

Decision No. 32779

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of EAST)
 BAY STREET RAILWAYS, LTD., a corporation,)
 for a certificate of public convenience)
 and necessity to operate motor coach ser-) Application No. 19502.
 vice in connection with its street rail-)
 way lines in the Counties of Alameda and)
 Contra Costa, State of California.)

ORIGINAL

BY THE COMMISSION:

THIRTY-FIRST SUPPLEMENTAL ORDER

East Bay Transit Company has filed a supplemental ap-
 plication in the above-numbered proceeding requesting a certificate
 of public convenience and necessity to operate motor coach service
 over certain streets in the Cities of Oakland and Hayward, Alameda
 County. The proposed operations are in effect alternate routes or
 reroutings of existing lines of applicant as follows:

1. To operate over a new road known as Broadway Terrace which is a rerouting and improvement of a present street of the same name between the intersection of Broadway Terrace and Country Club Drive and the intersection of Broadway Terrace and Golden Gate Avenue. Applicant desires to use this new street between said points as an alternate route to be used only for special trips to Holy Names Central High School as it will afford a more direct route and eliminate a number of grades and curves.
2. From Broadway Terrace and Florence Avenue, along Florence Avenue to Hermosa Avenue and Hermosa Avenue to Harbord Drive. This service is also required to serve the Holy Names Central High School.
3. To reroute a portion of its Oakland-Castro Valley motor coach line over "B" Street in the City of Hayward for a distance of two blocks instead of "A" Street. This change is desired for traffic reasons.

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 establishment and operation by applicant, as a passenger stage corporation as designated in Section 2 $\frac{1}{2}$ of the Public Utilities Act, of automotive passenger service for the transportation of passengers upon and along the following routes, and to consolidate the same with the remainder of its operative rights.

1. From Broadway Terrace and Country Club Drive along Broadway Terrace to Golden Gate Avenue.
2. From Florence Avenue and Broadway Terrace along Florence Avenue to Hermosa Avenue and along Hermosa Avenue to Harbord Drive.

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.
- (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 re-issues 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 applicant is authorized to reroute a portion of its Oakland-Castro Valley Motor Coach Line from the intersection of "B" Street and First Street along "B" Street to Castro Street.

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

Dated at San Francisco, California, this 30th day
of January, 1940.

Ray & Riley
Frank D. Wells
Harold Beardsley
H. B. Miller
Justus J. Casner
Commissioners