

Decision No. 27785

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
SEQUOIA & GENERAL GRANT NATIONAL PARKS) Application No. 19834
COMPANY for changes in routes, etc.)

BY THE COMMISSION -

OPINION

ORIGINAL

Sequoia and General Grant National Parks Company, a corporation, requests a certificate of public convenience and necessity for the transportation of passengers, baggage and express between Fresno and the two national parks. Applicant proposes a new scheme of operations comprised in a "Circle Tour," with Fresno as its base, and asks that the certificate therefor be granted in lieu of all its prior certificated rights. The operations are scheduled between June 10th and September 10th, each year.

Applicant proposes to operate from Fresno south to Visalia and Exeter, thence to Sequoia Park, thence over the new highway connecting Sequoia and Grant Parks (in lieu of the present route via Lemon Cove and Badger), thence returning from Grant Park to Fresno, via Centerville (in lieu of Sanger), where the route is completed. The entire distance is 188 miles. A daily schedule leaving Fresno at 8 a.m. and returning at 6:30 p.m. is provided. The movement is to be in one direction only, except between the two parks. Existing restrictions as to local service are to be preserved and stop-overs at points served are provided for but all transportation is to be sold on a round trip basis, except between Visalia and Ash Mountain and intermediate points, for which local and one way and round trip fares are proposed in consistency with prior certificates, and shuttle service between the parks.

By this new operation applicant will make connection at Fresno only with train and bus movements in both directions and consolidate its transportation and sightseeing service into one

operation, with stop-over at the parks or other points, not to exceed ninety days. Applicant also seeks authority to maintain "on call" service on the newly constructed "Generals Highway" between the two parks and also from Grant Park to Hume over the newly constructed (in part) highway through Kings River Canyon.

This so-called "Circle Tour" appears to assemble all the advantages of rapid visitation to two of the nation's great parks and avoids the disadvantages which experience has shown to retard such movements in the past.

As applicant does not intend to perform any service, local in character, between Fresno and Exeter, and from such points only to points beyond Exeter, it does not affect other carriers. Pacific Greyhound Lines specifically waives objection.

This appears to be a reasonable reconstruction of applicant's present rights and duties only and is a matter in which a public hearing is not necessary.

The application will be granted.

Sequoia and General Grant National Parks 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.

O R D E R

Sequoia and General Grant National Parks Company having made application, as above entitled, for a certificate in lieu of all its previous grants, for the operation of automotive service for the transportation of passengers, their baggage and express between Fresno and Sequoia National Park, General Grant National Park and certain intermediate points etc.,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY
DECLARES that public convenience and necessity require the estab-
lishment and operation of automotive service for

1. A Circle Tour from Fresno back to Fresno, to be operated daily June 10 to September 10, each year, both dates inclusive, via Visalia, Exeter, Ash Mountain, Giant Forest and Grant Park.
2. Round trip service Visalia and Exeter to Giant Forest, going portion to be operated in connection with Circle Tour; return portion to be "on call" to holders of such round trip tickets only.
3. Local service IN ONE DIRECTION ONLY, Visalia to Ash Mountain and intermediate points, EXCEPT that no local service will be furnished from Visalia to Exeter. This service to be operated in connection with Circle Tour.
4. Local service IN ONE DIRECTION ONLY Grant Park to Fresno, serving all intermediate points en route in connection with the Circle Tour.
5. An "On Call" service Fresno to Grant Park and return, no service to intermediate points, return portion of trip to be furnished in connection with Circle Tour.
6. An "On Call" service for a minimum of four (4) passengers Giant Forest to Grant Park and return via Generals Highway.
7. An "On Call" service for a minimum of four (4) passengers Grant Park to "Road End" on Kings River Highway,

over and along the following route:

Beginning at Fresno, thence south to Visalia, via Highway No.99, thence via main highway, via Exeter, Lemon Cove and Three Rivers to the Ash Mountain entrance to Sequoia National Park; thence from Lost Grove (north entrance to said Park, via Generals Highway to General Grant Park east entrance; thence from the west entrance of said Park to Fresno, via Dunlap, Minkler and Centerville; and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be and the same hereby is granted Sequoia & General Grant National Parks Company, subject to the following conditions:

1. 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 in said acceptance that the certificate herein granted shall be in lieu of all previous certificates granted to, or acquired by, applicant, which previous certificates are herein revoked and annulled.
2. 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 exhibit attached to the application in so far as they conform to the certificate herein granted, or rates satisfactory to the Railroad Commission.
3. 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.
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.
6. Applicant may transport no passengers nor property between Fresno and Exeter or intermediate points, except such passengers and/or property destined to points beyond Exeter, including return of passengers to Fresno.
7. The service herein authorized is a seasonal service between June 10th and September 10th of each year, but applicant may, if it elects, operate schedules in whole or in part over its route, provided said schedules are filed on at least five (5) days' notice to the Commission and the public, covering the period and points to be included in said extra schedules.

IT IS HEREBY FURTHER ORDERED that the operative rights heretofore granted applicants, or its predecessors, by Decision No.18552, dated June 27, 1927, on Application No.13868; by Decision No.19088, dated December 2, 1927, of Application No.14138; by Decision No.21093, dated May 15, 1929, on Application No.15392; by Decision No.27520, dated November 13, 1934, on Application No.19688, and by Decision No.23868, dated July 3, 1931, on Application No.37445, be and each of them hereby are revoked and annulled.

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 4th day of March, 1935.

Leon Arthur

W. A. Linn

W. B. Harris

W. H. [unclear]

COMMISSIONERS.