Decision No. 25576

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
TANNER MOTOR TOURS, LTD., a corporation,)
for a certificate of public convenience)
and necessity to operate a sightseeing) Application
tour to be known as the "Palm Springs) No.19192
and Desert Tour.")

BY THE COMMISSION -

OPINION

Applicant, Tanner Motor Tours, Ltd., operates various
sightseeing tours in California under authority of this
Commission, among them a tour known as "Los Angeles-
Riverside-Orange Empire Tour" and "Riverside-Redlands-
Palm Springs Tour." The right to each tour is separate.
Applicant now proposes a new two-day tour, combining the
two tours into a "Palm Springs and Desert Tour" and seeks
a certificate of public convenience and necessity therefor.
For this tour applicant proposes a rate of $7.95 as a
transportation charge. The combined rate for the separate
tours is $10.

This is a matter in which a public hearing appears
unnecessary. The application will be granted.

Tanner Motor Tours, Inc. 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

Tanner Motor Tours, Ltd. having made application for a certificate of public convenience and necessity to operate an automotive sightseeing tour between Los Angeles and Palm Springs and intermediate points, available to a minimum of four or more passengers,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment of such sightseeing tour over and along the following route:

> Leaving Los Angeles by way of Whittier Boulevard; thence through Whittier, Fullerton and Santa Ana Canyon to Riverside; thence via Marsh Field, Moreno, Jack Rabbit Trail, Beaumont and Banning to Palm Springs, visiting Palm Canyon; thence return via Banning, Beaumont, Redlands, Colton and Pomona to Los Angeles; or *vice versa,*

and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be and the same hereby is granted to Tanner Motor Tours, Ltd., subject to the following conditions:

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

2. Applicant shall file, in triplicate, and make effective within a period of not to exceed thirty (30) days from the date hereof, on not less than 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 application insofar as they conform to the certificate herein granted.

3. Applicant shall file, in duplicate, and make effective within a period of not to exceed thirty (30) days from date hereof, on not less than five days' notice to the Commission and the public, time schedules covering the service herein authorized, in a form satisfactory to the Railroad Commission.

4. 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.

5. 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 25th day of November, 1933.

COMMISSIONERS.