

ORIGINAL

Decision No. 34847

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
EAST BAY TRANSIT COMPANY, a corpo- )  
ration, for a Certificate of Public )  
Convenience and Necessity to operate )  
motor coach service in the City of )  
Oakland, County of Alameda, State of )  
California. )

Application No. 19502  
(43rd Supplemental)  
(As Amended)

BY THE COMMISSION:

O P I N I O N

By the above entitled application (1) East Bay Transit Company seeks authority to establish and operate a passenger motor coach line in East Oakland to serve an area east of Havenscourt Boulevard, located between Foothill Boulevard to the north and East Fourteenth Street on the south, which was formerly provided with local and transbay service by the Seventh Street rail line of Interurban Electric Railway Company prior to abandonment of operations (2) by that carrier.

Applicant proposes to establish the service on a temporary basis pending the development of a more direct route which will be afforded by the paving-in and opening to vehicular traffic by the City of Oakland of a street along the former rail line of Interurban Electric Railway Company to the east of Havenscourt Boulevard.

The service proposed is to be operated in coordination with the transbay passenger line "A" of Key System at Havenscourt Boulevard and Beck Street, on a basic frequency of twenty minutes and

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(1) Filed November 12, 1941, and amended November 24, 1941.

(2) Abandonment authorized by Decision No. 33891 dated February 11, 1941, under Application No. 23312.

during peak periods at headways commensurate with traffic volume. It is applicant's intention to commence the service with thirty-passenger coaches similar in design and construction to those used generally throughout the system, and the route proposed is as described below:

"Commencing at the intersection of Havenscourt and Foothill Boulevards, thence along Havenscourt Boulevard, Arthur Street, 78th Avenue, Plymouth Street, 79th Avenue, Plymouth Street, 82nd Avenue, and Olive Street to 90th Avenue, thence returning over the same route to point of commencement."

Applicant contends that this operation has been approved by the City of Oakland and civic organizations in the area; that adequate and more convenient service will be provided to its patrons at no increase in fares; and that the issues involved are of such nature as to warrant the issuance of a certificate without the formality of public hearing.

In passing upon the merits of the proposed operation the elements of public convenience and necessity must be recognized as embracing not only the interests of the immediate territory that will be served by the specific line under consideration, but also the effects of its economic aspects upon the remainder of the system as presently operated. Applicant has failed to provide any indication as to the probable financial results of the service as proposed, and it is only by reference to evidence submitted and decisions previously issued in this general proceeding<sup>(3)</sup> involving applicant, its affiliate, Key System, and Interurban Electric Railway Company that the granting of this request without public hearing can be justified.

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(3) Decisions Nos. 33445, 33891, 34060 in Applications Nos. 23312 and 23313, and Case No. 4478.

Upon discontinuance of the passenger service on the Seventh Street rail line of Interurban Electric Railway Company, Key System was authorized to establish a transbay rail and motor coach service. Due to the inability of Key System to obtain use of Interurban Electric's rail facilities to the east of Havenscourt Boulevard, the substitute rail service now terminates at that point, a considerable distance west of the former rail terminus in San Leandro. Looking toward the ultimate improvement of the service and the establishment of a more direct routing than that now afforded by connecting motor coach lines of East Bay Transit Company, it was the recommendation of the Commission's engineers that steps be taken by the appropriate authorities to open up a through street along the right of way of the Seventh Street rail line. The file herein indicates that the City of Oakland contemplates the construction of such a street at the earliest date possible, but requests that some form of temporary service be provided during the interim.

Pending realization of a more direct route the plan offered by applicant herein will afford some measure of relief to that portion of East Oakland which, due to physical characteristics of the area and limitations of available facilities, was not accorded the same standard of service as a result of the substitution program as was provided to other districts more advantageously situated. As expressed in prior decisions relating to the East Bay passenger transportation problem, it is the desire of this Commission to assist in any way possible the establishment and maintenance of the highest standard of service and the most convenient routing and facilities that can be justified in an effort to compensate for the loss of Interurban Electric Railway Company's service. This application furthers that objective, is in the public interest, and will be

granted without public hearing.

O R D E R

IT IS HEREBY ORDERED that a certificate be and it is hereby granted to East Bay Transit Company for the operation of automotive passenger stage service as that term is defined in Section 2½ of the Public Utilities Act for the transportation of passengers between points within the City of Oakland, County of Alameda, 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.

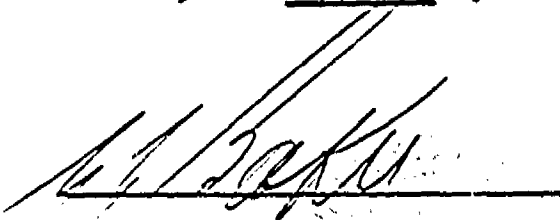
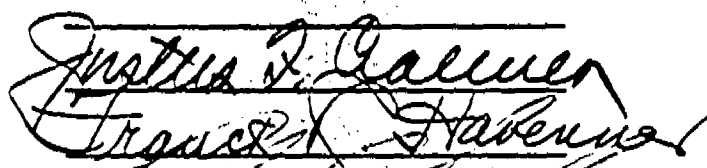

IT IS HEREBY FURTHER ORDERED that East Bay Transit Company shall operate the passenger stage service authorized above in compliance with the following regulations:

- (1) Rates, rules and regulations now applying to existing local lines of applicant shall be applied to the extended line herein authorized.
- (2) Subject to the authority of this Commission to change or modify such at any time by further order said passenger stage operation shall be conducted substantially in accordance with the schedules set forth in the supplement to the Application, over and along the following described route:

Commencing at the intersection of Havenscourt and Foothill Boulevards, thence along Havenscourt Boulevard to Arthur Street, Arthur Street to 78th Avenue, 78th Avenue to Plymouth Street, Plymouth Street to 79th Avenue, 79th Avenue to Plymouth Street, Plymouth Street to 82nd Avenue, 82nd Avenue to Olive Street, thence along Olive Street to 90th Avenue, returning via the same route to the point of beginning.

For all other purposes the effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 9<sup>th</sup> day of December, 1941.

  
  
  
(COMMISSIONERS)