

Decision No. 30212

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 County of Alameda and for an order authorizing it to discontinue certain motor coach service in said County of Alameda, State of California.

ORIGINAL

Application No. 19502.

BY THE COMMISSION:

SIXTEENTH SUPPLEMENTAL ORDER

East Bay Transit Company, on September 11, 1937, filed its supplemental application asking for authority to abandon that portion of its San Lorenzo Motor Coach line operating along Castro Street, between East 14th Street and Washington Avenue and substitute therefor a motor bus route on Washington Avenue between the intersection of East 14th Street, Davis Street and Washington Avenue, and the intersection of Washington Avenue and Castro Street, City of San Leandro.

Applicant proposes to reroute a portion of its San Leandro motor coach lines in the City of San Leandro by discontinuing service on the following route:

From the intersection of East 14th Street, Davis Street and Washington Avenue, along East 14th Street to Castro Street, along Castro Street to Washington Avenue.

and substitute therefor the following route:

From the intersection of East 14th Street, Davis Street and Washington Avenue, along Washington Avenue to Castro Street, thence Southerly on Washington Avenue via its regular route to San Lorenzo and Hayward.

Applicant operates other routes along East 14th Street between Davis Street and Castro Street, San Leandro, and proposes to abandon service only along Castro Street between East 14th Street and Washington Avenue.

The City of San Leandro has signified in writing that it recommends the proposed rerouting.

It appears that this is not a matter in which a public hearing is necessary and that this supplemental application 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 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 route:

From the intersection of East 14th Street, Davis Street and Washington Avenue, along Washington Avenue to Castro Street, in the City of San Leandro, California.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such 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 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-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 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 permission and authority is hereby granted to East Bay Transit Company to abandon concurrently with the establishment of the service herein authorized, that portion of its motor coach service operating along Castro Street, between East 14th Street and Washington Avenue, City of San Leandro, California.

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

Dated at San Francisco, California, this 11<sup>th</sup> day of  
October, 1937.

Walter H. ...  
Leon ...  
Frank ...  
Ray ...  
... & ...  
 Commissioners