

Decision No.

22556

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 the City of
Oakland, County of Alameda, State of
California.

SUPPLEMENTAL APPLICATION
NO. 19502

ORIGINAL

BY THE COMMISSION:

ELEVENTH SUPPLEMENTAL ORDER

East Bay Transit Company, on January 4, 1937, filed its supplemental application, asking for a certificate of public convenience and necessity to operate motor coach service as a part of its unified and consolidated service upon and along the following streets in the City of Oakland, Alameda County:

- (a) On Washington Street between 7th and 8th Streets;
- (b) On 7th Street between Washington and Clay Streets;
- (c) On 8th Street between Washington and Clay Streets.

Applicant alleges that the granting of the above request will enable it to more conveniently route its motor coaches through the downtown district of Oakland and will alleviate traffic congestion and enable it to more adequately serve its patrons, and that public convenience and necessity require the operation of said motor coach service.

The City of Oakland has signified in writing that it is agreeable to the granting of this supplemental application.

It appears that this is not a matter in which a public hearing is necessary, and that public convenience and necessity

require the granting of this supplemental application.

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 City of Oakland, County of Alameda, over the following described routes:

- (a) On Washington Street between 7th and 8th Streets;
- (b) On 7th Street between Washington and Clay Streets;
- (c) On 8th Street between Washington and Clay Streets.

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 19th
day of ~~January~~ ^{February}, 1937.

William H. Hall
Leon A. White
George R. Hall
Robert W. Hall
Commissioners.