

Decision No. 31503

ORIGINAL

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 certain motor) Application coach service in the County of Contra Costa and to) No. 19502 discontinue certain motor coach service.)

BY THE COMMISSION:

TWENTY-EIGHTH SUPPLEMENTAL ORDER

In its supplemental application, filed September 30, 1938, applicant seeks a certificate of public convenience and necessity to change a portion of the route of its No. 68 Barrett Avenue motor coach line in the City of Richmond so that it may better serve the residential area east of San Pablo Avenue.

Applicant alleges that it has been requested by civic groups in the City of Richmond and by residents in the district involved to extend said motor coach service from the present easterly terminus of said route at Barrett and Tuller Avenues easterly to Barrett and Tulare Avenues.

It appears that this is not a matter in which a public hearing is necessary and that the application 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 establish-

ment and operation by applicant, as a passenger stage corporation as designated in Section 2½ of the Public Utilities Act, of automotive passenger service for the transportation of passengers upon and along the following route, and to consolidate the same with the remainder of its operative rights.

From Barrett Avenue and Tuller Avenue, along Barrett Avenue to Ellerhorst Avenue, along Ellerhorst Avenue to Charles Avenue, along Charles Avenue to Tulare Avenue, and along Tulare Avenue to Barrett Avenue, thence via Barrett Avenue to the point of beginning, in the City of Richmond, Contra Costa County.

The entire route of the No. 68 Barrett Avenue motor coach line will be as follows:

Commencing at Castro Point and Western Drive, via Western Drive to Scofield Avenue, along Scofield Avenue to Standard Avenue, along Standard Avenue to Garrard Boulevard, along Garrard Boulevard to Macdonald Avenue, along Macdonald Avenue to 23rd Street, along 23rd Street to Barrett Avenue, along Barrett Avenue to Ellerhorst Avenue, along Ellerhorst Avenue to Charles Avenue, along Charles Avenue to Tulare Avenue, and along Tulare Avenue to Barrett Avenue, thence via Barrett Avenue to the point of beginning in the City of Richmond, Contra Costa County.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be and the same is hereby granted to the 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 service herein authorized within a period not to exceed thirty (30) days from the date hereof 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 fill 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 right 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 concurrently with the establishment of motor coach service as hereinabove authorized, over and along the following route:

From Barrett Avenue and Mount Street, along Mount Street to Silva Avenue, along Silva Avenue to Tuller Avenue, and along Tuller Avenue to Barrett Avenue, all in the City of Richmond, Contra Costa County.

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

Dated at San Francisco, California, this 28th day of November, 1938.

Ray L. Kelly
Iron Wholly

Ray L. Kelly

Commissioners