

Decision No. 26572.

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 certificate  
of public convenience and necessity.

ORIGINAL

Application No. 18684.

BY THE COMMISSION:

THIRD SUPPLEMENTAL ORDER.

East Bay Motor Coach Lines, Ltd., filed its supplemental application on November 18, 1933, in the above numbered proceeding, seeking a certificate of public convenience and necessity to make an extension to its No. 67 automotive passenger bus line, known as the Spruce Street Line in the City of Berkeley, over a route described as follows:

"Operating between the intersection of Spruce Street and Santa Barbara Road along Spruce Street to Vassar Avenue, along Vassar Avenue to Kentucky Avenue, along Kentucky Avenue to Maryland Avenue, along Maryland Avenue to Vermont Avenue, along Vermont Avenue to Colorado Avenue, along Colorado Avenue to Boynton Avenue, along Boynton Avenue to Florida Avenue, along Florida Avenue to Santa Barbara Road, along Santa Barbara Road to Montrose Road, along Montrose Road to Spruce Street, along Spruce Street to the intersection of Spruce Street and Santa Barbara Road."

Applicant alleges that numerous requests have been made for the extension of this service and that its patrons will be more adequately and conveniently served than at the present time. It appears that the City of Berkeley is desirous that this

service be inaugurated, that a public hearing is not necessary herein and 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 purely 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 public convenience and necessity require the extension by East Bay Motor Coach Lines, Ltd., of its No. 67 (Spruce Street) motor bus line upon and along the following route:

"Operating between the intersection of Spruce Street and Santa Barbara Road along Spruce Street to Vassar Avenue, along Vassar Avenue to Kentucky Avenue, along Kentucky Avenue to Maryland Avenue, along Maryland Avenue to Vermont Avenue, along Vermont Avenue to Colorado Avenue, along Colorado Avenue to Boynton Avenue, along Boynton Avenue to Florida Avenue, along Florida Avenue to Santa Barbara Road, along Santa Barbara Road to Montrose Road, along Montrose Road to Spruce Street, along Spruce Street to the intersection of Spruce Street and Santa Barbara Road."

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

- (1) Applicant shall file its written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from the date hereof.
- (2) Applicant shall file, in triplicate, and make effective within a period of not to exceed thirty(30)

days from the date hereof, on not less than one (1) day's notice to the Commission and the public 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 effect on the lines and routes now operated by applicant.

- (3) Applicant shall file, in duplicate, and make effective within a period of not to exceed thirty (30) days from the date hereof, on not less than one (1) day's notice to the Commission and the public, time schedules covering the service herein authorized, in a form satisfactory to the Railroad Commission.
- (4) Applicant is authorized to turn its motor vehicles at termini, either in the intersection of the streets or by operating around a city block contiguous to such intersection in either direction and to carry passengers as traffic regulations of the municipality may require.
- (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 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 25<sup>th</sup> day of ~~January~~, 1933.

OC Leary  
Leon Whiteley  
M. J. Linn  
Commissioners.