

Decision No. 30395

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
GODFREY A. KING for a certificate of)
public convenience and necessity to)
operate a sightseeing service for)
passengers and their baggage from Los) Application
Angeles as the point of origin to Los) No. 21521.
Angeles as the point of destination, via)
Saugus, Mojave, Lone Pine, Keeler,)
Stove Pipe Wells and Furnace Creek Inn,)
and intermediate points.)

WILLIAM A. SHEERWIN, for Applicant

FARIES AND McDOWELL by McIntyre Faries,
for Tanner Motor Tours, Ltd., Protestant.

BY THE COMMISSION:

O P I N I O N

By this application Godfrey A. King, an individual, seeks a certificate of public convenience and necessity to establish and operate a common carrier sightseeing service for the transportation of passengers and their baggage from Los Angeles as point of origin, to Los Angeles as point of destination, via Saugus, Mojave, Lone Pine, Keeler, Stove Pipe Wells, Furnace Creek Inn and intermediate points and from Lone Pine as point of origin to Lone Pine as point of destination via Keeler, Stove Pipe Wells and Furnace Creek Inn.

A public hearing in this matter was conducted by Examiner McGettigan at Los Angeles on November 30, 1937, at which time the matter was submitted and is now ready for decision.

The granting of the instant application was protested by Tanner Motor Tours, Ltd.

Testifying in his own behalf, applicant King stated that he had been engaged in the travel agency business for eleven years in Los Angeles; that he was formerly licensed by the Commission as

a Motor Carrier Transportation Agent and that he handled the sale of transportation for airlines, steamship lines and major bus lines.

Applicant proposes no local intermediate service between termini but desires to confine his operations solely to the operation of a sightseeing service from Los Angeles as a point of origin and destination and from Lone Pine as a point of origin and destination.

Applicant proposes to use a 1936 Packard Sedan with additional equipment to be obtained as needed and proposes a charge of \$30 (transportation only) on his Los Angeles to Los Angeles tour and a charge of \$7.50 (transportation only) for the tour from Lone Pine to Lone Pine. The entire trip will consume approximately three days with a one-night stop-over at either Stove Pipe Wells Hotel or Furnace Creek Inn; and the mileage to be operated, including two hundred miles to points of interest in the Valley itself, is estimated at approximately 832 miles. Mr. King intends to spend the second day of the trip in touring points of interest in Death Valley at no extra charge and stated that he had applied for authority (as yet not granted) to enter Death Valley National Monument. The "Lone Pine Tour" is contingent upon an agreement with Inland Stages, details of which were not forthcoming.

Supporting his request applicant stated that a new road had been opened from Lone Pine east to Keeler, Stove Pipe Wells and Furnace Creek Inn and intermediate points affording a shorter and more direct route to the desert country. He further testified that it was his intention to provide a service within reach of persons of average means and contended that the presently conducted tours of Death Valley from Los Angeles as carried on by protestant, Tanner Motor Tours, Ltd., were too expensive. He submitted that his service did not embrace an all-expense tour but added that he proposed to establish such an operation at a later date. He maintains no hotel terminals and no bus terminals but did state that he proposed to

pick up passengers at both the Hollywood Roosevelt and Hollywood Plaza Hotels. He likewise has no agents at the present time but thought that with his contacts as a transportation agency he could and would make sufficient arrangements through card and folder advertising to handle any business offered to him. He stated further that he had had a number of requests for the tour proposed and further believed that an operation such as outlined in his application via the new highway referred to, was more scenic and more convenient than the older route now traversed. Applicant testified that he did not intend to give up his travel agency business but stated that inasmuch as the demands on his time in that particular business were considerably less during the proposed tour season in Death Valley, he could devote the greater part of his efforts to the sightseeing business. When queried as to the use he proposed to make of his equipment during the time when he was not obliged to conduct his contemplated sightseeing service, he testified that he would lease his equipment to other operators. He stated that Tanner Motor Tours, Ltd. whose transportation he had sold, had used the particular car named in his application.

This service as proposed by applicant is to be seasonal in nature and will be operated from approximately November to March; will be operated "on call" for a minimum of three passengers and the fare for the trip will include one-way taxicab fare from Los Angeles points within a radius of two miles from his depot at 521 South Spring Street.

His tour experience embraced the organizing and conducting of charter tours principally and the record is not indicative that the applicant is an experienced operator.

G. K. Bennett, testifying in favor of applicant, stated that he was part owner and manager of the Stove Pipe Wells Hotel in Death Valley since July, 1936; that he had had requests for a service such as proposed by applicant; that between 1933 and 1936 the number of visitors to the Valley had increased from 7,000 to

50,000; and that the prospect for the coming season was 75,000 persons. His season of operation, he stated, is from approximately November to March of each year. He testified that Tanner Motor Tours, Ltd. passed his hotel but that he received no patronage.

Mrs. C. H. Forsyth of Los Angeles, appearing in behalf of applicant, testified that she was a hotel representative and had contacts on behalf of some 154 travel agencies and included in her list of hotels, Santa Maria Inn, Sir Francis Drake, Bellevue, and others, as well as the Stove Pipe Wells Hotel. She stated that she had had requests for the type of service proposed by applicant; and requests from school teachers for such service. She believed that the granting of the current application would be in the public interest. Mrs. Forsyth testified that she had formerly managed the Peck-Judah Travel Bureau at 749 South Hill Street and had represented the Eichbaum Motor Tours to Death Valley up until about 1930. These tours she testified, operated twice a week for two passengers or more. Sedans of six-passenger capacity were used and a charge of \$60 was assessed for a four-day all-expense-tour to Death Valley.

H. C. Collins, of 607 South Spring Street also in the travel bureau business, testified that he had requests for sightseeing tours such as proposed by applicant and further believed that the price of Tanner Tours were too high and that he believed people would patronize a lower rate tour. He further stated that he had lost four "prospects" for that one reason and that he had had from eight to ten requests for sightseeing tours of the type proposed by applicant within the last three weeks. He stated further that he had been in business since 1917 and was formerly employed by the Pickwick Stages Company. He testified that he believed that the new road had contributed to the demand for service.

Both applicant King and witness Collins, when advised that Tanner Motor Tours operated a four-day transportation-only tour to

Death Valley for \$25 (subsequently raised to \$35 under Commission authority) stated that in their business they had never heard of such a tour and did not know that such a tour was operated or available.

Mr. Glenn C. Lair, representing protestant, Tanner Motor Tours, Ltd., testified that his company operated a four-day either all-expense or transportation-only tour to Death Valley and points of interest, leaving Los Angeles, Tuesday at 8:00 o'clock A.M. and (1) covering approximately eight hundred miles; that they had operated this tour for the past three years via San Bernardino, Barstow, Baker and Death Valley Junction. This is a seasonal service from November 1st to April 30th. He further testified that Tanner Motor Tours, Ltd. stationed cars and drivers in Death Valley and maintained a representative at Furnace Creek Inn; that sightseeing operations as conducted by his company into Death Valley have been conducted at a considerable loss and that ample facilities were available to handle a far greater number of tourists than had yet presented themselves. He was of the opinion that the majority of visitors used their own cars.

Testifying as to equipment, Mr. Lair stated that his company used seven-passenger Cadillacs and Packards and also had one specially built White fourteen-passenger bus used exclusively for Death Valley tours and principally for operations within the National Monument through which Tanner Tours were authorized to operate.

A careful review of the record in this proceeding leads to the conclusion that applicant has little save the desire to establish the sightseeing service he proposes; that Tanner Motor Tours, Ltd., has operated a sightseeing service similar in character to that proposed by applicant for the past several years at a fare

(1)

Exhibit No. 1 - Tanner-Gray Line Tariff Folder.

of \$25 (increased to \$35 by Decision No. 30332, dated November 15, 1937,) which service has been conducted at a loss for the past three years and that for the most important parts of this service, points of interest in Death Valley and points of origin in Los Angeles, he would be in direct competition with Tanner Motor Tours, Ltd., which has maintained ample equipment within the Valley itself, has rendered pickup and delivery of passengers to their hotels at point of origin and has maintained ticket purchasing depots.

It appears that applicant has only one definite contact, that with the Stove Pipe Wells Hotel; that he has no organization for the purpose of securing patronage for the proposed sightseeing service; that he has no authority to serve Death Valley National Monument, which includes the most important points of interest in the valley, and that the record is not conclusive as to the relative merits of the new route to be traversed as compared with the old.

Applicant did not introduce any evidence as to anticipated revenues nor any detail of the cost of operating the proposed service, so that it is impossible to state whether or not the sightseeing service proposed would be a financial success.

Based on the record herein, we are of the opinion that applicant has failed to sustain the burden of proof necessary to show conclusively that public convenience and necessity require the sightseeing service proposed. We are also of the opinion that with his present arrangements he could not satisfactorily render the service proposed and that the application should be denied.

O R D E R

A public hearing having been conducted, the matter having been submitted, and the Commission being duly apprised of the facts,

IT IS HEREBY ORDERED that the above entitled application
be and the same hereby is denied.

The effective date of this order shall be twenty (20) days
from the date hereof.

Dated at San Francisco, California, this 13th day of
December, 1937.

Walter H. Meyer
Leon J. Whelan
Francis P. Moran
Harold Swabey
Ray & Pacey
COMMISSIONERS.