

ORIGINAL

Decision No. 35441

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
KEY SYSTEM, a corporation, for a)	
certificate of public convenience)	Application No. 23313
and necessity to operate certain)	9th Supplemental
motor coach routes.)	

Donahue, Richards and Hamlin, by Frank S. Richards and
Marshal Ricksen.

Gerald W. Stulsman, Assistant City Attorney, and
Chester C. Fisk, City Manager, for the City of Berkeley.

RILEY, COMMISSIONER:

SUPPLEMENTAL OPINION

On April 6, 1942, Key System filed application requesting authority to establish, on a temporary basis, on a 40-minute frequency rail service between San Francisco and Berkeley on its Shattuck Avenue Line "P" in substitution for motor coach operation as now in effect on that line after approximately 7:00 p.m. on week days and on Sundays and holidays. Present motor coach service is provided on a 20-minute frequency. Applicant requested that the authority sought be granted by ex parte order and contended that the reestablishment of rail service was desired primarily for the purpose of conserving rubber through the elimination of approximately 400,000 motor coach miles per year in furtherance of the National Defense rubber rationing program. No reference was made in the application to the economic elements involved and no data were supplied to indicate the actual volume of traffic carried during the periods when the reduced service would be effective.

By Decision No. 35293, dated April 28, 1942, Key System was authorized by ex parte order to discontinue motor coach service on this line and to establish all-rail service but was not permitted to

decrease the frequency from 20 to 40 minutes. By letter dated April 30, 1942, Key System notified the Commission of its refusal to accept the decision and on May 8, 1942, filed a petition for reconsideration. Public hearing was held in Berkeley on May 25, 1942.

At the hearing an exhibit was presented by applicant's witness setting forth the results of a check of traffic by schedules on a daily basis from April 20, to April 27, 1942, inclusive, covering that period of each day during which motor coach operation is now performed. The exhibit indicates that present traffic can reasonably be handled by rail cars with a seating capacity of 140 passengers on a 40-minute headway.

The official position of the City of Berkeley and the Berkeley Chamber of Commerce was that during normal times the reduction in service might be opposed but that under present war emergency conditions it was not their desire to stand in the way of any effort designed to comply with National Defense requirements. It was urged, however, by both parties, that the attitude assumed in this instance should not be construed as expressing acceptance of a general program of service reduction by Key System on a systemwide basis for purposes other than the requirements of the war emergency.

It would appear from the evidence submitted that the service proposed will be adequate to satisfactorily handle present patronage and although during normal times greater weight might be given to the element of public convenience, the war emergency forces the conclusion that conservation of essential materials is paramount, and the request for authority to establish a 40-minute headway will be granted upon a temporary basis pending the development of conditions which may indicate the desirability for further consideration.

SUPPLEMENTAL ORDER

Public hearing having been held in the matter of the application of Key System for authority to decrease the frequency of service on its San Francisco-Berkeley Shattuck Avenue rail line "F" as an extension of the authority granted by this Commission in Decision No. 35293 authorizing substitution of rail for motor coach service on said line after approximately 7:00 p.m. on week days and on Sundays and holidays, the Commission being fully apprised in the premises, and the matter being now ready for decision

IT IS HEREBY ORDERED that Key System be and it is hereby authorized to conduct rail service on its San Francisco-Berkeley Shattuck Avenue rail line "F" on the basis of a 40-minute frequency of service after approximately 7:00 p.m. on week days and on Sundays and holidays, subject to the following conditions:

- (1) Said curtailed service shall be placed in effect within a period not to exceed sixty (60) days from the effective date hereof.
- (2) Said curtailed service shall be placed in effect upon not less than five (5) days' notice to the Commission by letter and to the public by printed notices posted in rail cars and motor coaches presently operated on this line.
- (3) Said curtailment of service shall be placed in effect concurrently with the establishment of rail service in substitution for motor coach service on this line as authorized under Decision No. 35293.

The foregoing Supplemental Opinion and Supplemental Order are hereby approved and ordered filed as the Supplemental Opinion and Supplemental Order of the Railroad Commission of the State of California.

The effective date of this order shall be five (5) days from the date hereof.

Dated at San Francisco, California, this 2nd day of
June, 1942.

Justus F. Coenen
Ray L. Riley

Richard L. ...
Commissioners