

Decision No. 28206.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
EAST BAY STREET RAILWAYS, LTD., a
corporation, for a certificate of
public convenience and necessity to
operate motor coach service in con-
nection with its street railway lines
in the Counties of Alameda and Contra
Costa, State of California.

Supplemental
Application No. 19502.

ORIGINAL

BY THE COMMISSION:

SECOND SUPPLEMENTAL ORDER

East Bay Street Railways, Ltd., on May 28, 1935, filed its supplemental application in the above entitled proceeding, asking for authority to abandon certain parts of its street car and motor coach lines and to establish certain extensions to its motor coach lines in the Cities of Oakland and Berkeley, Alameda County, and the City of El Cerrito in Contra Costa County.

On August 23, 1935, applicant filed its amended supplemental application somewhat modifying the proposed motor coach routes outlined in its supplemental application. As the instant application now stands, authority is sought to make the following changes:

In the City of Berkeley:

1. To abandon its street car line on The Alameda from Monterey Avenue to the end of the line at Tacoma Avenue.
2. To discontinue operations on that portion of its Colusa Avenue line operating between the intersection of Colusa and Tacoma Avenues and the intersection of The Alameda and Marin Avenue.

3. To discontinue motor coach service on Hopkins Street, between The Alameda and the end of the line in the vicinity of El Dorado and Sutter Streets.
4. To establish motor coach service between University Avenue, Berkeley, and the City of El Cerrito, in lieu of the street car and motor coach lines proposed to be abandoned, all of which is hereinafter described. This route will include those portions of said Colusa Avenue motor bus line not to be abandoned.

In the City of Oakland:

1. To discontinue street car service between Hollis Street and Yerba Buena Avenue, and 16th and Market Streets, via Hollis Street, 32nd Street, Adeline Street, 24th Street and Market Street. Also, service is to be discontinued on 16th Street, between Market Street and San Pablo Avenue.
2. To discontinue motor coach service on Adeline Street from Market Street to 40th Street.
3. To establish motor coach service from the intersection of Adeline and Market Streets, along Market Street, 16th Street, San Pablo Avenue, Broadway, 10th Street and Washington Street to San Pablo Avenue and return.
4. To establish motor coach service from the intersection of 7th and Pine Streets, along 7th Street, Clay Street, San Pablo Avenue, Washington Street, 14th Street, Clay Street and 7th Street to the point of beginning.
5. To establish motor coach service from the intersection of Hollis Street and Yerba Buena Avenue, along Hollis Street, 32nd Street, Adeline Street, 8th Street, Chestnut Street, 7th Street to Adeline Street and return.
6. To establish motor coach service from the intersection of 7th and Pine Streets to 14th Street and San Pablo Avenue, along 7th Street, "A" Street (sometimes referred to as Terminal Street), and 14th Street.

Applicant further proposes to reroute its No. 12 street car line to Southern Pacific Company's 16th Street Depot instead of to Hollis Street, and to run its No. 14 line around the so-called Jefferson Street Loop in lieu of the existing route to 16th Street Depot.

The Cities of Oakland, Berkeley and El Cerrito have signified, by resolution or letter, that they are agreeable to the granting of this application.

Other carriers who operate locally in the district covered by the lines involved herein are Southern Pacific Company and Oakland Motor Bus Lines, Inc. Southern Pacific Company has advised informally that it will not oppose the granting of the amended supplemental application, and Oakland Motor Bus Lines, Inc., has signified, in writing, that it will not oppose the granting of this application.

It appears that this is not a matter in which a public hearing is necessary and that said amended supplemental application should be granted.

East Bay Street Railways, 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.

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to East Bay Street Railways, Ltd.,

I. To abandon street car service and remove the tracks and appurtenances thereto upon and along the following described routes:

- (a) Upon and along The Alameda, between Monterey Avenue and Tacoma Street, in the City of Berkeley, County of Alameda.

- (b) Commencing at the intersection of Hollis Street and Yerba Buena Avenue, thence along Hollis Street to 32nd Street, thence along 32nd Street to Adeline Street, thence along Adeline Street to 24th Street, thence along 24th Street to Market Street, thence along Market Street to 16th Street, thence along 16th Street to San Pablo Avenue, in the City of Oakland, County of Alameda.

II. To discontinue motor coach service upon and along the following routes:

- (a) Commencing at the intersection of Colusa Avenue and Tacoma Avenue, thence along Colusa Avenue to Solano Avenue, thence along Solano Avenue to Modoc Street, thence along Modoc Street to Marin Avenue, and thence along Marin Avenue to the intersection of Marin Avenue and The Alameda, City of Berkeley, County of Alameda.
- (b) Commencing at the intersection of Hopkins Street and The Alameda, thence along Hopkins Street to the end of the line in the vicinity of El Dorado and Sutter Streets, City of Berkeley, County of Alameda.
- (c) Commencing at the intersection of Adeline Street and Market Street, thence along Adeline Street to the intersection of Adeline Street and 40th Street, City of Oakland, County of Alameda.

The authority hereinabove granted is subject to the following conditions:

- (1) Said street car and motor coach lines shall not be abandoned until service is inaugurated upon motor coach routes hereinafter authorized.
- (2) Applicant shall, within thirty (30) days thereafter, notify the Commission of the abandonment of said lines.

The Railroad Commission Of The State of California
Hereby Declares that public convenience and necessity require the operation by East Bay Street Railways, Ltd., of an automotive passenger stage service for the transportation of passengers upon and along the routes as shown on Exhibit "A" attached hereto

and made a part hereof, and to operate the same as part of its unified motor coach service, as authorized in this Commission's Decision No. 27183, dated June 29, 1934. The entire routes of said motor coach lines are shown on Exhibit "B" attached hereto and made a part hereof.

IT IS HEREBY FURTHER ORDERED that a certificate of public convenience and necessity for such service be and the same is hereby granted to East Bay Street Railways, 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 duplicate, and make effective within a period of not to exceed thirty (30) days after the effective date of this order, on not less than five (5) days' notice to the Commission and the public, time schedules covering the service herein authorized in a form satisfactory to this Commission.
- (3) Applicant is authorized to turn its motor vehicles at termini or intermediate points, either in the intersection of the streets or by operating around a block contiguous to such intersection in either direction, and to carry passengers, as traffic regulations of the municipality may require.
- (4) The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.
- (5) 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 Commission.

The authority herein granted shall become effective on

the date hereof.

Dated at San Francisco, California, this 3rd
day of September, 1935.

Leon Whittell

M. A. C.

Matthew M.
Frank R.

Commissioners

EXHIBIT "A"

Description of motor coach routes authorized by the foregoing decision:

1. Commencing at the intersection of Santa Fe Avenue and Fairmount Avenue, thence along Fairmount Avenue to Richmond Street, along Richmond Street to Stockton Avenue, along Stockton Avenue to Albemarle Avenue, along Albemarle Avenue to Fairmount Avenue and along Fairmount Avenue to the point of beginning, all within the City of El Cerrito, County of Contra Costa.
(This route is to become a part of Applicant's No. 62 motor coach line).
2. Commencing at the intersection of Marin Avenue and The Alameda, thence along The Alameda to Tacoma Avenue, along Tacoma Avenue to Colusa Avenue, in the City of Berkeley, County of Alameda.
(This route to become a part of Applicant's No. 62 motor coach line).
3. Commencing at the intersection of Hopkins Street and The Alameda, thence along The Alameda and Grove Street to University Avenue, along University Avenue to the vicinity of Southern Pacific Company's Berkeley Station at Shattuck Avenue Place, all within the City of Berkeley, County of Alameda.
(This route is to become a part of Applicant's No. 62 motor coach line).
4. Commencing at the intersection of Adeline Street and Market Street, thence along Market Street to 16th Street, along 16th Street to San Pablo Avenue, along San Pablo Avenue to Broadway, along Broadway to 10th Street, along 10th Street to Washington Street, along Washington Street to San Pablo Avenue and returning to the point of beginning, all in the City of Oakland, County of Alameda.
(This route is to become a part of Applicant's No. 88 motor coach line).
5. Commencing at the intersection of Hollis Street and Yerba Buena Avenue, thence along Hollis Street to 32nd Street, along 32nd Street to Adeline Street, along Adeline Street to 8th Street, along 8th Street to Chestnut Street, along Chestnut Street to 7th Street, along 7th Street to Adeline Street, returning to the point of beginning, in the City of Oakland, County of Alameda.
(This route to be designated as Motor Coach Line No. 84).
6. Commencing at the intersection of 7th and Pine Streets, thence along 7th Street to Clay Street, along Clay Street to 17th Street and San Pablo Avenue, along San Pablo Avenue to Washington Street, along Washington Street to 14th Street, along 14th Street to Clay Street, along Clay Street to 7th Street, and returning via 7th Street to the

EXHIBIT "A" (Cont'd)

6. (Cont'd)

point of beginning, in the City of Oakland, County of Alameda.

(This route to be known as Motor Coach Line No. 85.

7. Commencing at the intersection of 7th and Pine Streets, thence along 7th Street to "A" Street (sometimes referred to as Terminal Street), along "A" or Terminal Street to 14th Street, along 14th Street to San Pablo Avenue, and returning over the same route to point of beginning, in the City of Oakland, County of Alameda. (This route to be known as Motor Coach Line No. 86).

EXHIBIT "B"

Description of street car routes and motor coach routes, as modified by the foregoing decision:

No. 12 Street Car Line:

Commencing at the intersection of Oakland and Fairview Avenues in the City of Piedmont, thence along Fairview Avenue to Grand Avenue, in the City of Oakland, thence along Grand Avenue to Webster Street, thence along Webster Street to 14th Street, thence along 14th Street to Market Street, thence along Market Street to 16th Street, thence along 16th Street to the Southern Pacific Company's 16th Street Depot.

No. 14 Street Car Line:

Commencing at the intersection of E. 27th Street and Fruitvale Avenue, Oakland, thence along E. 27th Street to 26th Avenue, thence along 26th Avenue to E. 24th Street, thence along E. 24th Street to 25th Avenue, thence along 25th Avenue to E. 21st Street, thence along E. 21st Street to 14th Avenue, thence along 14th Avenue to E. 18th Street, thence along E. 18th Street to 3rd Avenue, thence along private right of way to 1st Avenue, thence along 1st Avenue to E. 12th Street, thence along E. 12th Street to Oak Street, thence along Oak Street to 13th Street, thence along 13th Street to Jefferson Street, thence along Jefferson Street to 12th Street, thence along 12th Street to Oak Street and thence via regular route to the point of beginning.

No. 57 Motor Coach Line:

Operating between the intersection of Radsdale Street and Seminary Avenue in the City of Oakland, and the intersection of 39th and Adeline Streets along 73rd Avenue from Radsdale Street to Trenor Street, along Trenor Street to Seminary Avenue, along Seminary Avenue to Camden Street, along Camden Street to Hopkins Street, along Hopkins Street to Excelsior Avenue, along Excelsior Avenue to Lake Park Avenue, along Lake Park Avenue to Santa Clara Avenue, along Santa Clara Avenue to Fairmount Avenue, along Fairmount Avenue to Moss Avenue, along Moss Avenue to Broadway, along Broadway to 40th Street, along 40th Street to Market Street, along Market Street to 39th Street, along 39th Street to Adeline Street, returning by the same route to the point of beginning.

No. 62 Motor Coach Line:

Commencing at the intersection of Shattuck Avenue Place and University Avenue in the vicinity of Berkeley Station, Berkeley, along University Avenue to North Grove Street, along North Grove Street and The Alameda to Tacoma Avenue, along Tacoma Avenue to Colusa Avenue, along Colusa Avenue to Santa Fe Avenue, along Santa Fe Avenue to Fair-

EXHIBIT "B" (Cont'd)

No. 62 Motor Coach Line (Cont'd)

mount Avenue, El Cerrito, along Fairmount Avenue to Richmond Street, along Richmond Street to Stockton Avenue, along Stockton Avenue to Albemarle Avenue, along Albemarle Avenue to Fairmount Avenue, returning by the same route to the point of beginning.

No. 84 Motor Coach Line:

From Hollis Street and Yerba Buena Avenue, Oakland, along Hollis Street to 32nd Street, along 32nd Street to Adeline Street, along Adeline Street to 8th Street, along 8th Street to Chestnut Street, along Chestnut Street to 7th Street, along 7th Street to Adeline Street, returning thence to the point of beginning.

No. 85 Motor Coach Line:

Commencing at the intersection of 7th and Pine Streets, Oakland, along 7th Street to Clay Street, along Clay Street to 17th Street and San Pablo Avenue, along San Pablo Avenue to Washington Street, along Washington Street to 14th Street, along 14th Street to Clay Street, along Clay Street to 7th Street, returning thence to the point of beginning.

No. 86 Motor Coach Line:

Commencing at the intersection of 7th and Pine Streets, Oakland, along 7th Street to "A" Street (sometimes referred to as Terminal Street), along "A" or Terminal Street to 14th Street, along 14th Street to San Pablo Avenue, returning thence over the same route to the point of beginning.

No. 88 Motor Coach Line:

Commencing at the intersection of Hopkins Street and The Alameda, Berkeley, along Hopkins Street to Sacramento Street, along Sacramento Street to Alcatraz Avenue, along Alcatraz Avenue to Adeline Street, along Adeline Street to Market Street, Oakland, along Market Street to 16th Street, along 16th Street to San Pablo Avenue, along San Pablo Avenue to Broadway, along Broadway to 10th Street, along 10th Street to Washington Street, along Washington Street to San Pablo Avenue, returning by the same route to the point of beginning.