

Decision No. 30372.

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, and
for an order authorizing it to discon-
tinue certain motor coach service.

Application No. 19502.

ORIGINAL

BY THE COMMISSION:

TWENTY THIRD SUPPLEMENTAL ORDER

East Bay Transit Company, on April 19, 1938, filed its supplemental application for a certificate of public convenience and necessity to establish service over a new route on portions of its Hollis Street (No. 84) motor coach line in the cities of Oakland and Emeryville, Alameda County, and to abandon portions of said No. 84 line in said cities.

The No. 84 motor coach line now operates upon and along the following routes:

From 14th and Clay Streets, Oakland, along 14th Street to Adeline Street, along Adeline Street to 32nd Street, along 32nd Street to Hollis Street, along Hollis Street to Green Street, along Green Street to Folger Avenue, along Folger Avenue to 7th Street, along 7th Street to Ashby Avenue, and along Ashby Avenue to Ashby Avenue terminal at Ashby and San Pablo Avenues, Berkeley.

Applicant requests authority to operate its No. 84 motor coach line along the following streets which are not now served:

(1) From 32nd and Adeline Streets, Oakland, along Adeline Street to San Pablo Avenue, Emeryville, and

(2) From San Pablo Avenue and Park Avenue, Emeryville, along Park Avenue to Holden Street, along Holden Street to 45th Street, and along 45th Street to Hollis Street.

The following portion of the No. 84 line is proposed to be abandoned:

From 32nd and Adeline Streets, Oakland, along 32nd Street to Hollis Street, and along Hollis Street to Park Avenue, Emeryville.

The proposed new route of the No. 84 motor coach line will

be as follows:

From 14th and Clay Streets, Oakland, along 14th Street to Adeline Street, along Adeline Street to San Pablo Avenue, along San Pablo Avenue to Park Avenue, along Park Avenue to Holden Street, along Holden Street to 45th Street, along 45th Street to Hollis Street, along Hollis Street to Green Street, along Green Street to Folger Avenue, along Folger Avenue to 7th Street, along 7th Street to Ashby Avenue, and along Ashby Avenue to Ashby Avenue terminal at Ashby and San Pablo Avenues, Berkeley.

It appears that the proposed changes in routing of this motor coach line will better serve applicant's patrons and should be granted.

East Bay Transit Company is hereby placed upon 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 establishment and operation by applicant, as a passenger stage corporation as defined in Section 2 $\frac{1}{4}$ of the Public Utilities Act, of an automotive passenger service for the transportation of passengers, between and serving the following named termini and intermediate points, and to consolidate the same with the remainder of its operative rights.

(1) From 32nd Street and Adeline Street in the City of Oakland, along Adeline Street to San Pablo Avenue in the City of Emeryville.

(2) From San Pablo Avenue and Park Avenue in the City of Emeryville, along Park Avenue to Holden Street, thence along Holden Street to 45th Street, along 45th Street to Hollis Street.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be, and the same hereby is granted to East Bay Transit Company subject to the following conditions:

- (1) Applicant shall file a 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 date hereof, and concurrently with the abandonment of motor coach service 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 days' notice to the Railroad Commission and the public, a time schedule or 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 political body or bodies 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 obtained.
- (7) No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by applicant 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 described below, concurrently with the establishment of the service hereinbefore authorized:

From 32nd and Adeline Streets in the City of Oakland, along 32nd Street to Hollis Street, along Hollis Street to Park Avenue in the City of Emeryville.

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

Dated at San Francisco, California, this 13th day of June, 1938.

Mattie Mae
Leon O'Connell
Francis Martin
Deputy Commissioner of
W. L. Kelley
Commissioners