

Decision No. 20641.

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 con-
venience and necessity to operate motor
coach service and to re-route and dis-
continue motor coach service in the
County of Alameda, State of California.

Application No. 19502.

ORIGINAL

BY THE COMMISSION:

THIRTEENTH SUPPLEMENTAL ORDER

East Bay Transit Company has filed a supplemental application in the above numbered proceeding, requesting a certificate of public convenience and necessity to operate motor coach service over certain streets in the City of Alameda, and also for authority to discontinue motor coach service over certain other streets in said city.

The proposal of applicant is, in effect, a consolidation and re-routing of two existing lines, viz., Coach Route No. 60, operating between the intersection of Grand Street and San Jose Avenue in the City of Alameda, and the intersection of Ardley Avenue and Hopkins Street in the City of Oakland; and Coach Route No. 64, known as West End route in the City of Alameda. Applicant states that it has been requested by the City of Alameda to put into effect this consolidation and re-routing; that the proposed motor coach service will more adequately and conveniently serve applicant's patrons; and that the rate of fare for the proposed new service would be the same

as provided in applicant's tariffs now on file with the Commission.

The City Council of Alameda has passed Resolution No. 2148 approving the re-routing proposed by applicant.

It appears that this is not a matter in which a public hearing is necessary; that the certificate requested should be granted; and that applicant should be authorized to discontinue certain service as hereinafter described.

East Bay Transit Company 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 the operation by East Bay Transit Company, a corporation, of a motor coach service for the transportation of passengers, as an extension and enlargement of its existing operative rights, over the following described routes:

From San Jose Avenue and Paru Street, along San Jose Avenue to Morton Street, along Morton Street to San Antonio Avenue, along San Antonio Avenue to 9th Street, along 9th Street to Santa Clara Avenue;

From Santa Clara Avenue and 5th Street, along Santa Clara Avenue to 3rd Street;

From Lincoln Avenue and 3rd Street, along Lincoln Avenue to 4th Street.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such service is hereby granted to East Bay Transit Company, a corporation, 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 date hereof.
- (2) Applicant shall commence the service herein authorized within a period of not to exceed thirty (30) days from the effective date hereof, and concurrently with the abandonment of service as hereinafter authorized.
- (3) The rate of fare for the service herein authorized shall be as shown in local and joint passenger tariffs of East Bay Transit Company now on file with the Commission, supplements thereto, or re-issues thereof.
- (4) 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 the Railroad Commission.
- (5) Applicant is authorized to turn its motor vehicles at termini, either in the intersection of the streets or by operating around a block contiguous thereto, in either direction, and to carry passengers as traffic regulations of the municipality may require.
- (6) 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 secured.
- (7) 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 Railroad Commission.

IT IS HEREBY FURTHER ORDERED that East Bay Transit Company is hereby authorized to discontinue its motor coach service over the following described streets in the City of Alameda coincident with the establishment of the service, certificate for which is herein granted:

Para Street, from San Jose Avenue to Santa Clara Avenue.

Grand Street, from San Jose Avenue to Santa Clara Avenue.

5th Street, from Santa Clara Avenue to Central Avenue.

Central Avenue, from 5th Street to 3rd Street.

3rd Street, from Central Avenue to Santa Clara Avenue.

3rd Street, from Lincoln Avenue to Pacific Avenue.

4th Street, from Pacific Avenue to Lincoln Avenue.

Pacific Avenue from 3rd Street to 4th Street.

Applicant shall post notice of said abandonment and re-routing of its service in the coaches operated on the lines affected, for at least five (5) days prior to the effective date of said re-routing.

The effective date of this Order shall be the date hereof.

Dated at San Francisco, California, this 5th
day of April, 1937.

Walter H. Hays
Leon A. Hays
Frederic R. Hays
Robert H. Hays
W. H. Hays
W. H. Hays
Commissioners.