

Decision No. 23279.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

In the Matter of the Application of EAST BAY STREET RAILWAYS, LTD., a corporation, for an order authorizing it to abandon rail service on 8th Street, from Broadway to 5th Avenue, along 5th Avenue to E. 14th Street, and re-route service of Applicant's No. 9 line in the City of Oakland, County of Alameda, State of California.

Application No. 17062.

In the Matter of the Application of EAST BAY MOTOR COACH LINES, LTD., a corporation, for authority to install and operate a motor coach line in the City of Oakland.

Application No. 17063.

Brobeck, Phleger & Harrison and Chapman, Trefethen, Richards & Chapman, by Frank S. Richards, for the Applicant.

John W. Collier, Deputy City Attorney, for the City of Oakland.

Edwin G. Wilcox, for the Oakland Chamber of Commerce.

George E. Sheldon, for the Uptown Association.

Charles X. Newman, for Lake Merritt Boosters Club.

Harold D. Weber, for the Oakland Business District Association.

BY THE COMMISSION:

O P I N I O N

In Application No. 17062 East Bay Street Railways, Ltd.,

seeks authorization to abandon rail service on Eighth Street, from Broadway to Fifth Avenue, along Fifth Avenue from Eighth Street to East Fourteenth Street and reroute service on its No. 9 and No. 15 lines, hereinafter described, in the City of Oakland, County of Alameda, California.

In application No. 17063 East Bay Motor Coach Lines, Ltd., seeks authority to install and operate a motor coach line on a route along Eighth Street and Fifth Avenue, as hereinafter described, in the City of Oakland, County of Alameda, California.

A public hearing on these matters was held before Examiner Gannon in Oakland on December 30, 1930.

East Bay Street Railways, Ltd., operates two street car lines over the tracks proposed to be abandoned; i. e., the No. 9 line (Alameda via Park Street) operates over a loop through the business district, one leg of which operates south on Fifth Avenue from East Fourteenth Street to Eighth Street and west on Eighth Street from Fifth Avenue to Washington Street, and the No. 15 line (38th Avenue) which also operates through the business district on the same loop as the No. 9 line but in the opposite direction.

In the application it was proposed to operate these two lines from Fifth Avenue along East Fourteenth Street, and west on Twelfth Street and east on Thirteenth Street via the Jefferson Street loop.

At the hearing the proposed routing was amended as follows:

From Fifth Avenue, west on East Fourteenth Street to First Avenue, south on First Avenue to Twelfth Street, west on Twelfth Street to Oak Street, north on Oak Street to Thirteenth Street, west on Thirteenth Street to Washington Street, south on Washington Street to Eighth Street, east on Eighth Street to Broadway, north on Broadway to Twelfth Street, east on Twelfth Street to First Avenue, north on First Avenue to East Fourteenth Street and east on East Fourteenth Street via existing route.

Before this route can be established it will be necessary to construct a curve connection at the intersection of Twelfth and Broadway. Pending the construction of this curved connection it is proposed to operate over a temporary route as follows:

Same route as set forth above to Washington Street and Eighth Street; thence west on Eighth Street, to existing crossover in Eighth Street between Washington Street and Clay; thence return east on Eighth Street to Washington Street, north on Washington Street to Twelfth Street, and thence east on Twelfth Street as set forth above.

The City of Oakland proposes to repave Eighth Street from Fallon Street to Fifth Avenue and if the tracks are to remain, it will cost the street car company approximately \$45,000. to reconstruct its line with new materials and pave over the tracks. If the line were reconstructed, using existing materials throughout wherever possible, the cost would amount to approximately \$22,500.

The repaving of Eighth Street will involve certain grade changes and if the tracks are to remain, they should be

completely rehabilitated. Applicant contends that the cost of reconstructing with the necessary paving of these tracks will be of little or no benefit to it or its patrons.

Furthermore the financial condition of the applicant is such that it cannot be burdened with the cost of this reconstruction and repaving obligation.

Applicant, East Bay Motor Coach Lines, Ltd., in Application No. 17063 proposes to install motor bus service over a route substantially the same as the rail route proposed to be abandoned in Application No. 17062, so that local service will be continued.

There was no substantial objection to the granting of the applications from a standpoint of public transportation need. However, it was pointed out by the City Engineer that plans for the paving improvement contemplates the company would bear the expense of paving the track section.

It appears that the plan submitted by applicants for the rerouting of the No. 9 and No. 15 street car lines and the establishment of motor bus service to serve the Eighth Street District is reasonable and meets the approval of interested parties.

O R D E R

A public hearing having been held and the matter having been submitted,

IT IS HEREBY ORDERED that East Bay Street Railways, Ltd., is hereby granted authority to abandon and discontinue operation of street cars and remove its tracks and appurtenances

thereto over the following described route:

Commencing at the intersection of East Fourteenth Street and Fifth Avenue, thence south along Fifth Avenue to Eighth Street and thence west on Eighth Street to Franklin Street, all within the City of Oakland, State of California.

Subject, however, to the following conditions:

(1) Upon the abandonment of said tracks applicant shall temporarily operate its No. 9 line (Alameda via Park Street) and its No. 15 line (38th Avenue) upon and along the following route west of Fifth Avenue:

Commencing at the intersection of East Fourteenth Street and Fifth Avenue, thence west along East Fourteenth Street to First Avenue, thence south along First Avenue to Twelfth Street, thence west along Twelfth Street to Oak Street, thence north along Oak Street to Thirteenth Street, thence west along Thirteenth Street to Washington Street, thence south along Washington Street to Eighth Street, thence west along Eighth Street to crossover between Washington Street and Clay Street, returning east along Eighth Street to Washington Street, north along Washington Street to Twelfth Street, thence east along Twelfth Street to First Avenue, thence north along First Avenue to East Fourteenth Street and east along East Fourteenth Street to Fifth Avenue. The routing of the remainder of the No. 9 and No. 15 lines is to be unchanged.

(2) Applicant shall forthwith install a curve track connection at the intersection of Twelfth Street and Broadway and upon the completion of said curved track connection shall discontinue the temporary routing of the No. 9 and No. 15 lines as hereinbefore described and operate over the following described route:

Commencing at the intersection of East Fourteenth Street and Fifth Avenue, thence west along East Fourteenth Street to First Avenue, thence south along First Avenue to Twelfth Street, thence west along Twelfth Street to Oak Street, thence north along Oak Street to Thirteenth Street, thence west along Thirteenth Street to Washington Street, thence south along Washington Street to Eighth Street, thence east along Eighth Street to Broadway, thence north along Broadway to Twelfth Street, thence east along Twelfth Street to First Avenue, thence north along First Avenue to East Fourteenth Street and thence east along East Fourteenth Street to Fifth Avenue. The routing of the remaining portions of the No. 9 and No. 15 lines is to be unchanged.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY
DECLARES that public convenience and necessity require, upon the
abandonment of the rail service herein authorized, the operation by
East Bay Motor Coach Lines, Ltd., of an automotive passenger stage
service for the transportation of passengers within the City of
Oakland over the following described route:

Commencing at East Fourteenth Street and Sixth Avenue, thence south along Sixth Avenue to East Eleventh Street, thence west along East Eleventh Street to Fifth Avenue, thence south along Fifth Avenue to Eighth Street, thence west along Eighth Street to Broadway, thence north along Broadway to Ninth Street, thence east along Ninth Street to Franklin Street, thence south along Franklin Street to Eighth Street, thence east along Eighth Street to Fifth Avenue, thence north along Fifth Avenue to East Fourteenth Street, thence east along East Fourteenth Street to Sixth Avenue, the point of beginning.

IT IS HEREBY FURTHER ORDERED that a certificate of public convenience and necessity for such service is hereby granted to East Bay Motor Coach Lines, Ltd., along the route above described, subject to the following conditions:

- (1) Applicant shall file written acceptance of the certificate herein granted within a period of not to exceed five (5) days prior to the abandonment of street car service by East Bay Street Railways, Ltd., as hereinbefore authorized.
- (2) Applicant shall file in duplicate and make effective, within a period of not to exceed thirty (30) days from the acceptance hereof, 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 now in force on said route by East Bay Street Railways, Ltd.
- (3) Applicant shall file, in duplicate, and make effective, within a period of not exceeding thirty (30) days from the acceptance hereof, time schedules covering the service herein authorized, in a form satisfactory to the Railroad Commission.
- (4) Applicant shall commence operation of said service concurrently with the abandonment of street car service

of East Bay Street Railways, Ltd., on Eighth Street and Fifth Avenue as hereinbefore authorized.

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

IT IS HEREBY FURTHER ORDERED that the authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof, unless further time is granted by subsequent order.

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 13th day of January, 1931.

C. C. Seawey

M. A. Curran

W. B. Harris

Fred G. Stewart

Commissioners.