

Decision No. 78727

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)
LAS VEGAS-TONOPAH-RENO STAGE LINE,)
INC., a corporation, for a certifi-)
cate of public convenience and neces-)
sity authorizing certain additional)
routes and alternate routes as a pas-)
senger stage service for the trans-)
portation of passengers between Los)
Angeles, Bakersfield, Barstow, Baker,)
Death Valley Junction, Mojave, Lone)
Pine, Olancho and Ryan, on the one)
hand, and, on the other, Death Valley)
National Monument, pursuant to Sec-)
tions 1031-1036 of the California)
Public Utilities Code.)

Application No. 52264
(Filed October 26, 1970)
(Amended January 8, 1971)

O P I N I O N

The applicant (hereinafter referred to as LVTR) is a passenger stage corporation presently transporting passengers and their baggage generally in the Lake Tahoe area, and from Los Angeles and other points to Death Valley National Monument and vicinity as provided by Decision No. 77458, dated July 7, 1970, Application No. 51850.

The application was set for hearing at Barstow, California. Orange Belt Stages having withdrawn its protest after an amendment by applicant, the hearing was cancelled.

The articles of incorporation of applicant issued by the State of Nevada are on file with the Commission, attached to Application No. 42675. Applicant is qualified to conduct intrastate passenger stage operations within the State of California.

Applicant requests authorization to extend such passenger stage operations so as to expedite and improve its present transportation of passengers and upgrade its service by the following four changes in operations:

1. To extend its Death Valley service so as to transport passengers directly from Bakersfield.
2. To operate over State Highway 178 as an alternate route between its junctions with the presently existing routes of State Highways 14 and 395, and Shoshone, when said routes now under construction are completed.
3. To operate over an unnumbered road between its junction with State Highway 127 (near Salt Springs) and Furnace Creek in Death Valley Monument, serving its junction with State Highway 178 as a point of joinder with other regular and alternate routes.
4. To operate between Lone Pine and the points known as Whitney Portals and Alabama Hills in combination with its route through Lone Pine.

LVTR proposes to provide service over the extended regular and alternate routes without decrease in existing timetables now on file with this Commission. Only such additional or amended timetables will be established as may be necessary to conform to the extended and restated certificate. The projected State Highway 178 between the present termini with unnumbered county highway south of Trona, and the other terminus in the Monument approximately 27 miles east of Shoshone, which is still in the process of design are to be traversed when completed.

The operations are to be restricted by adding the following condition and restriction:

"No passenger shall be transported between Bakersfield and Barstow, or points intermediate thereto, unless he is transported to, from or through Death Valley National Monument."

Applicant proposes to charge the same fares and rates and to apply the same rules and regulations which now apply to service over presently authorized routes. Applicant proposes to render the service using the same motor vehicle equipment now owned by it and used in present operations, and no additional equipment or financial or other resources will be needed to provide the proposed service.

The Commission staff has reviewed the request of applicant to operate over State Highway 178 as an alternate route as described above, and states that the California Division of Highways has reported as follows:

At present, the Route 178 project is completely inactive and we do not see any possibility of a highway being constructed between, roughly, Trona and the Shoshone area within the foreseeable future. There is no traversable highway between a point, 15 miles easterly of Ridgecrest and a point, 30 miles west of Shoshone. It does not appear that construction between these two points is likely in the foreseeable future and there is some sentiment that this portion of Route 178 should be deleted from the State Highway System.

The Commission staff recommends that the request of applicant to operate over this portion of Route 178 be denied at this time with the reservation that if and when State Highway 178 is constructed between State Highways 14 and 395 and Shoshone, the applicant could apply under the Route Revision Docket for authority to use the new route.

It appears from the application and exhibits that applicant, LVTR, possesses the experience, equipment, personnel and financial resources to institute, maintain and operate the proposed service and is qualified to operate as a passenger stage corporation in the State of California. The protest of Orange Belt Stages, a corporation, has been withdrawn. The request to operate over incomplete State Highway 178 will be denied.

After consideration the Commission finds as follows:

1. Applicant possesses the experience, equipment, personnel, and financial resources necessary to institute and maintain the proposed service.
2. Public convenience and necessity do not require that authority be granted to operate over a projected State Highway which is still in the process of design.
3. Public convenience and necessity require that the application as amended be granted as set forth in the ensuing order. A public hearing is not necessary.

Las Vegas-Tonopah-Reno Stage Line, Inc., is hereby placed on 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, such rights extend to the holder a full or partial monopoly of a class of business. This monopoly feature may be modified or canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Las Vegas-Tonopah-Reno Stage Line, Inc., a corporation, authorizing it to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the points and over the routes particularly set forth in Appendix A, First Revised Pages 2, 3 and 4 attached hereto and made a part hereof.
2. Appendix A of Decision No. 77458 is amended by incorporating therein First Revised Pages 2, 3 and 4 in revision of Original Pages 2, 3 and 4.
3. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations. Failure so to do may result in a cancellation of the operating authority granted by this decision.
 - (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. Applicant is placed on notice that, if it accepts the certificate of public convenience and necessity herein granted, it will be required, among other things, to comply with and observe the safety rules of the California Highway Patrol, the rules and other regulations of the Commission's General Order No. 98-A and insurance requirements of the Commission's General Order No. 101-C.

- (b) Within one hundred twenty days after the effective date hereof, applicant shall establish the service herein authorized and file tariffs and timetables, in triplicate, in the Commission's office.
- (c) The tariff and timetable filings shall be made effective not earlier than ten days after the effective date of this order on not less than ten days' notice to the Commission and the public, and the effective date of the tariff and timetable filings shall be concurrent with the establishment of the service herein authorized.
- (d) The tariff and timetable filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs and timetables set forth in the Commission's General Orders Nos. 79 and 98-A.
- (e) Applicant shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 25th
day of MAY, 1971.

[Signature]
Chairman
William J. Lyons, Jr.
[Signature]
Thomas L. Sturgeon
[Signature]
Commissioners

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS,
LIMITATIONS, AND SPECIFICATIONS.

The certificate hereinafter noted supersedes all operating authority heretofore granted to Alfred L. Riddle, doing business as Riddle Scenic Tours and all authority heretofore granted to Las Vegas-Tonopah-Reno Stage Line, Inc.

Las Vegas-Tonopah-Reno Stage Line, Inc., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to conduct a passenger stage service for the transportation of passengers and their baggage between Los Angeles, Bakersfield*, Barstow, Baker, Death Valley Junction, Mojave, Olancho, Trona, Lone Pine and Ryan, on the one hand, and the Death Valley National Monument, on the other hand; between Tahoe City and the California-Nevada State Line; and between Tahoe City and Truckee, over and along the routes hereinafter described, subject to the following conditions and restrictions:

- (a) Motor vehicles may be turned at termini and intermediate points, in either direction, at intersection of streets or by operating around a block contiguous to such intersections in accordance with local traffic regulations.
- (b) When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- (c) Specific points of pick up and discharge shall be named in applicant's tariff. This restriction shall not prevent stopovers for the purpose of permitting sightseeing passengers to visit various points of interest along the route.
- (d) Regular service to and from Death Valley National Monument shall be provided during the period from November 1 to April 30 of the following year.
- (e) Applicant shall not be obligated to perform service for fewer than four adult passengers to or from Death Valley National Monument.
- (f) The conditions under which "on call" service is to be rendered shall be shown in applicant's tariff and timetable.
- (g) Shipments of express shall be allowed on the Tahoe City routes in passenger carrying vehicles only.

Issued by California Public Utilities Commission.

*Changed by Decision No. 78727, Application No. 52264.

SECTION 1. (Continued)

- *(h) No passenger shall be transported between Bakersfield and Barstow, or points intermediate thereto, unless he is transported to, from or through Death Valley National Monument.

SECTION 2. ROUTE DESCRIPTIONS.

Route 1 - Los Angeles or Bakersfield* - Death Valley National Monument via Barstow

Commencing at applicant's terminus in the City of Los Angeles, thence along Interstate Highway No. 10 and Interstate Highway No. 15 to Barstow, thence Interstate Highway No. 15 to Baker, thence State Highway No. 127 to Death Valley Junction, thence State Highway No. 190 to Furnace Creek in Death Valley National Monument.

*Commencing at applicant's terminus in the City of Bakersfield over State Highway No. 58 to Boron, thence over unnumbered road to the Borax Plants, and return over the same route to Boron, thence over State Highway No. 58 to Barstow, thence Interstate Highway No. 15 to Baker, thence State Highway No. 127 to Death Valley Junction, thence State Highway No. 190 to Furnace Creek in Death Valley National Monument.

Also, from State Highway No. 190 along unnamed road to serve a point known as Ryan.

*Alternate Route:

Along unnumbered road between its junction with State Highway No. 127 (near Salt Springs) and Furnace Creek in Death Valley National Monument.

Route 2 - Los Angeles or Bakersfield* - Death Valley National Monument via Olancha

Commencing at applicant's terminus in the City of Los Angeles, thence along Interstate Highway No. 5 and State Highway No. 14 to Mojave, thence State Highway No. 14, and U.S. Highway No. 395 to Olancha, thence U.S. Highway No. 395 to Lone Pine, thence State Highway Legislative Route No. 136, and State Highway No. 190 to Furnace Creek in Death Valley National Monument.

Issued by California Public Utilities Commission.

*Changed by Decision No. 78727, Application No. 52264.

SECTION 2. ROUTE DESCRIPTIONS (Continued)

Route 2 - Los Angeles or Bakersfield*-Death Valley National Monument via Olancha

*Commencing at applicant's terminus in the City of Bakersfield over State Highway No. 178 to its junction with State Highway 14, thence State Highway No. 14, and U.S. Highway No. 395 to Olancha, thence U.S. Highway No. 395 to Lone Pine, thence State Highway Legislative Route No. 136, and State Highway No. 190 to Furnace Creek in Death Valley National Monument.

*Also from Lone Pine over unnumbered road to points known as Whitney Portals and Alabama Hills and return over the same route to Lone Pine.

Alternate Route:

Along State Highway No. 190 between Olancha and Furnace Creek.

Route 3 - Los Angeles or Bakersfield*-Death Valley National Monument via Trona

Commencing at the applicant's terminus in Los Angeles, thence along Interstate Highway No. 10, Interstate Highway No. 15, U.S. Highway No. 395, Trona Road and State Highway No. 190 to Furnace Creek in Death Valley National Monument.

*Commencing at applicant's terminus in the City of Bakersfield over State Highway No. 178 to its junction with U.S. Highway No. 395, thence U.S. Highway 395, Trona Road and State Highway No. 190 to Furnace Creek in Death Valley National Monument.

Route 4 -

Commencing at Tahoe City, thence along California State Highway 28 serving Lake Forest, Carnelian Bay, Tahoe Vista, and Kings Beach to the California-Nevada State Line.

Route 5 -

Commencing at Tahoe City, thence along California State Highway 89 and U.S. Highway 40 to and including Truckee serving all intermediate points including Squaw Valley as an off-route point.

Issued by California Public Utilities Commission.

*Changed by Decision No. 78727, Application No. 52264.