

Decision No. 31825

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of)
HUMBOLDT MOTOR STAGES, INC., a corporation,)
for certificate of public convenience and)
necessity to operate an automotive sight-)
seeing tour service between: Eureka and)
Bull Creek Flat via Scotia; between Eureka)
and Prairie Creek via Trinidad; between)
Eureka and Coast Guard Station going via)
Arcata; and between points of interest in)
and around Eureka.)
Application No. 22512

BY THE COMMISSION:

O P I N I O N

Humboldt Motor Stages, Inc. in its amended application seeks a certificate of public convenience and necessity to establish and operate a continuous round-trip sightseeing service as a passenger stage corporation over four different routes, each of which has as a single terminus the city of Eureka.

Applicant at the present time is engaged, under certificate, in the transportation of passengers and property in general between Eureka, Scotia, Trinidad, Happy Camp, Forks of Salmon, Weaverville, Forest Glen, and other points.

The sightseeing service herein proposed is for the transportation of passengers in a continuous sightseeing tour over and along the following routes:

Tour 1. Eureka and Bull Creek Flat via Scotia and return. Fare \$6. Tour to be operated Tuesdays, Thursdays and Saturdays.

Tour 2. Eureka and Prairie Creek Park via Trinidad and return. Fare \$6. Tour to be operated Mondays, Wednesdays and Fridays.

Tour 3. Eureka and Coast Guard Station via Arcata and Samoa and return over the same route to Eureka. Fare \$1.50. Tour to be operated daily except Sunday.

Tour 4. Sightseeing tour service in and about points of interest in Eureka. Fare \$1.25. Tour to be operated daily.

Either Tour No. 1 or Tour No. 2 will operate on Sundays upon selection of passengers making the trip. Tours No. 1 and No. 2 will not operate except that two or more passengers present themselves for transportation. Tours No. 3 and No. 4 will not operate unless four or more passengers present themselves for transportation.

As justification for the authority sought applicant alleges substantially as follows:

That the tours herein set forth are all within the area known as the "Redwood Empire" territory in which there exists the most magnificent and world famous groves of standing redwoods in the world; that tourists visit the area for the purpose of seeing these world famous groves;

That the common carriers presently operating in this territory reach or pass along or pass through but few of these groves; that the installation of a sightseeing service over and along the tours as proposed will enable tourists to pass through such groves in vehicles moving less rapidly and to make convenient stops to enable them to view the trees in all their beauty and grandeur;

That the proposed tours are not only through these fast disappearing gigantic redwoods, but also through one of the most beautiful scenic sections of California, in which many historic spots connected with the early history of California and particularly the life of General U. S. Grant are connected;

That Indian villages and relics will also be reached over and along the proposed tours at points not reached by any common carrier;

That applicant further alleges that in connection with its stage operations during the past several years numerous requests have been received for a service similar to the one proposed; that without the installation of such a service, the fares which would be charged through supplying this demand with private cars and drivers would be prohibitive;

That from time to time the Eureka Chamber of Commerce, The Redwood Empire Association, the Eureka Inn, and the Vance Hotel (the last two hotels being located in Eureka), have importuned applicant to inaugurate such a service.

Attached to the application are letters from the Eureka Chamber of Commerce, The Eureka Inn, and the Vance Hotel, supporting the application and stating in effect that numerous requests have been had by the writers of such letters for a sightseeing service of the type proposed by applicant.

The Commission is in receipt of letters from Pacific Greyhound Lines and Northwestern Pacific Railroad Company in which it is stated that no objection is had to the granting of the authority requested.

In view of all the circumstances and allegations as set forth by the applicant the service proposed appears to be one supported by a public need and the application will be granted. It does not appear that a public hearing is necessary.

Humboldt Motor Stages, 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 RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment and operation by Humboldt Motor Stages, Inc. of a sightseeing service as a passenger stage corporation, as that term is defined in

section 2½ of the Public Utilities Act, for the continuous round trip transportation of passengers whose points of origin and destination are Eureka, said sightseeing service to be conducted over and along the following routes:

- Tour 1. Beginning at Eureka, thence southerly over U.S. Highway 101 to Bull Creek Flat, via Scotia and Dyerville, returning to Eureka over the same route;
- Tour 2. Beginning at Eureka, thence northerly over U.S. Highway 101 to Prairie Creek Park, via Arcata, Trinidad and Orick, returning to Eureka over the same route;
- Tour 3. Beginning at Eureka, thence northerly over U.S. Highway 101 and county highways to Coast Guard Station, via Arcata and Samoa, returning to Eureka over the same route;
- Tour 4. Visiting various points of interest in and about the city of Eureka;

provided that any trip on Tour No. 1 or Tour No. 2 may be cancelled unless two or more passengers present themselves for transportation and Tour No. 3 or Tour No. 4 may be cancelled unless four or more passengers present themselves for transportation.

IT IS ORDERED that a certificate therefor is hereby granted to Humboldt Motor Stages, Inc. subject to the following conditions:

- 1. The authority herein granted shall lapse and be void if the applicant shall not have complied with all of 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.
- 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 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 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 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 effective date of this order shall be twenty (20) days from the date hereof,

Dated at San Francisco, California, this 20th day of March, 1939.

Robert H. Brown
Frank D. Deane
Carl L. Craig
W. H. McKim
Justin J. Cramer
COMMISSIONERS