

Decision No. 29175.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
CALIFORNIA PARLOR CAR TOURS COMPANY,
a corporation, for a certificate of
public convenience and necessity be-
tween Del Monte and San Luis Obispo
as an optional route.

Application No. 20746

ORIGINAL

BY THE COMMISSION:

O P I N I O N

By this application, California Parlor Car Tours Company, a corporation, seeks a certificate of public convenience and necessity for the automotive transportation of passengers and their baggage between Del Monte and San Luis Obispo via Carmel and Lucia as an optional route on their present sight-seeing operation between San Francisco and Los Angeles via King City, Paso Robles, and San Luis Obispo. It is further requested that service between Del Monte and Carmel be either direct or via the 17 mile drive.

In justification of the granting of the optional routing certificate sought herein, applicant states that the State Highway Department is completing the new coast highway via Big Sur, Lucia and San Simeon between Monterey and San Luis Obispo. This highway covers exceptionally scenic territory and applicant desires to give its patrons an opportunity of viewing this heretofore inaccessible territory. Optional routing is desired at this time account possibility of certain groups desiring to move via King City and Paso Robles as heretofore authorized.

This appears to be a matter in which a public hearing is not necessary. The application will be granted.

California Parlor Car Tours 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

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by California Parlor Car Tours Company, a corporation, of an automotive service as a common carrier of passengers and their baggage between Del Monte and San Luis Obispo via Carmel and Lucia as an optional route on their sight-seeing operation between San Francisco and Los Angeles via King City, Paso Robles and San Luis Obispo; service between Del Monte and Carmel to be either direct or via the 17 mile drive.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be, and the same is, hereby granted to California Parlor Car Tours Company subject to the following conditions.

1. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof stipulating therein that the authority herein granted constitutes an optional routing only and in nowise extends or enlarges applicant's present operating rights.

2. The certificate of public convenience and necessity herein granted is subject to and bound by all restrictions and each of them heretofore imposed by the various decisions

of this Commission effecting the operating rights of applicant.

3. Applicant shall file, in duplicate, and make effective contemporaneously with the completion and opening to travel of the State Highway heretofore referred to in this Decision, on not less than five days' notice to the Railroad 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 obtained.

5. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by applicant 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 October, 1936.

MB Harris
Leon Whitley
W. J. Cunn
William H. ...
Henry R. ...
COMMISSIONERS