

Decision No. 30512.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

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 street railway service in said County of Alameda, State of California.)

Application  
No. 19502.

BY THE COMMISSION:

NINETEENTH SUPPLEMENTAL ORDER

East Bay Transit Company, on November 18, 1937, filed its supplemental application asking for authority to abandon its Dwight Way (No. 24) street car line operating along Dwight Way and Sixth Street between College Avenue and University Avenue, Berkeley, California, and to substitute in lieu thereof a motor coach line to operate upon the same route with an extension along Dwight Way east to Warring Street, and an extension along University west to Third Street.

The City Council of the City of Berkeley has signified by Resolution No. 22277-NS that it will not oppose 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, therefore,

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 Third Street and University Avenue, along University Avenue to Sixth Street, along Sixth Street to Dwight Way, along Dwight Way to Warring Street, along Warring Street to Parker Street, along Parker Street to Piedmont Avenue, along Piedmont Avenue to Dwight Way, and thence along Dwight Way, Sixth Street and University Avenue via the regular route to the point of beginning at Third Street and University Avenue in the City of Berkeley, Alameda County, California.

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 street car 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 reissues 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 or intermediate points, 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 Dwight Way (No. 24) street car line, described as follows:

From Sixth Street and University Avenue, along Sixth Street to Dwight Way and along Dwight Way to College Avenue, thence returning to Sixth Street via the same route, in the City of Berkeley, Alameda County, California.

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

Dated at San Francisco, California, this 10<sup>th</sup> day of January, 1938.

M. J. [Signature]  
Leon [Signature]  
Francis [Signature]  
[Signature]  
[Signature]

Commissioners