

ORIGINAL

Decision No. 32935

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
THE GRAY LINE, INC. (San Francisco))	
for permission to consolidate into one)	Eighth Supplemental
unified operation and service fifteen)	Application No. 20401
sight-seeing tours, and for an "in lieu")	
certificate.)	

BY THE COMMISSION:

O P I N I O N

By this supplemental application, The Gray Line, Inc. seeks authority from this Commission to establish and operate a sightseeing tour to be known as the 49 Mile Scenic Drive-Tour No. 22, beginning and terminating in the city and county of San Francisco, as an extension and enlargement of its existing rights and consolidated therewith.

With the exception of a small portion of the route on that part of the Great Highway and Junipero Serra Boulevard surrounding Lake Merced, and on Montgomery Street from Post to Pine Streets, applicant alleges that no other public highways than those now used by the company in the operation of its other tours will be involved.

As justification for the authority sought herein applicant states that a number of Civic Organizations have mapped out a tour of San Francisco and erected signs throughout Golden Gate Park and the interesting districts of San Francisco for the purpose of enabling visitors to San Francisco driving their own cars to follow the route of the tour. As a result of this mapping and marking applicant alleges that it has received constant requests from tourists for the tour outlined or a similar tour.

This is a matter in which a public hearing does not appear necessary and as it further appears to be in the public interest 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

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment and operation by The Gray Line, Inc. of an automotive sight-seeing service for the transportation of passengers as a common carrier, to commence and terminate at San Francisco, as an extension and enlargement of its existing rights as heretofore granted by Decision No. 28869, and amendments thereto, subject to all limitations and restrictions imposed thereunder, designated as 49 Mile Scenic Drive-Tour No. 22 and to be operated over and along the following route:

TOUR NO. 22 - Leave Gray Line Depot (781 Market Street) to Montgomery Street, to Pine Street, to Chinatown, to Lombard Street, to Summit of Telegraph Hill, to Fisherman's Wharf, to Aquatic Park, to Marina Boulevard, to Yacht Harbor, to Palace of Fine Arts, to and through the Presidio, to Lincoln Park, to the Palace of the Legion of Honor, to Cliff House, to Great Highway, to and touring Golden Gate Park returning to Great Highway, to Fleishhacker Pool, to and around Lake Merced, to Junipero Serra Boulevard, to and through St. Francis Wood, thence over Twin Peaks, to Mission Dolores, to and through Civic Center, to Shopping District, to Gray Line Depot (781 Market Street).

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be, and the same hereby is, granted to The Gray Line, Inc., subject to the following conditions:

1. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from date hereof.
2. 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.
3. 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.
4. 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.
5. 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 the date hereof.

Dated at San Francisco, California, this 31st day of
May, 1939.

Raymond W. Whipple
Charles P. Doolittle
John J. Berry
John J. Berry
Justin J. Coe
COMMISSIONERS