

Decision No. 25364.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of the DEATH VALLEY TRANSPORTATION COMPANY for a certificate of public convenience and necessity to extend its automobile service as a common carrier now being operated between Death Valley Junction and Furnace Creek Inn and other points in and adjacent to Death Valley, California, such extended service being between Barstow and Baker, California, and Death Valley Junction north to California-Nevada State Line, not now being served by applicant.

ORIGINAL

Application No. 18506.

BY THE COMMISSION:

OPINION AND ORDER

By this application Death Valley Transportation Company, a corporation, seeks a certificate of public convenience and necessity authorizing the transportation of passengers and baggage (A) "on call" from Death Valley Junction over the Beatty Nevada highway to the California-Nevada state line, and (B) between Barstow and Baker.

Applicant is now operating in and around Death Valley under certificates of public convenience and necessity granted by the Commission in Decision 23128 of November 28, 1930, Application 17025; Decision 24179 dated November 2, 1931, Application 17746; and Decision 24244, dated November 23, 1931, Application 17776. It conducts extensively advertised trips, which include meals, lodging and transportation, and are known as "Death Valley Detours". During the season 1931-32 approximately 400 persons were

carried on these tours.

Applicant proposes in connection with and as an extension of its present operations to establish an all-expense tour from Barstow to Death Valley and return. The trip is to be offered daily during the winter tourist season, which is approximately November 1 to April 30 each year. Passengers will detrain from main line trains of The Atchison, Topeka and Santa Fe Railway Company or Union Pacific System at Barstow, proceed by Death Valley Transportation Company limousine to Baker, thence by Tonopah and Tidewater Railroad to Death Valley Junction. The next day they will leave Death Valley Junction by Death Valley Transportation Company limousine, proceeding north to Beatty, Nevada, thence to Rhyolite, entering Death Valley from the east by Titus Canyon, thence south over the floor of the valley to Furnace Creek Inn. On the third day the motor trip would include Dante's View, Salt Pools and Golden Canyon, returning again to Furnace Creek Inn. The fourth day the trip concludes by limousine to Death Valley Junction direct, thence by Tonopah and Tidewater Railroad to Baker, thence to Barstow by Death Valley Transportation Company limousine, where passengers will board main line trains to destination.

The Death Valley Transportation Company now holds certificates of public convenience and necessity for all the necessary routes except from Barstow to Baker and from Death Valley Junction to the California-Nevada state line, certificates for which are sought in this proceeding.

The fare to be established for the all-expense tour hereinbefore outlined is \$21.50 per adult passenger. Children over 5 and under 12 years of age will be carried at half fare, and hand baggage up to 40 pounds per passenger will be carried free. No

local passengers will be carried.

The proposed service is not in competition with any service now existing, except that passengers will be transported by highway between Barstow and Baker in lieu of the train service now given by the Atchison, Topeka and Santa Fe Railway and the Tonopah and Tidewater Railroad. These two carriers concur in this application.

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 Transportation Company 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 baggage (A) "on call" from Death Valley Junction over the Beatty Nevada highway to the California-Nevada state line, and (B) between Barstow and Baker.

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

1. The operation may be seasonal, approximately from November 1 to April 30.

2. Applicant shall file its written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from the date hereof, stipulating that such acceptance is an enlargement and extension of a service already authorized and not a new or separate grant.
3. Applicant shall file, in triplicate, and make effective within a period of not to exceed thirty (30) days from the date hereof, on one day's notice to the Commission and the public 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 in so far 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 date hereof, on one day's notice to the Commission and the public, 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 17<sup>th</sup> day of November, 1932.

*C. E. Seawey*

*M. J. Carr*

*M. B. Harris*  
Commissioners.