

Decision No. 30163.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of EAST
BAY TRANSIT COMPANY, a corporation, for
a certificate of public convenience and
necessity to operate a motor coach service
in the City of Berkeley, County of Alameda,
State of California.

Application No. 19502

ORIGINAL

BY THE COMMISSION:

FIFTEENTH SUPPLEMENTAL ORDER

East Bay Transit Company, on September 7, 1937, filed a supplemental application in the above-numbered proceeding requesting a certificate of public convenience and necessity to establish a motor coach line in the northern part of Berkeley, connecting with its No. 4 street car line at the intersection of Euclid Avenue and Regal Road, as a part of its coordinated motor bus and street car service, and upon a route hereinafter described.

The City of Berkeley 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 the request should be granted.

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 Heroby 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 route:

"From Regal Road and Euclid Avenue, along Euclid Avenue to Grizzly Peak Boulevard, along Grizzly Peak Boulevard to Stevenson Avenue, along Stevenson Avenue to Miller Avenue, along Miller Avenue to Keeler Avenue, along Keeler Avenue to Grizzly Peak Boulevard, along Grizzly Peak Boulevard to Euclid Avenue to the point of beginning at Euclid Avenue and Regal Road; all within the City of Berkeley, Alameda County."

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such a service is hereby granted to East Bay Transit Company, 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 the 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.
- (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-issue 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 street 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.

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

Dated at San Francisco, California, this 27th day of
September, 1937.

Walter Ware
Leon Ashwell
James R. Nelson
Frank W. Shepard

Commissioners