

Decision No. 37615

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of TANNER MOTOR TOURS, LTD., a )  
corporation, for a certificate ) Application No. 26464  
of public convenience and necessity )  
to operate motor car service, as a )  
common carrier for hire. )

TUDOR GAIRDNER, for Tanner Motor Tours, Ltd.

WALTER F. KOFELDT, for Palm Springs Chamber  
of Commerce.

W. R. HILLARY, for Cathedral City.

GEORGE W. GLEASON, Chief Warrant Officer, for  
U. S. Army Air Base, Palm Springs.

L. W. COFFEE, for Desert Hot Springs.

R. H. McDONALD, for Garnet Valley Chamber of  
Commerce.

Interested Parties

BY THE COMMISSION:

O P I N I O N

Applicant, Tanner Motor Tours, Ltd., a California corporation, requests a certificate of public convenience and necessity to establish and operate as a common carrier for the transportation of persons and their hand baggage between Palm Springs, on the one hand, and Cathedral City and Desert Hot Springs, on the other hand.

A public hearing was held in this matter at Palm Springs on December 27, 1944, before Commissioner Craemer and Examiner Chiesa.

Applicant has for many years been operating pursuant to decisions of this Commission. One of its operating rights authorizes the transportation of passengers and baggage between Palm Springs and the Palm Springs Station of the Southern Pacific

located approximately 9 miles northwest of Palm Springs on State Highway No. 111.<sup>1</sup>

Applicant proposes to operate the Desert Hot Springs service from its stand near Andreas Road in the center of town, over Highway No. 111 and county roads northerly through Garnet to Desert Hot Springs Bath House, a distance of approximately 15 miles. On this route it is proposed to operate one morning and one afternoon trip each way and charge a one-way fare of 75 cents between all points within Palm Springs and points in the vicinity of Desert Hot Springs, and 40 cents to Garnet and vicinity.<sup>2</sup> The Cathedral City service will be operated from applicant's office on North Palm Canyon Drive, through Palm Springs easterly to Cathedral City on Highway No. 111, a distance of approximately 8 miles. Two morning trips and one afternoon trip each day are proposed for this route. The fare will be 40 cents one way

1. Decision No. 5347, dated April 29, 1918, authorized the transportation of passengers, freight and express between Palm Springs and White Water Station (now known as Palm Springs Station). Decision No. 32777 authorized Tanner Motor Tours, Ltd. to acquire the operative right to transport passengers and baggage, the highway common carrier operative right being retained by the vendor and later transferred to Railway Express Agency, Incorporated by Decision No. 36443.

2.

SCHEDULE  
DESERT HOT SPRINGS DIVISION

READ DOWN				READ UP	
Except Sundays	Except Sundays	MLS.		Except Sundays	Except Sundays
P.M.	A.M.			A.M.	P.M.
3:30	9:00	0.0	Lv. Carnell Bldg. Ar.	9:58	4:28
3:32	9:02	.6	Francis Stevens School	9:55	4:25
3:33	9:03	1.0	Tanner Motor Tours Ofc. (1090 N. Palm Canyon Dr.)	9:53	4:23
3:34	9:04	1.1	Torney General Hospital	9:52	4:22
3:45	9:15	5.4	Garnet S. P. Station	9:41	4:11
3:46	9:16	5.7	Hwy #99 Junction	9:40	4:10
3:53	9:23	13.5	Two Bunch		
3:58	9:28	14.5	Desert Hot Spr. P.O.	9:32	4:02
3:59	9:29	15.0	Ar. Desert Hot Spr. Bath House Lv.	9:30	4:00

between all points within Palm Springs and points in vicinity of Cathedral City.<sup>3</sup> No Sunday or local service is proposed.

The record clearly shows a need for the proposed operation. Five witnesses, business men, civic leaders, and residents of the Desert Hot Springs and Garnet communities, testified that there is a definite need for public transportation facilities to and from Palm Springs. Residents, workers, health-seekers, vacationists and Army personnel require this service to enable them to get to their work, businesses, or stores, and to the bath house or other recreational spots. The testimony indicates an average monthly population for this area of 600 during the winter season. Similar evidence was presented in support of the Cathedral City operation. This community has a population of approximately 1000. The chief warrant officer at the Army Air Base in Palm Springs testified that Army personnel and their families require this service. The Secretary of the Chamber of Commerce of Palm Springs, the President of the Chamber of Commerce of Cathedral City, a doctor, and a business man also testified as to the need for the service.

3.

SCHEDULE							
CATHEDRAL CITY DIVISION							
READ DOWN				READ UP			
Ex.	Ex.	Ex.		Ex.	Ex.	Ex.	
Sun.	Sun.	Sun.	MLS.	Sun.	Sun.	Sun.	
P.M.	A.M.	A.M.		A.M.	A.M.	P.M.	
5:00	10:30	8:00	0.0 Lv. Tanner Office	Ar.	8:39	11:09	5:39
5:05	10:35	8:05	1.0 Carnell Bldg.		8:34	11:05	5:34
5:07	10:37	8:07	2.6 Indio Junction		8:32	11:02	5:32
5:08	10:38	8:08	3.1 Deepwell Ranch		8:31	11:01	5:31
5:09	10:39	8:09	3.2 La Paz		8:30	11:00	5:30
5:11	10:41	8:11	3.9 Smoketree Ranch		8:29	10:59	5:29
5:13	10:43	9:13	4.6 Airport Araby Jct.		8:27	10:57	5:27
5:18	10:48	8:18	7.8 Arch		8:21	10:51	5:21
5:19	10:49	8:19	8.0 Ar. Cathedral City	Lv.	8:20	10:50	5:20
			(Hillery Office)				

The record also shows that applicant has sufficient equipment available to enable it to render this service in a satisfactory manner.<sup>4</sup>

All interested parties and witnesses supported the application and no protests were recorded.

We find that public convenience and necessity require the establishment and operation of the proposed service and that it is in the public interest; therefore, the application will be granted.

Tanner Motor Tours, Ltd. is hereby placed upon notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate-fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. 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

Public hearing having been held in the above-entitled proceeding, the matter having been submitted, and the Commission being fully informed,

IT IS ORDERED as follows:

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4. Applicant intends to use one 1942 Oldsmobile station wagon of 7-passenger capacity and one 1941 Fitzjohn Bus with a capacity of 12 passengers. Also available, if needed, are 4 Packard station wagons. Applicant states that it holds a certificate of war necessity for this equipment.

(1) That a certificate of public convenience and necessity is hereby granted to Tanner Motor Tours, Ltd., a California corporation, authorizing the establishment and operation of a service as a "passenger stage corporation," as that term is defined in Section 2½ of the Public Utilities Act, for the transportation of passengers and their hand baggage between Palm Springs, on the one hand, and Desert Hot Springs and Cathedral City, on the other hand, and intermediate points.

(2) That in providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

- (a) Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the effective date hereof.
- (b) Applicant shall comply with the provisions of General Order No. 79 and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective, appropriate tariffs and time schedules within sixty (60) days from the effective date hereof and on not less than one (1) day's notice to the Commission and the public.
- (c) Subject to the authority of this Commission to change or modify it at any time by further order, applicant shall conduct operations, pursuant to the certificate herein granted, over and along the following route:

Desert Hot Springs Route: Beginning at the intersection of Andreas Road and Highway No. 111 in Palm Springs, thence along Highway No. 111, Tachevah Drive, Indian Avenue, Aqueduct Road, Desert Hot Springs Road to Desert Hot Springs.

Cathedral City Route: Beginning at the intersection of Andreas Road and Highway No. 111, thence along said Highway No. 111 to Cathedral City.

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

Dated at San Francisco, California, this 16<sup>th</sup> day of January, 1945.

Richard Lachar  
Justus F. Garner  
Thomas C. Carr  
Frank D. Lawrence  
Harold Hudson  
COMMISSIONERS