

Decision No. 21780

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
ARTHUR L. STEWART to sell and THE)
GRAY LINE INC., a corporation, to)
purchase a passenger stage operation)
operating between San Francisco and)
Mill Valley, California.)

Application No. 21780

ORIGINAL

BY THE COMMISSION:

O P I N I O N

Arthur L. Stewart, doing business as Mt. Tamalpais & Muir Woods Transportation Co., has petitioned the Railroad Commission for an order approving the sale and transfer by him to The Gray Line, Inc. of an operating right for the automotive transportation as a common carrier of passengers, baggage and express between San Francisco and Mt. Tamalpais via Mill Valley under authority heretofore granted and hereafter referred to, subject to the restrictions and limitations therein; and The Gray Line, Inc. has petitioned for authority to purchase and acquire said operating right and to hereafter operate thereunder, the sale and transfer to be in accordance with an agreement, a copy of which, marked Exhibit "A," is attached to the application herein and made a part thereof.

The consideration to be paid for the property herein proposed to be transferred is given as \$6,000. Of this sum \$3,000 is alleged by the applicant to be the value of the equipment and \$3,000 is alleged to be the value of the intangibles.

The operating right herein proposed to be transferred was acquired by Decision No. 27561, on Application No. 19660, dated December 3, 1934, and Decision No. 30559, on Application No. 19660, dated January 31, 1938. This appears to be a matter in which a public

hearing is not necessary. 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

IT IS HEREBY ORDERED that the above entitled application be, and the same is hereby granted, subject to the following conditions:

1. The consideration to be paid for the property herein authorized to be transferred shall never be urged before this Commission, or any other rate fixing body, as a measure of value of said property for rate fixing, or for any purpose other than the transfer herein authorized.
2. Applicant Arthur L. Stewart shall within eight (8) days after the effective date of the order herein unite with applicant The Gray Line, Inc. in common supplement to the tariffs on file with the Commission, covering service given under the certificate herein authorized to be transferred, applicant Arthur L. Stewart withdrawing and applicant The Gray Line, Inc. accepting and establishing such tariffs and all effective supplements thereto.
3. Applicant Arthur L. Stewart shall within eight (8) days after the effective date of the order herein withdraw all time schedules filed in his name with the Railroad Commission and applicant The Gray Line, Inc. shall within eight (8) days after the effective date of the order herein file, in duplicate, in its own name time schedules covering service heretofore given by applicant Arthur L. Stewart which time schedules shall be identical with the time schedules now on file with the Railroad Commission, in the name of applicant Arthur L. Stewart or time schedules satisfactory to the Railroad Commission.

4. The rights and privileges herein authorized may not be sold, leased, transferred nor assigned, nor service thereunder discontinued, unless the written consent of the Railroad Commission to such sale, lease, transfer, assignment or discontinuance has first been obtained.

5. No vehicle may be operated by applicant The Gray Line, Inc. unless such vehicle is owned by said applicant or is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.

6. The authority herein granted to sell and transfer the right and/or property shall lapse and be void if the parties hereto shall not have complied with all the conditions within the periods of time fixed herein unless, for good cause shown, the time shall be extended by further order of the Commission.

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

Dated at San Francisco, California, this 21st day of March, 1938.

Matthew W. ...
John Cahill
Frank ...
Robert ...
W. J. ...
COMMISSIONERS.