

Decision No. 20402

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 The Gray Line, Inc., (San Francisco) )  
 for a Certificate of Public Conven- )  
 ience and Necessity to operate its )  
 proposed Tours No. 18 Oakland-Bay )  
 Bridge-San Francisco De Luxe Tour; )  
 No. 19 Oakland - Bay Bridge - San )  
 Francisco Golden Gate Park - Pre- )  
 sidio Tour and No. 20 Oakland-Bay )  
 Bridge-San Francisco-Telegraph Hill )  
 Tour between Oakland and San Fran- )  
 cisco. )

Supplemental  
 Application  
 No. 20401

**ORIGINAL**

BY THE COMMISSION:

SUPPLEMENTAL OPINION

By this supplemental application, as amended, The Gray Line, Inc. seeks authority from this Commission to establish sightseeing tours Nos. 18, 19, and 20 to be designated as Oakland-Bay Bridge-San Francisco De Luxe Tour, Oakland-Bay Bridge-San Francisco-Golden Gate-Presidio Tour and Oakland-Bay Bridge-San Francisco-Telegraph Hill Tour, respectively, over and along routes as specifically set forth in Exhibit "A" of the application herein referred to.

Applicant alleges that with the opening of the San Francisco-Oakland Bay Bridge a demand has arisen for tours originating in the city of Oakland as it appears that many visitors to the Bay Region are making their headquarters in the East Bay City and sightseeing tours from that city will afford a necessary convenience to such visitors. It is also alleged that many East Bay residents have expressed a desire to have available tours embracing the territory referred to which will have point of origin and destination in Oakland.

Fialers, Inc. having indicated to the Commission, in writing, that they will waive protest to the granting of this application there now appears no necessity of a public hearing in this matter. As it appears in the public interest, 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.

#### SUPPLEMENTAL ORDER

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 common carrier sightseeing service through the establishment of three sightseeing tours to be known as tours Nos. 18, 19, and 20 and designated as Oakland-Bay Bridge-San Francisco De Luxe Tour, Oakland-Bay Bridge-San Francisco-Golden Gate Park-Presidio Tour and Oakland-Bay Bridge-San Francisco-Telegraph Hill Tour, respectively, over and along the following routes:

Tour 18- Leaving 1755 Broadway, Oakland thence via San Francisco Oakland Bay Bridge to San Francisco to Civic Center, to Mission Dolores: Twin Peaks: through St. Francis Wood to Golden Gate Park: Cliff House; Warren Harding Boulevard through Lincoln Park: Lincoln Highway; Sea Cliff Terrace; through Presidio, Marina, Van Ness Ave. and return via bridge or boat to 1755 Broadway, Oakland.

Tour 19- Leaving 1755 Broadway, Oakland, thence via San Francisco Oakland Bay Bridge to San Francisco to Civic Center, to Golden Gate; Cliff House; through the Presidio to Van Ness Ave. and return via bridge or boat to 1755 Broadway, Oakland.

Tour 20- Leaving 1755 Broadway, Oakland thence via San Francisco Oakland Bay Bridge to San Francisco thence to and through San Francisco's Chinatown thence to Coit Tower on Telegraph Hill and return via bridge or boat to 1755 Broadway, Oakland.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be, and the same is, hereby granted to The Gray Line, Inc. 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.
2. Applicant shall commence the service herein authorized within a period of not to exceed thirty (30) days from the effective date hereof, and shall file in triplicate and concurrently make effective on not less than ten days' notice to the Railroad 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 and rules 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 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.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 29th day of December, 1936.

M. B. Harvi  
Leon Anderson  
William R. H. H. H.  
Frank H. H. H.  
COMMISSIONERS