

Decision No. 29779

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
The Gray Line, Inc. (San Francisco))
for authority to operate a tour to be)
known as the Golden Gate Bridge Scenic)
Tour No. 21 between San Francisco and)
Marin County and to reroute its tours)
6-7-12 & 16, (Santa Rosa and Petrified)
Forest Tour; Tamalpais Muir Woods and)
Marin County Scenic Tour; Muir Woods)
and Marin County Scenic Tour; and)
Oakland-Berkeley-Muir Woods Bridges)
Scenic Tour) via the Golden Gate)
Bridge as alternate routing.)

Fourth Supplemental
Application No. 20401

ORIGINAL

BY THE COMMISSION:

O P I N I O N

The Gray Line, Inc., by this supplemental application, seeks authority to operate its sightseeing tours Nos. 6, 7, 12 and 16 over the Golden Gate Bridge as an alternate route of operation in addition to its present operation via the common carrier ferry routes between San Francisco and Sausalito. Applicant also seeks authority to operate an additional sightseeing tour to be known as Tour No. 21-Golden Gate Bridge Scenic Tour over and along a route, in general, from San Francisco over the Golden Gate Bridge, over a new highway between such bridge and Waldo Point, thence along Highway 101 to Sausalito, returning to San Francisco via either the Golden Gate Bridge or the common carrier ferry route between San Francisco and Sausalito.

The rate proposed for Tour No. 21 is \$1.50 per person in parlor cars or limousines for the round trip which includes bridge and/or ferry tolls.

The applicant alleges that with the completion of the Golden Gate Bridge many inquiries have been received from tourist agencies and travel bureaus throughout the country seeking information concerning the bridge, and requesting reservations for clients desiring to make sightseeing tours of various duration over said bridge with San Francisco as a starting point. It is anticipated that with the opening of the bridge immediate demand will follow for the inauguration of the tour herein described over said bridge.

Inasmuch as a waiver of protest to the granting of this application has been received from the only competing sightseeing carrier, a public hearing herein does not appear 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 Gray Line, Inc. having made application therefor and the Commission being fully advised,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY DECLARES that public convenience and necessity require the

establishment and operation by The Gray Line, Inc. of a sightseeing tour to be known as Tour No. 21-Golden Gate Scenic Tour, not as a separate right but as an extension and enlargement of the rights hereinbefore granted by Decision No. 28869 and amendments thereto, said tour to be over and along the following route:

TOUR NO. 21 From The Gray Line, Inc. depot, San Francisco to Lyon Street approach of the Golden Gate Bridge, over the Golden Gate Bridge and via the new highway and tunnel to Waldo Point; thence along Richardson Bay via U. S. Highway 101 to Sausalito, returning to San Francisco (a) via the Golden Gate Bridge or (b) common carrier ferry routes, as an optional route; returning to The Gray Line, Inc. depot, San Francisco.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor 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 one 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 set forth in 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 one day's 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.

IT IS HEREBY FURTHER ORDERED that The Gray Line, Inc. may, at its option, operate its tours Nos. 6, 7, 12 and 16 over the Golden Gate Bridge and/or the common carrier ferry route between San Francisco and Sausalito provided that applicant shall within thirty (30) days from the date hereof, and on not less than one day's notice to the Railroad Commission, file supplements to its tariffs and a time schedule giving effect to the optional route of Tours Nos. 6, 7, 12 and 16 as herein authorized.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 24th day of May, 1937.

Leon Whittell

Frank Bennett

Paul W. ...

Ray L. Tiley
COMMISSIONERS