

Decision No. 31745

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
LESLIE T. ALWARD, an individual, for  
certificate of public convenience and  
necessity to operate an automobile  
circle tour, sight-seeing service for  
the transportation of passengers and  
their hand baggage as a common carrier  
for compensation between Redding, Shasta  
Dam site, California, and intermediate  
points.

Application No. 22205

A. S. Williams, for Applicant

RILEY, Commissioner:

O P I N I O N

In this application Leslie T. Alward seeks a certificate of public convenience and necessity authorizing him to establish and operate a round trip sight-seeing service for the transportation of passengers and their hand baggage as a common carrier for compensation between Redding, Shasta Dam site, California, and return.

A public hearing was had before Commission Riley at Redding on October 7, 1938, at which time the matter was submitted and is now ready for decision.

Applicant proposes to provide this sight-seeing service in order that tourists may visit the dam while under construction. Arrangements have been made with construction contractors to approach the dam at a high point. He has also obtained the necessary authority from the Federal Government. The nature of the work at the dam will be described to tourists by an individual authorized to do so by the Department of the Interior.

The Department of the Interior is constructing the dam and it is anticipated that many persons will be desirous of making the proposed trip while it is under construction.

Applicant testified that in the commencement of the proposed service he will use equipment of the sedan or limousine type, but that equipment of greater capacity will be supplied if and when required. Terminal facilities of the Pacific Greyhound Lines at Redding will be used. The round trip fare for the proposed tour is \$2.00 for adults. Children between the ages of five years and twelve years will be carried at half fare.

Applicant is now engaged in the transportation of passengers and property between Redding and Kennett under a certificate granted by this Commission. He testified that he has had a long experience in the operation of stages and is amply able to finance the proposed service.

T. L. Stanley, General Manager of Shasta Cascade Wonderland Association, membership of which includes the nine counties of Northern California, covering the so-called "Wonderland of the North", C. E. Reeves, traveling Freight and Passenger Agent for the Southern Pacific Company, E. A. Kirk, Secretary of the Redding Chamber of Commerce, and S. C. Baker, engaged in the sale of real estate and insurance, all testified as to the desirability of the establishment of the sight-seeing service proposed by Alward.

No one objected to the granting of the application, and, upon a careful review of the evidence submitted, I am of the opinion that it should be granted.

Applicant Leslie T. Alward 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 RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity requires the establishment and operation by Leslie T. Alward, an individual, of an on-call continuous round trip sight-seeing service for the transportation of passengers and their hand baggage as a passenger stage corporation, as defined in Section 2 $\frac{1}{2}$  of the Public Utilities Act, beginning and ending at Redding, California, over and along the following route:

Beginning at Redding, California, thence northerly along U. S. Highway No. 99 to its intersection with the road known as Grand Coulee Boulevard to Government Camp, thence to road under construction at the present time from its intersection with Kennett road down to Shasta U. S. Government Dam site; to a lookout point, returning to intersection with old Kennett road southwardly on old Buckeye road to U. S. Highway No. 99, thence return to Redding.

IT IS ORDERED that a certificate of public convenience and necessity therefor is hereby granted to Leslie T. Alward, subject to the following conditions:

1. The service herein authorized may be operated on-call until such time as traffic development justifies the establishment of a regular scheduled service provided that any tour may be cancelled unless a minimum of two full tickets have been sold for such tour.
2. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof.
3. 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 (10) 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 (as amended at the hearing), attached to the application in so far as they conform to the certificate herein granted, or rates and rules satisfactory to the Railroad Commission.

4. 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 (5) days' notice to the Railroad Commission and the public, a time schedule or time schedules covering the service herein authorized in a form satisfactory to the Railroad Commission.
5. 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.
6. 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 foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

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

Dated at San Francisco, California, this 14<sup>th</sup> day of February, 1939.

Raymond J. [Signature]  
Frank [Signature]  
Ray [Signature]  
[Signature]  
Justin D. [Signature]  
COMMISSIONERS