalito and San Rafael to Sonoma, visiting points of interest in and around Sonoma; thence to Santa Rosa, thence to Calistoga, visiting Petrified Forest and Calistoga geysers and through Napa Valley, Vallejo, Richmond and Berkeley to Oakland, visiting points of interest in and around Berkeley and Oakland, including grounds of University of California; thence through Hayward, Tracy and Modesto to Merced; thence, after completion of Yosemite Valley sight-seeing trip and return to Merced via cars of Yosemite Park and Curry Company proceeding through Fresno, Bakersfield and State Highway to Los Angeles.

TOUR NO. 16. SOUTHERN CALIFORNIA TOUR (FIVE DAYS).

ROUTE

Leaving Los Angeles via Long Beach, thence Coast Route through Seal Beach, Laguna Beach, and Serra to Mission San Juan Capistrano, thence through Oceanside and LaJolla to San Diego, visiting points of interest in and around San Diego; thence to International Border and return through Coronado to San Diego; thence by State Highway to Imperial Valley, through El Centro, with side trip to International Border at Calexico; thence through Imperial Valley, past Salton Sea, through Coachella Valley to Palm Springs, visiting Palm Canyon; thence through SanGorgonio Pass and Redlands to Riverside; thence by Valley Boulevard to Ontario, to Upland, thence Foothill Boulevard to Claremont, and Pomona College; thence to Los Angeles by Valley Boulevard.

TOUR NO. 17. CIRCLE TOUR DE LUXE (SANTA BARBARA)

ROUTE

In and around Santa Barbara, visiting points of interest in Santa Barbara and in Montecito.

TOUR NO. 18. SCENIC TOUR (SANTA BARBARA)

ROUTE

In and around Santa Barbara, including Hope Ranch estates.

TOUR NO. 19. SANTA BARBARA - OJAI VALLEY

ROUTE

Leaving Santa Barbara via State Highway through Ventura to Santa Paula and return via Ojai Valley, town of Ojai, Casitas Pass, Carpenteria and State Highway, or vice versa.

TOUR NO. 20. SANTA BARBARA-SAN MARCOS PASS-SANTA YNEZ VALLEY

ROUTE

Santa Barbara to Buellton and return, via Goleta, San Marcos Pass, Santa Ynez, Solvang, Buellton and Gaviota Pass, or vice versa.

TOUR NO. 21. LOS ANGELES, PASADENA, HOLLYWOOD AND BEVERLY HILLS

ROUTE

Combination of Tours No. 2 and 3. From Pasadena to Hollywood via Colorado Street and Los Feliz Boulevard.

TOUR NO. 22. LOS ANGELES, PASADENA, HOLLYWOOD, BEVERLY HILLS AND BEACHES

ROUTE

Combination of Tours No. 2 and 4. From Pasadena to Hollywood via Colorado Street and Los Feliz Boulevard.

TOUR NO. 23. LOS ANGELES, PASADENA, UNIVERSAL CITY, HOLLYWOOD AND BEVERLY HILLS

ROUTE

Same as Tour No. 21, with side trip to Universal City from Hollywood.

TOUR NO. 24. LOS ANGELES, PASADENA, UNIVERSAL CITY,
HOLLYWOOD, BEVERLY HILLS AND BEACHES

ROUTE

Same as Tour No. 22, with side trip to Universal City
from Hollywood.

TOUR NO. 25. LOS ANGELES, SAN GABRIEL MISSION, PASADENA,
HOLLYWOOD AND BEVERLY HILLS

ROUTE

Same as Tour No. 21, with side trip to San Gabriel Mission
en route to Pasadena.

TOUR NO. 26. LOS ANGELES, SAN GABRIEL MISSION, PASADENA,
HOLLYWOOD, BEVERLY HILLS AND BEACHES

ROUTE

Same as Tour No. 22, with side trip to San Gabriel Mission
en route to Pasadena.

TOUR NO. 27. LOS ANGELES, SAN GABRIEL MISSION, PASADENA,
UNIVERSAL CITY, HOLLYWOOD AND BEVERLY HILLS

ROUTE

Same as Tour No. 23, with side trip to San Gabriel Mission
en route to Pasadena.

TOUR NO. 28. LOS ANGELES, SAN GABRIEL MISSION, PASADENA,
UNIVERSAL CITY, HOLLYWOOD, BEVERLY HILLS
AND BEACHES.

ROUTE

Same as Tour No. 24, with side trip to San Gabriel Mission
en route to Pasadena.

TOUR NO. 29. LOS ANGELES, HOLLYWOOD, UNIVERSAL CITY AND
BEVERLY HILLS.

ROUTE

Same as Tour No. 3, with side trip to Universal City from
Hollywood.

TOUR NO. 30. LOS ANGELES, HOLLYWOOD, UNIVERSAL CITY,
BEVERLY HILLS AND BEACHES.

ROUTE

Same as Tour No. 4, with side trip to Universal City from
Hollywood.

IT IS HEREBY ORDERED that a certificate of public convenience
and necessity for such service be and it is hereby granted to Tanner
Motor Livery, a corporation, said certificate to be in lieu of and not in
addition to the certificates heretofore acquired by Tanner Motor Livery/
by purchase, or by grant from the Railroad Commission, and the opera-
ting rights established through compliance with the Commission's General
Order No. 76, or otherwise, and 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 thirty (30) 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 (as amended), or rates and time schedules satisfactory to the Railroad Commission, and shall commence operation of said service within a period of not to exceed thirty (30) days from the date hereof.

3. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred or 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 RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY FURTHER DECLARES that public convenience and necessity require the operation by Tanner Motor Livery, a corporation, of an automobile service for the transportation of passengers and their hand baggage between the docks on Terminal Island and the hotels in the downtown district of the City of Los Angeles, such district being more particularly described as follows:

Bounded on the north by Third Street; on the east by Los Angeles Street; on the south by Tenth Street, and on the west by Figueroa Street, and from the Biltmore and Alexandria Hotels and the city ticket offices of the Steamship Lines in Los Angeles using the Terminal Island docks, to the docks on Terminal Island.

The route to be followed shall be as follows:

Leaving Los Angeles via South Park Avenue, thence via Riverside-Redondo Boulevard to Compton; thence via "Truck Boulevard" to Terminal Island, and returning via the same route.

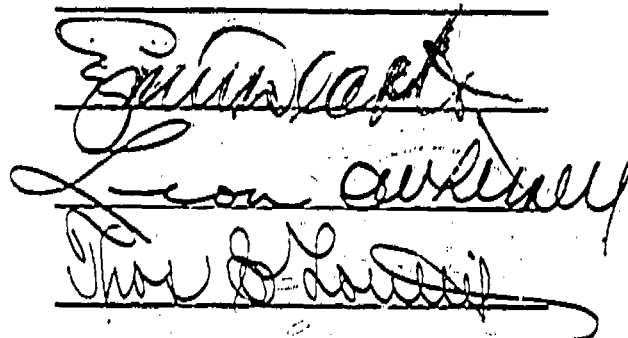
IT IS HEREBY FURTHER ORDERED that a certificate of public convenience and necessity for such a service be and the same is hereby granted to said Tanner Motor Livery, which certificate shall be lieu of the certificate granted by the Railroad Commission in Decision No. 16786 and subject to the following 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 thirty (30) 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 thirty (30) 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.

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 9th day of July, 1930.


Three handwritten signatures in cursive script, each written over a horizontal line. The signatures appear to be 'E. J. ...', 'Leon ...', and 'The ...'.

Commissioners.