

# ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of )  
THE GRAY LINE, INC. (of San Francisco) )  
for a certificate of public convenience )  
and necessity to operate a sight see- ) Application No. 20238.  
ing service to Oakland-Piedmont- )  
Berkeley-Richmond-Marín County-Muir )  
Woods to be known as the OAKLAND- )  
BERKELEY-MUIR WOODS SCENIC TOUR. )  
(No. 16) )

BY THE COMMISSION:

O P I N I O N

Applicant The Gray Line, Inc., a California corporation, has applied for a certificate of public convenience and necessity to operate a sightseeing service beginning and terminating at San Francisco.

It is proposed to operate the new tour from San Francisco through Oakland, Piedmont and University of California, as far as University and San Pablo Avenues and then to extend the tour through the city of Richmond, across the Richmond-San Rafael Ferry, past San Quentin prison, through a portion of Marin County, into Muir Woods, returning to San Francisco via Sausalito and the Golden Gate Ferry.

Applicant alleges that except for a short distance it is now traversing the same route in Marin County in connection with its Tour No. 7. It further alleges that, except for the distance Mill Valley to Muir Woods Entrance and thence over the Ridge Crest Boulevard and Bolinas Road to Dolan's Corners, the proposed tour, in its entirety, was operated by Pacific Sight Seeing Company for several years

prior to August, 1926 when it was merged with The Gray Line, Inc.

Applicant further alleges that it has found that many tourists desire to visit both the East Bay section and Marin County and Muir Woods and the proposed tour has been so arranged that this may be done in a minimum of time. A brief stop will be made at Lake Merritt and on Sky Line Boulevard. The tour will embrace the more important portions of the University of California and sufficient time will be allowed at Muir Woods to visit the big trees.

Applicant avers that in view of the fact that sightseeing service is now being rendered by applicant over the routes proposed to be traversed, and has been so rendered for many years past, and visiting the principal points of interest thereon; that the proposed tour is really a consolidation of two tours, or portions thereof, already operated by the company under certificates, and that no other common carrier operation will be adversely affected, that the authority herein requested be granted without a public hearing.

Written waivers of protest have been received from Fialer's Incorporated through its President, Harry A. Fialer, and Arthur L. Stewart, doing business as Mt. Tamalpais and Muir Woods Transportation Co., through his attorney who waives protest provided that the applicant be prohibited from picking up or delivering passengers at Mill Valley and Muir Woods and intermediate points. Inasmuch as certificates for the operation of a sightseeing service have a single terminal for the beginning and ending of such service, the holder thereof is prohibited from giving any intermediate service and a restriction in the grant is therefore un-

necessary.

In view of the above waivers of protest this is a matter in which a public hearing is not necessary and the application will be granted.

The Gray Line, 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

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA  
HEREBY DECLARES that public convenience and necessity require the operation by The Gray Line, Inc., of an automotive sightseeing service for the transportation of passengers as a highway common carrier over a route to be known as Oakland-Berkeley-Muir Woods Scenic Tour No. 16 as follows:

Starting from 781 Market Street, San Francisco thence to Mission Street Ferry; Ferry to 7th Street Oakland; to West Street; to 14th Street; to Howard Street; to 13th Street; to Fallon Street; Circle Lake Merritt; Lakeside Park, Grand Avenue; to Perry; to Lake Shore Avenue; to Mandana; to Crocker; to Hampton; to Sea View; Mountain Avenue; Caperton Avenue; Sheridan; Sierra; Piedmont Avenue; Highland Avenue; Moraga Avenue; Sky Line Boulevard; Tunnel Road; Alvarado Road; Tunnel Road; Russell Street; Claremont Avenue; Belrose Avenue; Derby Street; Warring Street; Dwight Way; Prospect Avenue; through University grounds, along University Avenue; San Pablo Avenue; Cutting Boulevard to Richmond-San Rafael Ferry; Greenbrae cut off; past San Quentin Prison to Alto to Mill Valley to Ridgecrest Toll Gate; Muir Woods Road to Muir Woods return to toll gate; Ridgecrest Boulevard to Spring Gate Ranch thence along Bolinas Road to Dolans Corners' thence

via Mill Valley Road and 101 Highway to Sausalito;  
Ferry and returning passengers to hotels in route  
to 781 Market Street, San Francisco.

IT IS HEREBY ORDERED that a certificate of public  
convenience and necessity therefor be, and it hereby is,  
granted to The Gray Line, Inc., subject to the following  
conditions:

1. Applicant shall file its written acceptance of the certificate herein granted within a period not to exceed ten (10) days from the date hereof.
2. Applicant shall file, in triplicate, and make effective within a period of not to exceed thirty (30) days from the effective date hereof, 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 fares and rules which, in volume and effect, shall be identical with the fares and rules shown in the exhibit attached to the application in so far as they conform to the certificate granted herein.
3. Applicant shall file, in duplicate, and make effective within a period of not to exceed thirty (30) days from the effective date hereof, on not less than five (5) days' notice to the Commission and the public, time schedules, according to form provided in General Order No. 23, 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 obtained.
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 21<sup>st</sup>  
day of December, 1935.

Leon Wheeler

W. A. Price

W. B. Harris

W. H. Brown

Frank R. Dixon

COMMISSIONERS.