

Decision No. 26425.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of  
EAST BAY MOTOR COACH LINES, LTD., a  
corporation, for an in lieu certi-  
ficate of public convenience and  
necessity.

Application No. 18684.

ORIGINAL

BY THE COMMISSION:

SECOND SUPPLEMENTAL ORDER

In this Supplemental Application the East Bay Motor Coach Lines, Ltd., seeks a certificate of public convenience and necessity to operate an automotive passenger stage service through Oakland, Berkeley and Albany, in Alameda County, and through El Cerrito and Richmond in Contra Costa County, as follows:

- (a) Between Tenth and Washington Streets, Oakland, and Sixth Street and Macdonald Avenue, Richmond, along Washington Street, Broadway, San Pablo Avenue and Macdonald Avenue.
- (b) Between San Pablo and Potrero Avenues, El Cerrito, and Twenty-third Street and Macdonald Avenue, Richmond, along Potrero Avenue, Pullman Avenue and Twenty-third Street.
- (c) Extension of Route No. 68 (Barrett Avenue Line), from intersection of Tenth Street and Macdonald Avenue to intersection of Standard and Scofield Avenues, running along Macdonald Avenue, Gerrard Boulevard and Standard Avenue, all in Richmond.

Coincident with the filing of this application, the East Bay Street Railways, Ltd., filed its Application No. 19129 to abandon rail operation on its Richmond Line from a point near the intersection of Ashby and San Pablo Avenues, Berkeley, to the Richmond Terminal of the Richmond-San Rafael Ferry and Transportation Company in Richmond, operating along San Pablo Avenue, Potrero Avenue,

Pullman Avenue, Twenty-third Street, Macdonald Avenue, Gerrard Boulevard, Standard Avenue, Scofield Avenue, Western Drive and private right of way.

The proposed bus operation is to provide public passenger automotive stage transportation as a substitute for the rail service heretofore provided by the East Bay Street Railways, Ltd., along the line over which authority is sought to discontinue rail service in Application No. 19129. Except for the lines located in Richmond, the bus route follows the same line as does the rail. In the City of Richmond it is proposed herein to establish a bus line along San Pablo Avenue between Potrero Avenue and Macdonald Avenue and along Macdonald Avenue between San Pablo Avenue and Twenty-third Street. If the proposed bus service is substituted for the present rail service, there will be no public transportation provided between the intersection of Scofield Avenue and Standard Avenue (Standard Oil Station) and the ferry terminal.

Accompanying Application No. 19129 is a copy of an agreement entered into between East Bay Street Railways, Ltd., and East Bay Motor Coach Lines, Ltd., and the Cities of Berkeley, Richmond and El Cerrito, wherein each city gives its consent to the proposal to substitute bus service for rail service, as indicated in the instant supplemental application and Application No. 19129; also accompanying Application No. 19129 is a copy of a resolution passed by the City Council of Oakland No. 2298 C.M.S., and a resolution passed by the City Council of Richmond No. 2275, wherein these cities consent to the proposed change of bus service for rail service. The Down Town Property Owners Association has advised the Commission by letter, under date of October 6, 1933, that the proposed substitute bus service for rail service referred to herein meets with the approval of the Association.

In view of the fact that the various municipalities affected and other interested organizations have signified their approval of the granting of this application to operate bus service as a substitute for the rail service, there appears to be no necessity for a public hearing and it is concluded that the application should be granted.

East Bay Motor Coach Lines, Ltd., 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 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.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that with the abandonment of rail service, as proposed in Application No. 19129, public convenience and necessity require the operation by the East Bay Motor Coach Lines, Ltd., of an automotive passenger bus service for the transportation of passengers in the counties of Alameda and Contra Costa, California, and between the termini and intermediate points as shown on Exhibits "A," "B" and "C" attached to the application, described as follows:

- (a) From Sixth Street and Macdonald Avenue in the City of Richmond, along Macdonald Avenue to San Pablo Avenue, along San Pablo Avenue to Washington Street, in the City of Oakland, along Washington Street to Tenth Street, along Tenth Street to Broadway, along Broadway to San Pablo Avenue and along San Pablo Avenue to the point of beginning.
- (b) From San Pablo and Potrero Avenues, in the City of El Cerrito, along Potrero Avenue to Pullman Avenue, City of Richmond, along Pullman Avenue to Twenty-third Street, along Twenty-third Street to Macdonald Avenue and return via same route to the point of beginning.

- (c) From Tenth Street and Macdonald Avenue in the City of Richmond, along Macdonald Avenue to Gerrard Boulevard, along Gerrard Boulevard to Standard Avenue and along Standard Avenue to Scofield Avenue, which constitutes an extension of applicant's Route No. 68.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for said service be and the same is hereby granted to the East Bay Motor Coach Lines, Ltd., to be operated as a unified and consolidated portion of its system, subject to the following conditions:

- (1) Applicant shall file its written acceptance of the certificate herein granted within a period not to exceed fifteen (15) days from the date hereof.
- (2) Applicant shall file, in triplicate, and make effective within a period not to exceed thirty (30) days from the date 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 the line of East Bay Street Railways, Ltd., authorized to be abandoned in Decision No. 26438, of Application No. 19129.
- (3) Applicant shall file, in duplicate, and make effective within a period not exceeding thirty (30) days from the date 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 by East Bay Street Railways, Ltd., as authorized in Decision No. 26438 of Application No. 19129.
- (5) Applicant is authorized to turn its motor vehicles around at the termini of all routes herein described, or at points where schedules may terminate along said routes, by operating such motor vehicles in either direction around the block at the termini of said routes, or at points where schedules may be terminated along said routes, and to carry passengers thereon and thereover, provided, however, that such turn-around route shall not encompass more than one square city block, or the equivalent of one square city block, at such termini as traffic regulations of the municipality may require.

- (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 is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 16<sup>th</sup> day of October, 1933.

C. C. Seavey  
Leon Whittell  
W. A. Carr  
M. B. Lewis  
Arthur H. Brown

Commissioners.