

Decision No. 28838

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 connection with its street railway lines in the Counties of Alameda and Contra Costa, State of California.

Application No. 19502

ORIGINAL

BY THE COMMISSION:

THIRD SUPPLEMENTAL ORDER

East Bay Street Railways, Ltd., on May 8, 1936, filed with the Commission its Supplemental Application in the above entitled proceeding, requesting a certificate of public convenience and necessity to extend its present motor coach service, now operating to Standard and Scofield Avenues, in the City of Richmond, County of Contra Costa, to the Richmond Terminal of the Richmond and San Rafael Ferry and Transportation Company, as hereinafter described.

Applicant alleges that it has been requested by the City of Richmond, the Richmond Chamber of Commerce and numerous individuals to operate the proposed extension of service.

The service proposed will connect with the ferry boats of the Richmond and San Rafael Ferry and Transportation Company, thereby providing through connections between San Rafael and the East Bay cities.

It appears that this is not a matter in which a public hearing is necessary, and that the application should be granted.

East Bay Street Railways, Ltd., is hereby placed on

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 East Bay Street Railways, Ltd., to extend its Richmond Motor Coach Line as follows, and to operate same as part of its unified motor coach service as authorized in this Commission's Decision No. 27183, dated June 29, 1934:

"Operating along Scofield Avenue and Western Drive, between the intersection of Standard and Scofield Avenue and the Richmond Terminal of Richmond and San Rafael Ferry and Transportation Company in the City of Richmond, County of Contra Costa, State of California."

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for the above mentioned service be and the same is hereby granted to East Bay Street Railways, Ltd., subject to the following conditions:

- 1) Applicant shall file a 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 not to exceed thirty (30) days after the effective date of this order, and not less than one (1) day's notice to the Commission and the public, a tariff or tariffs constructed in accordance with the Commission's General Orders, which shall be identical in volume and effect with the rates and rules of East Bay Street Railways, Ltd., now on file with this Commission.

- 3) 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 one day's notice to the Railroad 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 coaches at termini or intermediate points either at the intersection of the streets or by operating around the block contiguous to such intersection in either direction and to carry passengers, as traffic regulations of the municipality 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 obtained.
- 6) No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all other purposes the authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 25th day of May, 1936.

M. B. Lewis
Leon White
W. F. A. Lane
Robert [unclear]
Samuel [unclear]

Commissioners