

Decision No. 30213.

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 neces-
sity to operate a motor coach service in the
City of Oakland, County of Alameda, State of
California, and for authority to abandon
certain street railway service in said City.

Application No. 19502.

ORIGINAL

BY THE COMMISSION:

SEVENTEENTH SUPPLEMENTAL ORDER

East Bay Transit Company, on September 11, 1937, filed its supplemental application asking for authority to abandon its "Cemetery" street car line, operating on Piedmont Avenue between Pleasant Valley Avenue and the entrance of Mountain View Cemetery, Oakland, and to substitute in lieu therefor a motor coach line to operate along Piedmont Avenue between 41st Street and the entrance of Mountain View Cemetery, Oakland.

The City Council of the City of Oakland has signified by Resolution No. 5743 C.M.S. that it will not oppose the granting of this supplemental application.

It appears that this is not a matter in which a public hearing is necessary and that the 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 41st Street and Piedmont Avenue, along Piedmont Avenue to the vicinity of the entrance to Mountain View Cemetery.

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, 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, its "Cemetery" street car line operating along Piedmont Avenue, between Pleasant Valley Avenue and the entrance to Mountain View Cemetery, City of Oakland, California.

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

Dated at San Francisco, California, this 11th day of October, 1937.

Walter D. Miller
Leon Archibald
Frank R. Miller
David A. Miller
Ben J. Miller
Commissioners.