

Decision No. 24501.

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 author-  
izing it to abandon its so-called  
Ward Street (No. 32) Dinkey and  
Sacramento Street (No. 33) Dinkey  
street car service operating in the  
County of Alameda, State of California.

Application No. 17854.

In the Matter of the Application of  
EAST BAY MOTOR COACH LINES, LTD., a  
corporation, for an order authorizing  
it to reroute and extend its Excelsior  
motor coach line (No. 57) in the County  
of Alameda, State of California.

Application No. 17855.

Chapman, Trefethen, Richards and Chapman;  
Brobeck, Phleger and Harrison, By Frank S.  
Richards, for Applicants.

Fred C. Hutchinson, City Attorney, for the  
City of Berkeley.

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

Geo. J. LaCoste, City Attorney, for the City  
of Emeryville.

STEVENOT, COMMISSIONER:

O P I N I O N

In Application No. 17854, East Bay Street Railways, Ltd.  
requests permission to abandon the operation of its so-called Ward  
Street Dinkey (No. 32) and Sacramento Street Dinkey (No. 33) street  
car service, operating in the cities of Oakland, Emeryville and  
Berkeley, County of Alameda, State of California, the routes of  
which are hereinafter described.

In Application No. 17855, East Bay Motor Coach Lines, Ltd.

requests authority to extend its Excelsior Motor Coach Line (No. 57) to serve the territory now served by said car Lines Nos. 32 and 33 of East Bay Street Railways, Ltd.

A public hearing was held in these matters on January 22, 1932, in Berkeley, at which time they were duly submitted.

The Ward Street Dinkey (No. 32) operates between San Pablo Avenue at a point opposite Yerba Buena Avenue, Emeryville, and the intersection of Adeline and Ward Streets, Berkeley, a distance of about two miles. With the exception of two short sections in private right of way, this line follows Linden Street and Adeline Street on the double track Berkeley Line of Key System, Ltd.

The Sacramento Street Dinkey (No. 33) operates between San Pablo Avenue at a point opposite Yerba Buena Avenue and the intersection of Hopkins Street and Sutter Street, Berkeley, a distance of approximately 4.5 miles. With the exception of three short sections in private right of way, this line follows along Linden Street, Sacramento Street and Hopkins Street on the tracks of the Northbrae Line of Key System, Ltd.

The operation on both of these car lines is on a basic 20-minute headway spaced midway between the schedule time of the trains of the Key System, Ltd. Due to the fact that these Dinkey Lines operate over the same track as the Key System trains two men per car are required, whereas practically all of the remainder of the East Bay Street Railways, Ltd. cars are operated by one man.

Applicant contends that by the elimination of these two lines the congestion through interlocking tower No. 3 (San Pablo Avenue and Yerba Buena Avenue) would be very materially

reduced and would reduce the movements through tower No. 4 (Adeline and 54th Streets).

With respect to the proposed extension of the Excelsior Avenue Line from 40th Street along Adeline Street, Genoa Street, King Street, Sacramento Street and Hopkins Street to Sutter Street, Berkeley, applicant alleges that this extension will serve the communities now served by the two Dinkey lines, except that area bordering Adeline Street between Alcatraz Avenue and Ward Street, Berkeley. It was shown, however, that these communities will still have adequate local street car service via the Shattuck Avenue (No. 4) Line and the Grove Street (No. 3) Line, one of which is not more than one block at any point from Adeline Street. Applicant further alleges that the running time of the bus would be substantially the same as that of the Sacramento Street Dinkey.

It was suggested by the City Manager of Berkeley that instead of traversing Genoa and King Streets, the route continue along Adeline Street to Alcatraz, then west along Alcatraz, thereby making direct contact with the Alcatraz local street car line and also crossing the Berkeley Line of Key System Ltd. at a station stop. This proposed rerouting would involve the crossing of six tracks at Alcatraz Avenue and pass through the fairly congested South Berkeley area. No agreement was reached between the City of Berkeley and the applicant as to the suggested rerouting.

After a review of the evidence, it appears that as good, if not better, service will be rendered to the patrons along Sacramento Street and Hopkins Street as that now afforded by the Dinkey Line, resulting from the fact that interference by trans-day trains will be eliminated; also the congestion at tower No. 3 will be relieved. This interference, particularly during foggy weather, the record shows, is considerable. It is proposed

that the bus service will operate on a 20-minute headway in the evening, whereas the car line now provides a 40-minute service in the evening. Although local service will be eliminated on Adeline Street between Alcatraz Avenue and Ward Street, these communities will continue to be served by the adjacent street car lines.

While the suggestion to reroute a portion of the line has some merit it appears that this record does not justify such a change, therefore it is recommended that the application be granted.

#### O R D E R

A public hearing having been held in the above entitled proceedings and the matters having been submitted,

IT IS HEREBY ORDERED that East Bay Street Railways, Ltd. is hereby authorized to abandon and discontinue operation of its so-called Ward Street Dinkey (No. 32) and its Sacramento Street Dinkey (No. 33) over the following described routes:

##### Ward Street Dinkey (No. 32)

"From San Pablo Avenue and private right of way at a point opposite Yerba Buena Avenue produced, by a private right of way, Linden Street, private right of way, Adeline Street, to Ward Street and return over same route."

##### Sacramento Street Dinkey (No. 33)

"From San Pablo Avenue and private right of way at a point opposite Yerba Buena Avenue produced, by a private right of way, Linden Street, private right of way to the north city line of Oakland, thence by Sacramento Street, private right of way, and Hopkins Street, to Hopkins Street and Sutter Street Berkeley, and return over same route;"

Subject, however, to the following conditions:

- (1) Said abandonment shall be effected concurrently with the establishment of automotive stage service as hereinafter authorized.

- (2) Applicant shall give notice to the public by posting notices of said abandonment in all cars of applicant and all busses of East Bay Motor Coach Lines, Ltd. for not less than five (5) days prior to said abandonment.

The Railroad Commission of the State of California

Hereby Declares that public convenience and necessity require, upon the abandonment of the rail service hereinbefore authorized, the extension by East Bay Motor Coach Lines, Ltd. of its automotive passenger stage service known as the Excelsior Motor Coach Line (No. 57) within the Cities of Oakland, Emeryville and Berkeley, County of Alameda, the description of said route and the extension of said route being as follows:

Existing Route:

"Commencing at the intersection of Hopkins Street and Bruce Street; thence on Hopkins Street to 14th Avenue; thence on 14th Avenue to 34th Street; thence on 34th Street to Bruce Street; thence on Bruce Street to Hopkins Street; thence on Hopkins Street to Excelsior Avenue; thence on Excelsior Avenue to Lake Park Avenue; thence on Lake Park Avenue to Santa Clara Avenue; thence on Santa Clara Avenue to Fairmont Avenue; thence on Fairmont Avenue to Moss Avenue; thence on Moss Avenue to Broadway; thence on Broadway to 40th Street; thence on 40th Street to Adeline Street; thence on Adeline Street to 39th Street; thence on 39th Street to Market Street; thence on Market Street to 40th Street and return via the same route."

Extension of Route:

"Commencing at the intersection of Market Street and 40th Street; thence on Market Street to 39th Street; thence on 39th Street to Adeline Street; thence on Adeline Street to Genoa Street; thence on Genoa Street to King Street; thence on King Street to Alcatraz Avenue; thence on Alcatraz Avenue to Sacramento Street; thence on Sacramento Street to Hopkins Street; thence on Hopkins Street to the terminus at Sutter Street and return via the same route."

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

- (1) Said certificate of public convenience and necessity shall become effective upon the

payment, by applicant, of the fee as prescribed in Section 50 $\frac{1}{2}$  of the Public Utilities Act of the State of California and not before.

- (2) Applicant shall file written acceptance of the certificate herein authorized within a period not to exceed five (5) days prior to the abandonment of street car service by East Bay Street Railways, Ltd., as hereinbefore authorized.
- (3) 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 General Orders of the Railroad Commission and containing rates and rules which, in volume and effect, shall be identical with the rates now in force on said route by East Bay Street Railways, Ltd.
- (4) Applicant shall file, in duplicate, and make effective within a period not exceeding thirty (30) days from the acceptance hereof, time schedules covering the service herein authorized, in a form satisfactory to the Railroad Commission.
- (5) Applicant shall commence operation of the extension of said service concurrently with the abandonment of street car service of East Bay Street Railways, Ltd. on the Ward Street Dinkey and Sacramento Street Dinkey Lines.
- (6) 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.
- (7) 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 ten (10) days from the date hereof.

Dated at San Francisco, California, this 16 day of February, 1932.

C. C. Seaver

Leon Oppenly

M. A. Carr

M. B. Harris

Frederic G. Stewart  
Commissioners.