

service from the rail terminal. Because this travel is seasonal, intermittent and occasional, it is claimed that the "on call" type of service is best suited to the territory, and the needs of the traveling public.

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.

Death Valley Railroad Company, Ltd., 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 of an automotive service for the transportation of passengers and their baggage between Death Valley Junction and Furnace Creek Inn (via Furnace Creek Wash, via Green Water Canyon, and via Salsberry Pass); Dante's View, Salt Pools, Ubehebe Crater and the California-Nevada State Line on the Daylight Pass Road between Furnace Creek Inn and Beatty, Nevada, and to the California-Nevada State Line on the Grapevine Canyon Road between Ubehebe Crater and Bonnie Clare, Nevada, and all intermediate points.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such a service be and it is hereby granted to Death Valley Railroad Company, Ltd., subject to the following conditions:

1- That the operation may be seasonal, approximately from November 1st to April 30th, and "on call."

2- Applicant shall file its written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof.

3- Applicant shall file, in duplicate, and make effective within a period of not to exceed thirty (30) days from the date hereof a tariff or tariffs constructed in accordance with the requirements of the Commission's General Orders and containing rates and rules which, in volume and effect, shall be identical with the rates and rules shown in the exhibit attached to the application insofar as they conform to the certificate herein granted.

4- Applicant shall file, in duplicate, and make effective within a period of not to exceed thirty (30) days from the date hereof time schedules, covering the service herein authorized, in a form satisfactory to the Railroad Commission.

5- 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.

6- 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 28th day of

November, 1930.

L. Seaver
E. M. ...
Leon ...

COMMISSIONERS.