

ORIGINAL

Decision No. 21210

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 CALIFORNIA TRANSIT CO., a corporation, for)
 a certificate of public convenience and)
 necessity to (a) consolidate its operative)
 rights and establish certain through service) Supplementl
 over separate operative rights, (b) extend) Application
 its operative rights from Oakland to San) No.11005
 Francisco, and (c) to correct certain fares)
 and establish new rates, rules and regulations)
 governing the transportation of persons,)
 baggage and express.)

Earl A. Bagby, for Applicant.
 Robert Collins, Deputy City Attorney, for City of Richmond,
 Interested party.
 C. E. Brown, for San Francisco, Napa & Calistoga
 Railway, Interested party.

BY THE COMMISSION -

OPINION and ORDER on SUPPLEMENTAL APPLICATION

This is an application by California Transit Co., a corporation, for an order of the Railroad Commission definitely fixing the routes it may follow in the operation of the automotive passenger stage service it is operating between various points in California under authority of certificates of public convenience and necessity heretofore issued by the Railroad Commission, with particular reference to the operating rights granted by Decision No.18249, issued on Application No.11005. It is supplemental to Application No.11005, applicant asking mainly that an order be made clarifying ambiguities contained in decisions and orders heretofore issued by the Railroad Commission and authorizing it to take advantage of certain new highway and street construction work which has made possible more efficient operation, with the fullest consideration given to traffic conditions, safety of operation and the needs of the traveling public. No rate changes or service eliminations will result from the issuance of the order sought.

A public hearing was held by Examiner Williams and the matter was taken under submission. No one appeared to protest the granting of the application.

F. D. Everman, witness for applicant, described the operations of applicant in the various communities affected by the proposed re-routings. He stated that the city officials of the various cities were fully cognizant of the proposals contained in the application and were in accord with applicant in its desire to have the routes through their communities definitely fixed. As to the authorizations sought by applicant covering service in other than urban territory, they appear to be justified by the allegations contained in the application, supplemented by explanations made by Earl A. Bagby, Attorney for applicant.

There were but two other witnesses, D. L. Pemberton, a business man of Richmond, who testified that the change proposed affecting service in Richmond would benefit a larger number of people than are served now by operation through territory closer to the center of traffic, and Robert Collins, representing the City Attorney of Richmond, who testified that the proposed change of route in Richmond has the approval of the city authorities by resolution adopted by the City Council.

The changes proposed by applicant herein are as follows:

Item A - Between San Francisco and Oakland, eastbound route to be via automobile ferry between San Francisco and Oakland to Oakland Mole, thence via Seventh Street to the Parr Terminal Road ("B" Street), thence on Parr Terminal Road to Fourteenth Street, thence via Fourteenth Street to Castro Street, thence via Castro Street to the company depot; westbound route to be via Castro Street to Twenty-first Street, thence on Twenty-first Street to Brush Street, thence on Brush Street to Fourteenth Street, thence on Fourteenth Street to the Parr Terminal Road, thence on Parr Terminal Road to Seventh Street, thence on Seventh Street to the Oakland Mole.

Item B - Within the City of Oakland: - Northbound route between Oakland and Sacramento to be via Castro Street, thence to San Pablo Avenue and thence northerly on San Pablo Avenue; southbound route to be via San Pablo Avenue to Brush Street, thence on Brush Street to Twentieth Street, thence on Twentieth Street to Castro Street, thence on Castro Street to the company depot; between Oakland and points east, eastbound route to be via Castro Street, thence to Twenty-first Street, thence on Twenty-first Street to San Pablo Avenue, thence on San Pablo Avenue to Twentieth Street, thence on Twentieth Street to Lakeshore Boulevard, thence on Lakeshore Boulevard to East Twelfth Street, thence easterly on East Twelfth Street; westbound route to be the reverse of this eastbound route.

Item C - Between Oakland and High Street, eastbound route to be via Twelfth Street to Derby Avenue, thence on Derby Avenue to East Fourteenth Street, thence on East Fourteenth Street across High Street to Hayward, and as an optional routing, if stages are routed to Foothill Boulevard, turning on to High Street from East Fourteenth Street, thence on High Street to Foothill Boulevard and out Foothill Boulevard; westbound routes to be the reverse of these east bound routes.

Item D - On Foothill Boulevard, the route in either direction to be via the new highway constructed south of the Pageol factory between 105th Street and Superior Avenue.

Item E - Between High Street and points east the route in either direction when through Hayward to be via East Fourteenth Street exclusively; when not serving Hayward, the route to be either via Fourteenth Street and Castro Valley Road between East Fourteenth Street and Foothill Boulevard, or via Foothill Boulevard exclusively.

Item F - Between Hayward and the Dublin Canyon highway, the route in either direction to be via the extension of B Street (Hayward) to where the new highway intersects Foothill Boulevard near Chabot Road.

Item G - Within the City of Richmond the northbound routes to be from the intersection of Cutting Boulevard with San Pablo Avenue as follows:

Route A - Northerly on San Pablo Avenue to the intersection of San Pablo Avenue with the intersection of 23rd Street, Richmond.

Route B - Northerly on San Pablo Avenue to Macdonald Avenue, thence on Macdonald Avenue to 23rd Street, Richmond, thence northerly on 23rd Street to San Pablo Avenue, and

Route C - Northerly on San Pablo Avenue to Macdonald Avenue, thence westerly on Macdonald Avenue to Tenth Street, Richmond, thence northerly on Tenth Street to Lucas Street, thence easterly on Lucas Street to Thirteenth Street, thence northerly on Thirteenth Street to Sanford Avenue to 23rd Street, thence northerly on 23rd Street to San Pablo Avenue.

Southbound routes to be the reverse of these northbound routes.

Item H - For the general operation of its system, on reconstruction of highways not affecting intermediate points named in the tariffs of the company, the route shall follow the newly constructed highway with particular reference being made in this regard to the highway as presently relocated and reconstructed between Arno and Galt, between Hayward and Santa Rita via Dublin Canyon and between Bakersfield and Saugus via the Ridge Route.

Item I - For its service through Livermore, optional routes shall be as follows:

- A- The main highway through the north city limits of Livermore.
 - B- Eastbound, turning from the main highway on to First Street, Livermore, thence on First Street to Main Street, thence on Main Street to the main state highway, the westbound route to be the reverse of this eastbound route.
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Item J - The route between San Joaquin River Bridge and Stockton and between San Joaquin River Bridge and Manteca to be via the newly established highways with a point to be known as Mossdale Junction to be the junction point instead of Mossdale.

Item K - Between Stockton and Manteca, for stages operating in either direction between Stockton and points east of Manteca, the route to be via the Mariposa Road to its intersection with the Manteca Road, thence through Turner Station to Manteca.

Item L - Between Madera and Fresno, the route to be via the new San Joaquin River Bridge near Herndon, instead of the old San Joaquin River Bridge immediately east thereof.

Item M - Between Coalinga and Lemoore the route to be via either the station known as Shell Camp or via the direct main traveled route which does not include Shell Camp.

Item N - Consolidation of the operative rights of the applicant between Los Angeles and Bakersfield via the Ridge Route and between Los Angeles and Taft, each with the other and the consolidation of such routes in turn with the consolidated system of the applicant.

Item O - Transportation of passengers and their baggage and of express between Carl Inn and Mather as an extension of the service between Groveland and Carl Inn, the transportation of such express matter to be subject to the company's general rates, rules and regulations as approved by Decision No. 18249 of this Commission, including the provision that no single package shall be accepted for transportation exceeding one hundred pounds in weight. ✓
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Item P - Removal of limitation of 75 pounds per package on express matter between Coalinga and Lemoore and authority to transport express packages weighing up to one hundred pounds, said express transportation to be governed by the standard rates, rules and regulations for the transportation of express on applicant's system as established by Decision No. 18249.

Item Q - Operation by California Transit Co. over the routes as established by Decision No. 18249 for the transportation of passengers and baggage and express as therein authorized between all the termini and all intermediate points, provided, that the right to serve between Napa and Vallejo and intermediate points is not in this decision to be determined; provided further, that the right to render service between Martinez and Stockton as granted by Decision No. 19691 is not to be affected by this decision; provided further, that the provisions of this paragraph shall not be construed, in any regard, enlarging upon any operative rights of the applicant other than to convey the right to serve all intermediate points served by and along its several routes defined by Decision No. 18249 in all instances unless therein expressly restricted.

Item R - Authority to serve all intermediate points and termini between Bakersfield and Los Angeles via the Ridge Route and Tehachapi Route and between Taft and Greenfield and Los Angeles via the Ridge Route, provided that no local service shall be rendered between San Fernando and Los Angeles, or points intermediate thereto, over either or any route of applicant between such points.

We are of the opinion that the evidence in this proceeding justifies a finding that the application should be granted. It must be distinctly understood, however, that the granting of this application in no way alters or eliminates restrictions heretofore imposed on the operations of applicant by specific orders of this Commission, or grants to applicant any authority other than that specifically described in the order herein.

California Transit Co., a corporation, 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

A public hearing having been held in the above entitled proceeding, the matter duly submitted and the Commission being fully advised,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by California Transit Company of automotive passenger stage service for the transportation of passengers, baggage and express in accordance with the routes and provisions laid down in each of the following items:

Item A - Between San Francisco and Oakland, eastbound route to be via automobile ferry between San Francisco and Oakland to Oakland Mole, thence via Seventh Street to the Parr Terminal Road ("B" Street), thence on Parr Terminal Road to Fourteenth Street, thence via Fourteenth Street to Castro Street, thence via Castro Street to the company depot; westbound route to be via Castro Street to Twenty-first Street, thence on Twenty-first Street to Brush Street, thence on Brush Street to Fourteenth Street, thence out Fourteenth Street to the Parr Terminal Road, thence on Parr Terminal Road to Seventh Street, thence on Seventh Street to the Oakland Mole.

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dition of such routes in turn with the consolidated system of the applicant.

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IT IS HEREBY ORDERED that a certificate of public convenience and necessity for the service as described in said items be and the same is hereby granted to California Transit Co., a corporation, subject to the following conditions:

- 1- The applicant within ten (10) days from the date hereof shall file its acceptance of the certificate herein granted, which acceptance shall contain the statement that said certificate is accepted with the understanding that it authorizes only such changes in routing and service as are herein specifically authorized, and that it in no way is to

be construed as authority to eliminate or alter restrictions as to service specifically imposed by previous orders of the Commission.

2- That applicant shall immediately file with the Railroad Commission tariffs and time schedules as are necessary under the Commission's general orders to cover service alterations herein authorized.

3- 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 secured.

4- No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 1st day of

July, 1929.

David S. Lott

Charles

Ernest

W. J. Linn

COMMISSIONERS.