

Decision No. 20884

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 motor coach service
in the County of Alameda.

Application No. 19502.

TWENTY-FIRST

BY THE COMMISSION:

TWENTY-FIRST SUPPLEMENTAL ORDER

East Bay Transit Company, on January 21, 1938, filed its supplemental application asking for authority to extend its No. 77 motor coach line (Piedmont Pines Motor Coach service)⁽¹⁾ southerly from the present terminus at Leimert Boulevard and Oakmore Road, Oakland, to the Oakland High School, located on Hopkins Street, near Park Boulevard, in order to provide service to that school and the Glenview Grammar School.

Applicant alleges that it has been requested by the Syndicate Idora Company, Ltd., and the Board of Education of the City of Oakland to provide this extension of service to accommodate school children attending the above-named schools during periods of time schools are in session.

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

(1) No. 77 Motor Coach Line operates under a Certificate of Public Convenience and Necessity issued in Decision No. 27183 and amended by Decision No. 28918.

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 anytime 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 operative rights, over the following route:

Commencing at the intersection of Oakmore Road and Leimert Boulevard, along Leimert Boulevard to Park Boulevard, along Park Boulevard to Wellington Street, along Wellington Street to La Cresta Avenue, along La Cresta Avenue to Hampel Street, along Hampel Street to Woodruff Avenue, along Woodruff Avenue to Glenfield Avenue, along Glenfield Avenue to Park Boulevard, along Park Boulevard to Excelsior Avenue, along Excelsior Avenue to Hopkins Street, along Hopkins Street to Park Boulevard; thence returning via Park Boulevard to Leimert Boulevard and along Leimert Boulevard to Oakmore Road.

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 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 one (1) day's 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.

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

Dated at San Francisco, California, this 17th day of February, 1938.

Walter H. Brown
Leon A. White
George R. Brown

W. H. Brown & W. H. Brown
Commissioners