

Decision No. 23507.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of EAST BAY STREET RAILWAYS, LTD., a corporation, for an order authorizing it to abandon its so-called "Dinky" service operating from 41st Street to Piedmont Avenue, Oakland, to 40th Street and San Pablo Avenue, Emeryville, in the County of Alameda, State of California.

Application No. 17137

ORIGINAL

In the Matter of the Application of EAST BAY MOTOR COACH LINES, LTD., for an order authorizing it to abandon a portion of its Excelsior Motor Coach Line and to re-route said Excelsior Motor Coach Line in the County of Alameda, State of California.

Application No. 17138.

Brobeck, Phleger and Harrison and Chapman, Trefethen, Richards and Chapman by Frank S. Richards, For Applicants.

Preston Higgins, City Attorney, by John W. Collier, for the City of Oakland.

George J. Lacoste, City Attorney, for the City of Emeryville.

WHEATSELL, COMMISSIONER:

O P I N I O N

In Application No. 17137, East Bay Street Railways, Ltd., requests permission to abandon street car operation along Fortieth Street and private right of way from 41st Street and Piedmont Avenue to San Pablo Avenue and Yerba Buena Avenue in the cities of Oakland and Emeryville.

In Application No. 17138, East Bay Motor Coach Lines, Ltd., requests permission to extend the route of its Excelsior

Avenue Motor Bus Line along Fortieth Street from Broadway to San Pablo Avenue in the cities of Oakland and Emeryville.

The purpose of the extension of this motor bus line is to replace the street car service sought to be abandoned.

A public hearing was held on these matters in Oakland on March 5, 1931.

East Bay Street Railways, Ltd., now operates a street car line along Fortieth Street in connection with a street car line along Adeline Street between San Pablo Avenue, Emeryville, and Ward Street, Berkeley. This operation is on a headway of twenty minutes in the day time and forty minutes at night. These street cars must cross San Pablo Avenue. In the event the application is granted, the movements across San Pablo Avenue will be eliminated. Now there are 540 electric train movements daily by all lines across San Pablo Avenue. Of these movements, 172 are by the street car line herein involved or approximately one-third of the total number. The elimination of these street car movements across San Pablo Avenue, a heavy highway traffic artery, is desirable.

To replace this street car service, East Bay Motor Coach Lines, Ltd., proposes to extend its Excelsior Avenue motor bus line from its present northerly terminus at 40th Street and Broadway, westerly along 40th Street to San Pablo Avenue. The route is so laid out that there will be no operation across San Pablo Avenue. The proposed extension of the Excelsior Avenue motor bus line will render a better service than the existing street car line by providing a ten-minute service during the morning and evening peak periods and a twenty-minute service throughout the remainder of the day.

The proposed extension of the motor bus line will serve all points now served by the street car, except 41st and Piedmont

Avenue, but passengers destined to or departing from that point can transfer from the Piedmont Avenue street car line to the bus at the intersection of Piedmont Avenue and Moss Avenue.

The only people that will be inconvenienced will be those who now transfer from the 40th Street car line to the Montclair Bus at 41st Street and Piedmont Avenue. These passengers will be required to make an additional transfer. The testimony shows that only about two (2) per cent of the total traffic on the Montclair Bus line avail themselves of this privilege.

The granting of these applications was not opposed by either of the cities involved or by any organization or person. The record clearly indicates that the communities involved will be better served by the proposed changes and it is recommended that the applications be granted.

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 street car service upon and along the Fortieth Street and private right of way from Forty-first Street and Piedmont Avenue, City of Oakland, to Fortieth Street and San Pablo Avenue, City of Emeryville, provided, however, that said discontinuance shall be placed in effect simultaneously with the commencement of operation on the extension of motor bus service by East Bay Motor Coach Lines, Ltd., as hereinafter authorized but not until five (5) days' notice has been given the traveling public of said discontinuance of rail service by posting of notices in cars operated

on said street car lines.

The Railroad Commission of the State of California hereby declares that public convenience and necessity require, upon discontinuance of street car service on Fortieth Street, City of Oakland and City of Emeryville, as authorized above, the operation by East Bay Motor Coach Lines, Ltd., as an extension of its so-called Excelsior Avenue line of an automobile service for the transportation of passengers within the City of Oakland over the following route:

Commencing at Broadway and Fortieth Street, City of Oakland, thence running along Fortieth Street to Adeline Street, City of Emeryville, thence along Adeline Street to Thirty-ninth Street, thence along Thirty-ninth Street to Market Street, City of Oakland, thence along Market Street to Fortieth Street and return along Fortieth Street to 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., provided the rail service along Fortieth Street as authorized herein is abandoned.

IT IS HEREBY FURTHER ORDERED that the operative rights granted herein are granted subject to the following conditions:

- (1) Applicant shall file written acceptance of the certificate herein granted within a period of not exceeding 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 Order and containing rates and rules which, in volume and effect, shall be identical with those now in effect 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.

