

Decision No. 29396.**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of  
EAST BAY TRANSIT COMPANY, a corpora-  
tion, for a Certificate of Public  
Convenience and Necessity to operate  
a motor coach service in the County  
of Alameda, State of California.

Supplemental  
Application No. 19502.

BY THE COMMISSION:

SIXTH SUPPLEMENTAL ORDER

East Bay Transit Company, a corporation, filed its supplemental application in the above numbered proceeding, requesting a certificate of public convenience and necessity to operate as a unified and consolidated portion of its transportation system, a motor coach service in the cities of Albany and Berkeley.

Applicant alleges that it has been requested by the City of Albany, the Albany Chamber of Commerce, and other civic bodies in said city to establish this service and that if the application is granted, it will be enabled to more adequately and conveniently serve its patrons.

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

East Bay Transit Company 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 East Bay Transit Company to operate as a unified and consolidated portion of its transportation system, a motor coach service in the cities of Albany and Berkeley, over the following described route:

Commencing at the intersection of Rose Street and Sacramento Street, in the City of Berkeley, along Sacramento Street to Hopkins Street, along Hopkins Street to Gilman Street, along Gilman Street to Santa Fe Avenue, along Santa Fe Avenue to Portland Avenue, along Portland Avenue to San Pablo Avenue; returning via the same route.

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 Transit Company, 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) The rate of fare for the service herein authorized shall be as shown in the local and joint passenger tariff No. 402-C CRC No. 17 of the East Bay Street Railways, Ltd., adopted by the East Bay Transit Company, supplements thereto or reissues thereof.
- (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 Commission and the public, time schedules covering the service herein authorized in a form satisfactory to this 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 this 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 Commission.

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

Dated at San Francisco, California, this 21st day of December, 1936.

M B Lewis  
Leon Whittell  
William W. Mason

Commissioners