

Decision No. 92784.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of THE GRAY LINE, INC. (San Francisco))	
to operate its Tour No. 5, Oakland)	Application
and Berkeley and Piedmont, via San)	No. 17346.
Francisco Bay Air Drome as an optional)	
route.)	

BY THE COMMISSION:

O P I N I O N**ORIGINAL**

THE GRAY LINE, INC., the applicant herein, is at present operating, among others, its Tour No. 5 through San Francisco, Berkeley, Piedmont and Oakland, as more specifically set forth in Exhibit "B" and designated "PRESENT ROUTE". In this application the applicant requests authority to deviate, at its option, from the present route in the City of Oakland to include the San Francisco Bay Airdrome in the City of Alameda as more specifically set forth in Exhibit "B" as "PROPOSED ROUTE".

Inasmuch as the deviation is of such a slight character and no other carriers will be adversely affected the Commission is of the opinion that a public hearing is not necessary and that the application should be granted.

The Gray Line, Inc., a corporation, is hereby placed upon notice that "operative rights" do not constitute a class of property which may 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

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY DECLARES that public convenience and necessity require
the optional routing by The Gray Line, Inc., a corporation, of
its automotive sightseeing service, deviating, in the City of
Oakland, from the regular route of its Tour No. 5 as set forth
in the affidavit filed July 29, 1927 by the applicant herein in
compliance with General Order No. 76, such optional deviation
to be as follows:

From Oakland business section to Franklin
Street, to 7th Street, to Harrison Street,
through the Harrison Street Tube to San
Francisco Airdrome returning via Harrison
Tube and 5th Street to Broadway to Southern
Pacific-Golden Gate Ferries at First and
Broadway in the City of Oakland thence via
said ferries to San Francisco to 739 Market
Street, San Francisco, or upon request to
any of the downtown hotels.

IT IS HEREBY ORDERED that a certificate of public con-
venience and necessity for such optional deviation be and it is
hereby granted, subject to the following conditions:

1. The applicant herein shall within fifteen
(15) days file an acceptance of the certificate
herein granted.
2. The applicant herein shall within thirty
(30) days file tariffs and time schedules
necessary to give effect to the optional
deviation of routing herein authorized.
3. The rights and privileges herein authorized
may not be discontinued, sold, leased, trans-
ferred 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 is hereby fixed as twenty (20) days from the date hereof.

Dated at San Francisco, California, this 18th day of May 1931.

C. S. Sweeney
Leon O'Neil
W. A. C. C.
W. B. Davis
Fred E. Stewart
COMMISSIONERS.