

Decision No. 22244.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

CITY OF OAKLAND, a municipal corporation,

Complainant and Petitioner

vs.

EAST BAY MOTOR COACH LINES, LTD.

Defendant.

ORIGINAL

Case No. 3002.

C. Stanley Wood, City Attorney, and
John W. Collier, Deputy City Attorney
of the City of Oakland, for Complainant.

Markell C. Baer, for Board of Port Com-
missioners of the City of Oakland.

Chapman, Trefethen, Richards and Chapman
and Brobeck, Phleger and Harrison, by
Frank S. Richards, for Defendant.

BY THE COMMISSION:

O P I N I O N

In this proceeding the City of Oakland seeks from the Railroad Commission an order requiring East Bay Motor Coach Lines, Ltd., to install and maintain a daily motor coach service along East 10th Street, Russett Street and 105th Avenue, between Fruitvale Avenue and East 14th Street, and Sunday service to the Oakland Airport via Hengenberger Road, all within the City of Oakland.

Public hearings were conducted by Examiner Williams in San Francisco and Oakland. At the hearing in Oakland on June 19, 1931, the matter was duly submitted.

At the hearing on May 27th the petition was amended,

extending the route of proposed service from Fruitvale Avenue westerly along East 12th Street and 8th Street to 8th Street and Broadway, Oakland, and providing that the service to the Oakland Airport be operated daily instead of Sunday only. The routes of the proposed services are shown on the map filed as Exhibit No. 7. The length of this route, exclusive of the branch to the airport, is eight miles.

That part of the proposed bus route from 8th Street and Broadway along 8th Street to 5th Avenue is now served by the 8th Street motor bus line of defendant, giving a fifteen-minute service.

The major portion of the proposed route between Fruitvale Avenue and 105th Avenue parallels the south line of The Western Pacific Railroad Company's right of way. This territory is developing industrially, particularly between Fruitvale Avenue and 54th Avenue. Between 54th Avenue and 105th Avenue, while there are a small number of industries, the district is less developed than that to the west. The remaining vacant area along this line is potentially industrial. From Russett Street to East 14th Street, along 105th Avenue and adjacent area, is residential in character.

East Bay Street Railways, Ltd., operates a street car service along 12th Street from Broadway to 1st Avenue and along East 14th Street from 1st Avenue to 105th Avenue and beyond. This street car line diverges from the route of the bus line proposed herein, being approximately 400 feet north at 23rd and 4,000 feet north at 81st Avenue.

F. A. Kummerlander, a witness for complainant, testified that in his opinion the Russett Street route would attract from 250 to 400 patrons per day, in one direction who should be given transfer privileges to other lines of defendant and street car lines of East Bay Street Railways, Ltd. On this basis the average

daily gross revenue allocated to the Russett Street route would be approximately \$35.00. There is no satisfactory estimate of traffic to the airport.

That portion of the route along 10th Street, between High Street and 34th Avenue, is not open to travel at the present time. A contract has been let by the City to improve this section, the work to be completed in a few months.

The proposed route crosses or follows a number of steam railroad tracks at grade, the principal ones being Western Pacific Company's main line on East 12th Street from 19th Avenue to 24th Avenue, Western Pacific Company's main line at Fruitvale Avenue, Southern Pacific's double track electric line between 46th and 47th Avenues and the Western Pacific's main line at 105th Avenue.

The record shows that to supply daily service over this route on a headway of thirty minutes would require at least two busses. Applying the unit cost figures shown in the record and assuming that service was furnished for sixteen hours, the out-of-pocket cost would be in excess of \$100 per day, exclusive of a service to the airport.

The Pacific Greyhound Lines, Inc., is operating a bus service between Melrose Station (46th Avenue) over Russett Street and 105th Avenue to East 14th Street, which consists of one round-trip per day. Furthermore, J.C. Gilson is operating a bus service between the airport and Melrose Station on a 40-minute headway. Gilson is receiving a subsidy of \$200 per month from the Board of Port Commissioners for performing this service. He testified that a service to the airport would not develop enough patronage to pay out-of-pocket costs of operation and that if the subsidy he is now receiving is withdrawn, he would cease his operations.

Defendant East Bay Motor Coach Lines, Ltd., resisted the demand on the ground that not enough patronage could be developed to meet the operating expense and, further, it has at no time dedicated or offered to dedicate its services to the territory involved.

After carefully considering the record in this proceeding the conclusion is reached that the City of Oakland, complainant herein, has failed to show that public convenience and necessity require the establishment of the proposed service. In the light of the fact that a considerable portion of the district representing the most densely developed section is now afforded public utility transportation by other carriers and that the defendant company would sustain a substantial loss if required to establish the service proposed, thus placing an inequitable burden upon the remainder of this company's operations, already conducted at a loss, the petition of complainant should be denied.

O R D E R

Public hearings having been had and the matter having been submitted,

IT IS HEREBY ORDERED that said complaint is hereby denied.

The effective date of this Order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 29th day of

June, 1931.

C. L. Seaman
Leon A. Williams
W. B. Hayes
Fred G. Stewart
 Commissioners.