

Decision No. 30663

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 the County of Alameda, State of California.

Application No.  
19502

TWENTY

BY THE COMMISSION:

TWENTIETH SUPPLEMENTAL ORDER

East Bay Transit Company on November 18, 1937, filed its supplemental application asking for authority to reroute and extend its No. 78 motor coach route (known as 90th and 96th Avenues motor coach service) in order to serve the Oak Knoll area north of Foothill Boulevard, Oakland, and eliminate service on 96th Avenue between Foothill Boulevard and East 14th Street.

Applicant alleges that the proposed extension will serve a territory not now served and that its patrons will be more adequately and conveniently served than at the present time.

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 90th Avenue and Foothill Boulevard, along 90th Avenue to Thermal Street, along Thermal Street to Cherokee Avenue, along Cherokee Avenue to Jones Avenue, along Jones Avenue to Golf Links Road, along Golf Links Road to Mountain Boulevard, and along Mountain Boulevard to Oak Knoll Boulevard thence returning via the same route to the point of beginning, in the City of Oakland, 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, and concurrently with the abandonment of motor coach 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 East Bay Transit Company is authorized to abandon motor coach service along 96th Avenue between Foothill Boulevard and East 14th Street, City of Oakland, concurrently with the establishment of the service hereinabove authorized.

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

Dated at San Francisco, California, this 2<sup>nd</sup> day of February, 1938.

*[Signature]*  
*[Signature]*  
*[Signature]*

*[Signature]*  
Commissioners.