

Decision No. 23405.

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  
motor coach service in connection with  
its street railway lines in the Counties of  
Alameda and Contra Costa, State of Cali-  
fornia.

Application No. 19502.

BY THE COMMISSION:

SEVENTH SUPPLEMENTAL OPINION AND ORDER

By this application East Bay Transit Company seeks a certificate of public convenience and necessity to operate an automotive service as a common carrier of passengers in the City of Alameda as an extension and enlargement of its present motor coach operations in Alameda and Contra Costa Counties.

In justification for the granting of the petition herein, applicant alleges that the Department of Public Utilities of the City of Alameda have, with the approval of the City Council of Alameda, determined to abandon their motor coach operation in the city and have requested applicant to take over the same and to establish a motor coach service over said routes upon the abandonment of said service by the city. The City of Alameda, through its City Manager, Chas. R. Schwanenberg, approves and endorses the application of East Bay Transit Company in this matter and a copy of Resolution No. 2126 of the Alameda City Council has been filed with the Commission endorsing and approving discontinuance by the Board of Public Utilities of the said motor coach service, conditionally upon commencement of motor coach service over the said routes by East Bay Transit Company.

This appears to be a matter in which a public hearing is unnecessary 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 operation by East Bay Transit Company of an automotive stage service for the transportation of passengers, as a common carrier, in the City of Alameda, as an extension and enlargement of applicant's present operative rights over and along the following route:

Route No. 1 (known as the West End Route) - From Webster Street and Santa Clara Avenue, along Santa Clara Avenue to 5th Street, along 5th Street to Central Avenue, along Central Avenue to 3rd Street, along 3rd Street to Pacific Avenue, along Pacific Avenue to 4th Street, along 4th Street to Lincoln Avenue, along Lincoln Avenue to Webster Street, along Webster Street to Santa Clara Avenue, the point of beginning.

Route No. 2 (known as the Bay Farm Island Route) - Starting at Encinal Avenue and High Street; going south on High Street to San Jose Avenue; thence east on San Jose to Peach Street; thence south on Peach Street across the Bay Farm Island Bridge and out Maitland Drive to Melrose Street; thence north on Melrose Street to Beach Road; thence west on Beach Road to Flower Lane; thence west on Flower Lane to Maitland Drive, returning over same route to point of beginning.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor 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 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 28th day of December, 1936.

W. B. Harris  
Leon C. Curren  
William B. Harris  
James R. Curren  
Commissioners.