

Decision No. 27519

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
TANNER MOTOR TOURS, LTD. for certi-
ficate of public convenience and
necessity to operate a motor service
as a common carrier for a sightseeing
tour to Death Valley, California, and
return.

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) Application
) No.19686
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)

BY THE COMMISSION -

ORIGINAL

O P I N I O N

Tanner Motor Tours, Ltd. seeks a certificate for the transportation of persons and property as a common carrier for a sightseeing tour by motor bus and/or automobile sedan between Los Angeles and Furnace Creek Inn, Death Valley, California, and other points, to be known as Death Valley Tour. Applicant proposes to use 24-passenger motor buses or 7-passenger sedans, depending upon the demand for each trip. Trips will be made for a minimum of two passengers and the transportation charge for the entire trip will be \$25.00. It is not what is generally known as an "all paid" tour, as patrons must provide their own maintenance at destination, and stop-overs between trips will be permitted.

It is proposed to operate tours leaving Los Angeles on Tuesday and reaching Furnace Creek Inn, a distance of 330 miles, at 6 p.m. of the same day. Wednesday and Thursday will be devoted to tours to points of interest in the Valley and the return trip is made on Friday, leaving at 8 a.m. and reaching Los Angeles at 5:30 p.m. The service will be operated only on demand and according to Exhibits A and B attached to the application.

The route parallels the rail routes of the Santa Fe and Union Pacific Railroad but is not competitive with them except to points beyond Death Valley Junction. In addition, these

carriers have waived protest to the granting of the application. The Commission, by Decision No.18337, on Application No.13474, authorized a sightseeing service from Death Valley Junction to points in the Valley, including Furnace Creek Inn, which was suspended until November, 1934.

This is a matter in which a public hearing is not necessary.

The application will be granted.

Tanner Motor Tours, 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.

ORDER

Tanner Motor Tours, Ltd., a corporation, having made application for a certificate of public convenience and necessity to establish sightseeing tour for the transportation of persons and baggage between Los Angeles and Furnace Creek Inn, Death Valley, and other points,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment and operation of such service by applicant and,

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

1. The service and operations herein authorized are to be conducted without deviation according to the routes and hours fixed by Exhibits A and B, attached to the application together with the alternative routings provided therein for the reception or discharge of passengers at Riverside and/or San Bernardino.

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 triplicate, and make effective within a period of not to exceed thirty (30) days after the effective date of this order, on not less than ten days' 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 exhibits attached to the application insofar as they conform to the certificate herein granted, or rates satisfactory to the Railroad Commission.

4. Applicant shall file, in duplicate, and make effective within a period of not to exceed thirty (30) days after the effective date of this order, 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.

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 13th day of November, 1934.

Leon A. Kelley
M. J. Con
M. B. Harris
W. H. Harris

COMMISSIONERS.