

ORIGINAL

Decision No. 34460

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the )  
 INTERURBAN ELECTRIC RAILWAY COMPANY for ) Application No. 23312  
 authority to discontinue its operations. )

In the Matter of the Application of KEY )  
 SYSTEM for Certificates of Public Con- )  
 venience and Necessity to operate certain )  
 Interurban Railway and/or Motor Coach ) Application No. 23313  
 Service in the City and County of San )  
 Francisco and Counties of Alameda and )  
 Contra Costa. )

An Investigation on the Commission's own )  
 motion into the operations of Interurban )  
 Electric Railway Company, Key System, and ) Case No. 4478  
 East Bay Transit Company re rates, ser- )  
 vice, and facilities. )

For Appearances see Decision No. 33891, dated February 11, 1941.

BY THE COMMISSION:

FINAL OPINION IN APPLICATIONS NOS. 23312 AND 23313,  
AND FIFTH INTERIM OPINION IN CASE NO. 4478

This Opinion and the following Order deal primarily with routes, service, and facilities of Key System, established on July 26, 1941, pursuant to authorization of this Commission, <sup>(1)</sup> in lieu of the operations theretofore provided by the Shattuck Avenue and Ninth Street rail lines of Interurban Electric Railway Company, <sup>(2)</sup> between San Francisco and the Berkeley-Albany-Emerlyville area, and rerouting of local operations of East Bay Transit Company. Decision No. 34389 granted permission to Interurban to discontinue passenger service on

---

(1) Decision No. 34389, dated July 3, 1941.

(2) Hereinafter sometimes referred to as Interurban.

its Shattuck Avenue and Ninth Street rail lines, which were the only remaining operations of that carrier between San Francisco and the East Bay Area, all other lines having previously been discontinued under authorization of the Interstate Commerce Commission<sup>(3)</sup> and this Commission<sup>(4)</sup> by prior orders.

In replacement of the service previously afforded by the Shattuck Avenue rail line of Interurban, Key System inaugurated a combination rail and motor coach operation as an extension of its then existing transbay rail line "F" which terminated in Adeline Street at Alcatraz Avenue in South Berkeley. That operation, although following essentially the same route as the former Shattuck Avenue line from Alcatraz Avenue to the intersection of Sutter and Hopkins Streets, in North Berkeley, necessitates a transfer of patrons between the rail line and the shuttle motor coach line at Shattuck and University Avenues in the business district of Berkeley.

In substitution for the Ninth Street rail line of Interurban, Key System established a through motor coach line between San Francisco and North Berkeley operating over the same route as the former rail line along Solano Avenue between The Alameda and San Pablo Avenue, thence deviating therefrom and proceeding over San Pablo Avenue, Gilman Street, Sixth Street, Dwight Way, Seventh Street, Ashby

---

(3) Finance Docket No. 12792 at Session of October 29, 1940.

(4) Decision No. 33445, dated August 24, 1940, Conditional Authority to abandon.

Decision No. 33732, dated December 17, 1940, Alameda lines.

Decision No. 33891, dated February 11, 1941, Seventh Street line.

Decision No. 34060, dated April 1, 1941, Seventh Street line.

Decision No. 34389, dated July 3, 1941, Berkeley lines.

Avenue, East Shore Highway, and the San Francisco-Oakland Bay Bridge to the Bridge Railway Terminal in San Francisco. The former Ninth Street line proceeded from Thousand Oaks station along Solano Avenue across San Pablo Avenue, thence south over private right of way to Harrison Street, thence in paved street along Ninth Street through West Berkeley to Heinz Avenue, thence generally over private right of way through Emeryville to the San Francisco-Oakland Bay Bridge en route to San Francisco.

The plan of operation presently in effect was proposed by Key System at a hearing held in Berkeley on June 30, 1941. For several months prior thereto the Commission's staff had engaged in a study of the transbay passenger situation, particularly as relating to service between San Francisco and the Berkeley area, but had not completed its analysis and was not prepared to submit conclusions and recommendations at that hearing. Despite the absence of a report from the Commission's staff, immediate action upon the proposals of Key System was deemed necessary in order to avoid a chaotic condition which might otherwise have been created by discontinuance of service on the two Berkeley lines on August 1st, in accordance with a notice of intention delivered by Interurban to Key System and this Commission. Subsequent to the issuance on July 3, 1941, of this Commission's order authorizing Key System to establish the substitute operation, the studies of the Commission's staff were completed and further hearings were held on July 28, 1941, in Berkeley and Emeryville for presentation of a report which was submitted by the Commission's Research Engineer A. C. Jenkins, as Exhibit No. 101. The plan of operation recommended therein differed from that already in operation, as proposed by Key System, particularly with respect to the type of operation on the Shattuck Avenue line and the routing of the Solano Avenue

Motor Coach Line "G," which replaced the Ninth Street rail line.

It was contended by the Commission's Engineer that the volume of traffic and character of service area of the former Shattuck Avenue rail line of Interurban justified continuation of through rail operation without transfer between San Francisco and Northbrae station, located at the intersection of Sutter and Hopkins Streets in the North Berkeley area, about one-half mile short of the former terminus of the rail line at Thousand Oaks. It was pointed out that the service as presently performed necessitates the transfer of approximately 33 per cent of the patrons based upon former traffic on the Shattuck Avenue line and that transferring passengers are required to walk a considerable distance between rail cars and motor coaches which at best is undesirable and during inclement weather would be extremely inconvenient.

As a means of eliminating these undesirable features, it was urged that Key System establish a through rail line from San Francisco to Northbrae Station by extending its transbay rail line "F" over tracks previously used by Interurban. By such utilization of existing facilities only a nominal expenditure would be required of Key System for track and electrical distribution connections, whereas if these facilities should be removed by Interurban or its parent, Southern Pacific Company, the financial prospects of the line would not justify complete construction of electrified rail facilities in replacement thereof.

Although maximum utilization of existing facilities would be realized by connecting the tracks of the "F" line with Interurban tracks near Alcatraz Avenue, it was shown that Southern Pacific Company conducts freight operations over the former Shattuck Avenue line of Interurban to a freight yard at Ward Street, involving use of the

track as far north as Dwight Way for switching purposes. In accordance with the terms of an agreement entered into in 1913 by Southern Pacific Company and the labor organizations representing its employees, Key System is in effect precluded from operating jointly over any tracks of Southern Pacific Company.

Key System has therefore found it necessary to construct a single track railway along Adeline Street between Alcatraz Avenue and Shattuck Avenue, a distance of approximately three quarters of one mile, connecting its "F" line with the tracks of East Bay Transit Company, and is now conducting its Shattuck Avenue rail service over that connection and local streetcar tracks in Shattuck Avenue to a terminus at University Avenue. In order to provide through rail service it will be necessary for Key System to make connection with the former Shattuck Avenue line of Interurban at a point immediately north of Dwight Way.

Upon the assurance from Key System that it would make use of the Interurban facilities from Dwight Way to Hopkins Street in the event they were made available and this Commission should grant permission, the City of Berkeley agreed to take the necessary legal action to obtain title to the properties between Dwight Way and Hopkins Street and allow Key System an operating right over them upon terms mutually agreeable to both parties.

Substitution of motor coach service for rail operation on the Shattuck Avenue line after seven o'clock evenings, and all day Sundays and holidays was authorized by this Commission's previous order issued prior to submission of Exhibit No. 101, in which it was urged that such curtailment of service was not warranted unless applied to all remaining rail lines so as to realize maximum economies from closing down the rail yards and the rail facilities in the San Francisco Terminal.

Key System indicated at the hearing that application would be made to the Commission in the near future for authority to extend the evening, Sunday, and holiday motor coach service to all of its rail lines and contended that an improved service could be rendered by such action. In anticipation of Key System's indicated future action, the dual rail and motor coach operation as now performed will not be changed by the following order. The Commission has set forth in prior interim order in these proceedings certain standards of service it expects these carriers to observe.

Key System's presently operated Thousand Oaks-Solano Avenue Motor Coach Line "G," established in substitution for the Ninth Street rail line of Interurban Electric, operates through West Berkeley over a route several blocks to the west of that formerly followed by the rail line. Between the intersection of Gilman Street and San Pablo Avenue and the intersection of Seventh Street and Ashby Avenue the present motor coach line follows a circuitous route over relatively narrow rough streets with numerous crossings at grade with spur tracks.

It was contended by the Commission's engineer that the motor coach operation should be routed along San Pablo Avenue from Solano Avenue to Peralta Street, thence over 38th Street to a connection with the San Francisco-Oakland Bay Bridge; that San Pablo Avenue is a much better street for such interurban operation, in that it is wide, smoothly paved, well protected, and will allow for a higher schedule speed than the route now followed; and that it will provide a more convenient service to the former patrons of the Ninth Street rail line. It was urged by the City of Berkeley that the existing route will more satisfactorily serve the people of Berkeley, particularly

the industrial area west of Sixth Street, but no evidence was submitted to indicate such contention to be based upon other than opinion. The record shows that of 448 passengers travelling eastbound on the Ninth Street rail line on a typical weekday, destined to points south of Marin Avenue, 71 per cent were destined to points on and to the east of the rail line. Of the remaining 131 passengers only 30 were destined to points west of Sixth Street, along which the present route is located, and of the total passengers, 80 per cent were destined to points within a 2,000 foot area on either side of San Pablo Avenue. Considering only the area within the City of Berkeley south of Marin Avenue, a motor coach route on San Pablo Avenue would place 91 per cent of the patrons within a 2,000 foot area, which has been considered by this Commission in the past to establish the limits of a reasonable walking distance.

Exhibit No. 71 in this proceeding shows that for a typical weekday, eastbound, out of a total of 1,666 passengers carried throughout the entire day on the Ninth Street line, 934 passengers, or 56 per cent, were destined to stations along Solano Avenue.

The City of Emeryville has been left almost entirely without transbay service by discontinuance of the Shattuck Avenue and Ninth Street rail lines of Interurban which formerly passed through the approximate center of the industrial area of that city, and motor coach Line "G" is so routed as to provide no substitute service. Routing of the transbay line along San Pablo Avenue, as recommended by the Commission's staff, would provide transbay service within a 2,000 foot area to all but relatively few persons in Emeryville who formerly used the two rail lines. Although the City of Emeryville agreed that such an operation on San Pablo Avenue would be a great improvement over the service now provided, it was requested that some

other route be developed that would more nearly pass through the center of the industrial district. Operation of a motor coach route along San Pablo Avenue between Solano and Stanford Avenues, thence along Powell Street through the industrial section of Emeryville to a connection with the East Shore Highway would provide a more convenient service to Emeryville than the proposed route along San Pablo Avenue to Peralta Street. It would, however, require a crossing at grade with the main line tracks of Southern Pacific Company and the penetration of heavy, high speed traffic in both directions on the East Shore Highway at a blind intersection, with no benefit of protection by traffic signals. The accident hazard that would be created by such routing cannot be subscribed to and unless and until adequate safety measures are provided it should not be allowed.

Local motor coach operation is conducted by East Bay Transit Company through the Emeryville industrial area along Hollis and Green Streets providing transfer connection with the transbay Sacramento Street motor coach line on Ashby Avenue and with the proposed transbay line along San Pablo Avenue, as well as to the Shattuck Avenue rail line of Key System at Yerba Buena Avenue. It would appear that by routing the Solano Avenue Motor Coach Line "G" along San Pablo Avenue to Peralta Street a reasonably satisfactory transbay service will be provided in combination with the local line. Service on the local line at present is designed for peak travel and should be adjusted to more nearly conform with the major movement of employees into and out of the district. Until such time as developments indicate the desirability of further change, it appears that Key System's Thousand Oaks-Solano Avenue Motor Coach Line "G" should be routed over San Pablo Avenue in accordance with the plan recommended in Exhibit No. 101.



It was also recommended by the Commission's engineer that East Bay Transit Company's local Motor Coach Line No. 73, operating between Oakland and Albany along San Pablo Avenue, be rerouted so as to operate from Oakland along San Pablo Avenue to Solano Avenue, thence along Solano Avenue to a point in the vicinity of The Alameda, thereby providing a cross-town local service to the thickly populated Albany and Thousand Oaks section, and relieving the transbay motor coach line "G" of the necessity for handling local passengers. In addition it was contended that such an operation would in large measure compensate for the loss of transfer privilege formerly provided by Interurban between its Ninth Street and Shattuck Avenue rail lines which afforded transportation between the Solano Avenue district and the downtown section of Berkeley in addition to providing direct service into downtown Oakland.

This proposal involves the discontinuance of service by the existing No. 73 motor coach line between Solano Avenue and the Alameda-Contra Costa county line, along San Pablo Avenue. That total distance, however, is only slightly in excess of one-half mile, and local service will continue to be provided by the Oakland-Richmond Motor Coach Line of East Bay Transit Company on a 20-minute headway, with no reduction in service to the principal business section of Albany located at the intersection of San Pablo and Solano Avenues.

Establishment of this local line, which will operate over the same route as the proposed Solano Avenue Motor Coach Line "G," will provide a convenient service for many persons now travelling between the Albany area and the industrial sections of West Berkeley and Emeryville and will relieve the transbay motor coach line of the local traffic it would otherwise be required to handle.

Review of the record indicates that increased frequency will be effected on each one of the three transbay lines serving Berkeley both during the base and peak periods of operation. Whereas the former base headway on the Ninth Street line was 45 minutes, the substitute plan will provide 20 minutes. The base headway on the Sacramento Street line which was converted to motor coach operation on July 26, 1941, will be reduced from 45 minutes to 40 minutes, and on the Shattuck Avenue line a corresponding reduction will be effected during the base period from 30 minutes to 20 minutes. Introduction of the universal free transfer between transbay motor coach and rail lines of Key System and the local rail and motor coach lines of East Bay Transit Company, involving no additional fare, in effect extends the transbay lines so as to embrace a much greater service area.

Financial statements of Key System submitted in evidence in these proceedings indicate that this carrier has conducted its transbay operations at a loss during the year of 1940. Likewise Interurban has provided service far below cost and has been subjected to losses much in excess of those of Key System. Withdrawal of Interurban from the field of transbay service in the East Bay area and expansion of Key System's rail and motor coach operations in lieu thereof, will improve the net operating income of the latter carrier by approximately \$400,000 annually, as reflected by estimates of record in these matters. This improvement has been made possible through elimination of duplicate services and more efficient utilization of available facilities. The actual results accruing to Key System and East Bay Transit Company will not be accurately known for a period of several months, however, and although the two applications are disposed of by this decision, the Commission's investiga-

tion upon its own motion into the financial status, service, operations, organization, and facilities under Case No. 4478 will continue. A period of several months will elapse before traffic and revenues will again reach a state of equilibrium, but during that period and subsequent thereto the staff of this Commission will keep in close touch with developments in the interest of effecting such improvements as may be indicated by changing conditions.

Key System is now the sole transbay interurban passenger carrier and in assuming that role it has undertaken the responsible task of providing service to approximately 65,000 passengers daily. It is urged upon that carrier that it recognize the magnitude of the obligation and discharge its duties to the public to the best of its ability.

FINAL ORDER IN APPLICATIONS NOS. 23312 AND 23313,  
AND FIFTH INTERIM ORDER IN CASE NO. 4478

Public hearings having been held in these consolidated matters for consideration of transbay passenger service to be performed by Key System in substitution for that formerly provided by the Shattuck Avenue and Ninth Street rail lines of Interurban Electric Railway Company, all matters pertaining to Applications Nos. 23312 and 23313 having been submitted, the Commission being fully apprised in the premises, and it being found as a fact that public convenience and necessity so require,

I.

IT IS HEREBY ORDERED that Key System be and it is hereby authorized to operate an electric railway for the transportation of passengers as an extension of its transbay Berkeley-Adeline Street rail line "F," north along Shattuck Avenue and Sutter Street, together with connecting private right of way, over tracks formerly used by Interurban Electric Railway Company between a point in the vicinity of Dwight Way and the intersection of Sutter and Hopkins Streets (Northbrae Station) in North Berkeley, said rail service to be in replacement of the present combination rail and motor coach operation, authorized by Decision No. 34389, between said points, subject to the following conditions:

- (1) Said service shall commence within a period of not to exceed six (6) months from the effective date hereof.
- (2) Rates of fare, rules, and regulations applying to the existing combination rail and motor coach operation between San Francisco and Northbrae Station and intermediate points shall apply to the through rail operation as authorized herein.
- (3) Time schedules covering the service herein authorized shall be filed, in triplicate, and made effective within a period of not to exceed six (6) months after the effective date of this order upon not less than one (1) day's notice to this Commission and the public.

II.

IT IS HEREBY FURTHER ORDERED that a certificate be and it is hereby granted to Key System for the operation of an automotive passenger stage service, as that term is defined in Section 2 $\frac{1}{2}$  of the Public Utilities Act, for the transportation of passengers between San Francisco and Berkeley and intermediate points, subject to the following conditions:

- (1) Written acceptance of the certificate herein granted shall be filed within a period of not to exceed thirty (30) days from the date hereof.
- (2) Said service shall commence within a period not to exceed six (6) months from the effective date hereof and upon not less than one (1) day's notice to this Commission and the public.

III.

IT IS HEREBY FURTHER ORDERED that Key System shall operate the passenger stage service authorized under Section II above, in compliance with the following regulations:

- (1) Rates of fare, rules, and regulations, in volume and effect, shall be identical with those now in effect on Key System's Solano Avenue Motor Coach Line "G."
- (2) Time schedules covering the service herein authorized shall be filed, in triplicate, and made effective within a period of not to exceed six (6) months after the effective date of this order, upon not less than one (1) day's notice to this Commission and the public.
- (3) Subject to the authority of this Commission to change or modify such at any time, Key System shall conduct said passenger stage operation over and along the following described route:

Commencing at Marin Avenue and The Alameda in the City of Berkeley, along The Alameda to Solano Avenue, Solano Avenue to San Pablo Avenue, San Pablo Avenue to Peralta Street, Peralta Street to 38th Street; 38th Street to the East Bay Distribution Structure; thence via the San Francisco-Oakland Bay Bridge to Harrison and Essex Streets in San Francisco; thence along Essex Street to Folsom Street, Folsom Street to Fremont Street, Fremont Street to a terminus on

(3) (Concluded)

Natoma Street between Fremont Street and First Street; thence returning via Natoma Street to First Street, First Street to Folsom Street; thence via the reverse of the above route from the intersection of First and Folsom Streets.

IV.

IT IS HEREBY FURTHER ORDERED that Key System be and it is hereby authorized to discontinue passenger service upon not less than one (1) day's notice to this Commission and the public along that portion of its Solano Avenue transbay motor coach line "G," as described below, and to cancel in conformity with the rules of this Commission all passenger rate tariffs and time schedules in so far as applicable thereto.

From the intersection of San Pablo Avenue and Gilman Street in the City of Berkeley, along Gilman Street to Sixth Street, Sixth Street to Dwight Way, Dwight Way to Seventh Street, Seventh Street to Ashby Avenue, Ashby Avenue to East Shore Highway; thence along the East Shore Highway to the east-bound Oakland approach to the East Bay Distribution Structure in the City of Oakland.

V.

IT IS HEREBY FURTHER ORDERED that a certificate be and it is hereby granted to East Bay Transit Company for the operation of an automotive passenger stage service, as that term is defined in Section 2½ of the Public Utilities Act, for the transportation of passengers between points in the Cities of Albany and Berkeley, as an extension of its presently operated Motor Coach Route No. 73, said operation to be consolidated with the remainder of its operating rights, subject to the following conditions:

- (1) Written acceptance of the certificate herein granted shall be filed within a period of not to exceed thirty (30) days from the date hereof.
- (2) Said service shall commence within a period of not to exceed six (6) months from the effective date hereof and upon not less than one (1) day's notice to this Commission and the public.

VI.

IT IS HEREBY FURTHER ORDERED that East Bay Transit Company shall perform the passenger stage service authorized under Section V above, in compliance with the following regulations:

- (1) A tariff or tariffs shall be filed, in triplicate, and concurrently made effective on not less than one (1) day's notice to this Commission and the public, in accordance with the requirements of the Commission's General Orders, and containing rates, rules, and regulations which, in volume and effect, shall be identical with those presently in effect on other lines of East Bay Transit Company operating in the East Bay area, or rates, rules, and regulations satisfactory to this Commission.
- (2) Subject to the authority of this Commission to change or modify such at any time by further order, East Bay Transit Company shall conduct said passenger stage operation along Solano Avenue between San Pablo Avenue in the City of Albany and The Alameda in the City of Berkeley, as an extension of its Oakland-Albany Motor Coach Line No. 73.

VII.

IT IS HEREBY FURTHER ORDERED that the East Bay Transit Company be and it is hereby authorized to discontinue passenger service upon not less than one (1) day's notice to this Commission and the public, on that portion of its Oakland-Albany Motor Coach Line No. 73 along San Pablo Avenue between Solano Avenue and the terminus of the route at the Alameda-Contra Costa county line, all within the City of Albany, and to cancel, in conformity with the rules of this Commission, all passenger rate tariffs and time schedules in so far as applicable thereto.

VIII.

The Commission reserves the right to make such further orders in these proceedings as to it may seem just and reasonable, and to revoke this authority in whole or in part if in its opinion public convenience and necessity demand such action.

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

Dated at San Francisco, California, this 1<sup>st</sup> day of ~~July~~ <sup>August</sup>

1941.



Justin J. Casper  
Francis L. Havens  
Richard Jackson  
Commissioners.