

Decision No. 30111

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the application of )  
A. THOMPSON for a certificate of )  
public convenience and necessity to )  
operate a sight-seeing tour from )  
Oakland )  
1. Across the San Francisco-Oakland )  
Bay Bridge and the Golden Gate )  
Bridge, and )  
2. A night tour of San Francisco )  
Chinatown. )

ORIGINAL

Application No. 20968  
(Supplemental)

Laurence R. Chilcote, for Applicant.

Thomas K. McCarthy, for Key System,  
Interested Party.

T. G. Differding, for Oakland Chamber of  
Commerce, Interested Party.

Cameron Wolfe, for East Bay Transit Company,  
Interested Party.

Edward I. Fitzpatrick, for The Gray Line,  
Inc., Protestant.

WAKEFIELD, COMMISSIONER:

O P I N I O N

This is an application of A. Thompson for a certificate of public convenience and necessity to operate a sight-seeing tour from Oakland across the San Francisco-Oakland Bay Bridge and the Golden Gate Bridge, and a night sight-seeing tour of San Francisco Chinatown, originating in Oakland.

The applicant now operates a sight-seeing tour in the East Bay area under a certificate heretofore granted by the Commission and he now desires to extend his operations to include

tours of the bay bridges and San Francisco Chinatown.

Public hearings in this proceeding were held in Oakland and San Francisco on July 21 and 30, and August 3 and 4, 1937, and the matter was submitted on briefs.

In addition to a certificated sight-seeing service, applicant has heretofore operated a charter car service which was in the nature of a sight-seeing business. Applicant introduced practically no evidence of public convenience and necessity justifying the San Francisco Chinatown tour other than evidence that he had been able to attract some customers for his charter car business on trips to San Francisco's Chinatown.

There was evidence of some dissatisfaction in the East Bay area with the present service rendered by the Gray Line, Inc., in its East Bay operations and in its tours from Oakland to San Francisco. I am of the opinion that Oakland and the other East Bay cities are entitled to a better service than has heretofore been rendered by The Gray Line, Inc. However, the whole problem of furnishing sight-seeing service from Oakland to San Francisco has been greatly changed by the construction of the Oakland-San Francisco Bay Bridge and, in the case of the proposed Golden Gate Bridge tour, it is of course made possible only by the opening of that bridge, which opening was on May 28, 1937. Much of the criticism directed towards The Gray Line,

Inc., service at the hearing was directed to points which were, to a certain extent at least, incident to the setting up of a new service. It was pointed out, for example, that in two instances, The Gray Line, Inc., after taking a passenger for a tour over the bridges from Oakland, delivered him on his return from the Golden Gate Bridge to a bus of Pacific Greyhound Lines, Inc., to be returned on that bus from San Francisco to Oakland, where only a single passenger was to be returned. The Gray Line, Inc., did not attempt to justify this practice and Mr. John A. Boyd, Secretary of The Gray Line, Inc., testified that he was unaware of such conduct, that it was done by operators without the consent or permission of the management of The Gray Line, Inc., and that orders had been given to prevent its recurrence.

There was evidence introduced to the effect that The Gray Line, Inc., did not follow its filed time schedules in the operation of its tours. This, again, is a matter which should be corrected by The Gray Line, Inc., either through revision of its schedules to accurately reflect actual operating conditions, or by adherence to schedules as now filed.

Much evidence was introduced concerning delays on The Gray Line Tour because of change of busses at the San Francisco depot of The Gray Line, Inc., both before going to the Golden

Gate Bridge and after arriving in San Francisco from Oakland, and upon returning from the Golden Gate Bridge to the depot and before departing for Oakland.

Considerable partisanship was displayed by the witnesses on both sides and the testimony of the applicant's witnesses was that these delays had the effect of completely spoiling the pleasure of the day's outing for them. On the other hand, protestant's witnesses believed them merely desirable rest stops with sufficient time, in some instances, to do desired shopping or to secure dinner before returning to Oakland. Most inconvenience resulting from this lay-over probably results to the passenger from a misapprehension as to the time required for the trip and if, as was testified, the normal schedule of time for the trip is some two and one-half hours, The Gray Line, Inc. should so follow its schedules that the passenger can be returned within the schedule time. Inconvenience might also be avoided by advising the passengers in advance of any delays they could expect in the trip, to the end that they could plan their time in order to make profitable and enjoyable use of it during the delay.

One witness testified that when she arrived at the San Francisco Gray Line depot there were only three seats in the Golden Gate Bridge bus for five passengers from Oakland. She stated, however, that she obtained a seat and that she does not know whether or not adequate arrangements were made for the two extra passengers. We cannot indulge in the conclusion that they were not accommodated. As a common carrier The Gray Line, Inc. is, of course, under obligation to carry all passengers who apply.

There was some evidence, as stated, to justify the conclusion that The Gray Line, Inc. service is not satisfactory, and considerable evidence, partly supplied by the protestant or

at least inferred from the testimony of its employee witnesses, that the East Bay business is not considered attractive by The Gray Line Company. Its attitude is expressed in the testimony of its secretary, Mr. John A. Boyd, to the effect that The Gray Line, Inc. is willing to give service to the East Bay "if the business justifies it." On the other hand, it was discernible in the testimony of some of the East Bay witnesses that the business exists if properly handled and promoted and will exist to a greater extent in the future in view of the activities of the Convention Bureau of the Oakland Chamber of Commerce. I am in sympathy with the activities of that organization and feel that any operator of sight-seeing business in the East Bay should work closely in harmony with its purposes. I feel, however, in this instance, that the greatest good will be accomplished by giving The Gray Line, Inc. an opportunity to improve its East Bay service rather than to issue a certificate to another operator, which would divide the existing business to the end that neither could operate profitably or render adequate service except at a loss. The Gray Line, Inc. must, however, render such adequate service and not try to stay in that field only for the purpose of preventing another operator from building up a strong business which might later threaten its San Francisco operations.

There was some evidence in the record indicating that the charter car service now operated by the applicant under the name of Pioneer Charter Tours transgresses the border line between charter service and common carrier service and that he may now be engaged in a common carrier service without a certificate.

I recommend that the application be denied as to each of the proposed routes. I feel, however, that the Commission should

watch this situation carefully and that The Gray Line, Inc. is hereby placed on notice that the Commission will not condone any inefficient or inadequate service.

I recommend the following form of order:

O R D E R

A public hearing having been had in the above entitled matter, evidence having been received, the matter having been duly submitted, and the Commission now being fully advised therein:

IT IS HEREBY ORDERED that the application of A. Thompson for a certificate of public convenience and necessity to operate an automotive sight-seeing service be and it is hereby denied.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 7<sup>th</sup> day of ~~August~~ September, 1937.

Walter H. Mason  
Leon A. Whittell

Robert H. ...  
Ray L. ...  
Commissioners