

ORIGINAL

Decision No. 36025

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 and necessity to operate certain motor coach routes in the Counties of Alameda and Contra Costa, State of California.	) ) ) ) ) ) ) )	Application No. 19502 5th Supplemental
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DONAHUE, RICHARDS and HAMLIN, by MARSEALL RICKSEN and FRANK S. RICHARDS, for applicant.

DAVID GILMORE, City Attorney, San Leandro, for Leland Heights District Improvement Club and the San Leandro-East Oakland Commuters League.

CHARLES R. SCHWANENBERG, for City of Alameda.

GERALD W. STUTSMAN, and CHESTER C. FISK, City Manager for City of Berkeley.

F. B. FERNEHOFF, City Attorney, and J. KERWIN ROONEY, Deputy City Attorney, for City of Oakland.

JOHN ROOKS, Secretary, Alameda Chamber of Commerce.

G. F. IRVINE, for Brotherhood of Locomotive Firemen and Enginemen employees of The Western Pacific Railroad Company and Southern Pacific Company.

CHARLES NEWMAN, representing employees at Chevrolet plant, Oakland.

DONALD B. CONNELL, representing Leland Heights District Improvement Association.

JOHN DEADRICH, representing the Transportation Committee of the Chamber of Commerce of San Leandro, and also the City of San Leandro.

BRUCE HARRISON, President of the San Leandro-East Oakland Transportation League.

BY THE COMMISSION:

O P I N I O N

In the above entitled application Key System seeks authority to revise the method of providing local transportation via San Pablo Avenue between the City of Richmond, the Thousand Oaks district of the City of Berkeley, and the City of Albany, on the one hand, and Oakland and intermediate points, on the other hand.

The carrier's rail line No. 2 and motor coach lines Nos. 72

and 73 are involved. The proposed plan originally provided for the substitution of rail service for motor coach service during off-peak periods after 7:00 p.m. and all day Sundays and holidays, but was subsequently amended at the hearing to include off-peak hours between 9:00 a.m. and 3:30 p.m.

Applicant also proposes that no passengers on the Nos. 72 and 73 lines shall be embarked on southbound trips south of Ashby Avenue nor shall any passengers be disembarked on northbound trips south of Ashby Avenue at any time.

Public hearings were held before Examiner Hunter in this matter in San Francisco on September 18, 29, and 30, 1942. The matter has now been submitted and is ready for decision.

At present the No. 2 San Pablo Avenue street railway line operates over a route from the business center of Oakland to Ashby Avenue by way of San Pablo Avenue between the hours of approximately 6:30 a.m. and 7:00 p.m. No service is operated on this line after 7:00 p.m. or on Sundays and holidays, substitute service being provided during these latter periods by motor coach lines Nos. 72 and 73 operating over the same route.

Applicant proposes to continue operating its No. 2 rail line over the present route but proposes to increase the hours of operation to include the entire week day and Sundays and holidays. In rendering local street car service it is proposed to have the No. 2 line operate during off-peak hours and on Sundays and holidays in conjunction with motor coaches performing a shuttle service beyond Ashby Avenue on routes Nos. 72 and 73.

The present general routes of lines operating north of Ashby Avenue on San Pablo Avenue are:

1. No. 73 Line:  
Operating from central Oakland via San Pablo Avenue to Solano Avenue, thence on Solano Avenue to The Alameda, and on The Alameda to Marin Avenue.

2. No. 72 Line:

Operating from central Oakland on San Pablo Avenue, to and within the City of Richmond.

Both of these lines are now scheduled as express service from points north of Ashby Avenue to central Oakland between the hours of 6:30 a.m. and 7:00 p.m. After 7:00 p.m. on week days and all day on Sundays and holidays, with certain minor exceptions, these lines operate in local service over their entire routes.

As previously mentioned, applicant proposes to suspend service on these motor coach lines after 7:00 p.m. on week days and on Sundays and holidays, substituting therefor service by the No. 2 rail line. During these periods both motor coach lines would operate as shuttle lines to the No. 2 rail line at Ashby Avenue from their northern termini.

The record shows that the proposed changes are in conformity with the statement of policy of the Office of Defense Transportation, issued April 17, 1942, particularly those portions which require:

- (a) All carriers to make full use of all street car lines. (1)
- (b) Diversion of traffic to street railway routes. (2)
- (c) Turn back service. (3)

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(1) "FULL USE OF ALL STREET RAILWAY LINES"

Transit companies and regulatory authorities should take immediate steps to obtain the fullest possible use of all operable rail lines and equipment. This will require discontinuance of bus and trolley coach service which are being provided over routes where street railway lines are or can be made operable as well as on street railway routes now being served part of the time by buses or trolley coaches."

(2) "DIVERSION OF TRAFFIC TO STREET RAILWAY ROUTES"

Wherever it is practicable to alter schedules and routes so as to divert passengers from present bus lines to street railway routes, such alteration of schedules and routes should be made."

(3) "TURN BACK SERVICE"

On transit routes to outlying districts much capacity is wasted by sending too many vehicles to the outer ends of such routes. This waste should be eliminated by turning back some vehicles at intermediate points, or by operating shuttle vehicles over the outer portions of such routes at less frequent intervals. In other cases, waste should be eliminated by operating shuttle services over branch lines which are presently through routed."

Savings in coach mileage under the proposed plan will approximate 216,000 miles per year. Assurances were given by applicant that adequate service would be supplied under the proposed operating conditions and that additional facilities are available for rendering such service. No opposition developed to the granting of this application.

It appears from the record that the proposed service will be somewhat inferior to the present service but that the public will not be unduly inconvenienced in view of the prevailing war emergency. Since the suspension of present service and substitution of the proposed service will be in the interest of the war effort and in conformance with the directive of the Office of Defense Transportation, the proposed temporary plan should be put into effect until such time as it appears to the Commission that the matter should be reconsidered. The following order will so provide.

Referring now to applicant's proposal that no passengers be embarked on the Nos. 72 and 73 lines south of Ashby Avenue on southbound trips nor disembarked south of Ashby Avenue on northbound trips at any time, the application shows that at present on both lines during express periods between 6:30 a.m. and 7:00 p.m. no local patronage is handled between Ashby Avenue and the southern terminus in Oakland when the No. 2 rail line is in service, excepting that local passengers are picked up and discharged at Stanford Avenue, 45th Street, 40th Street, and all points south of 22nd Street in both directions. Between these hours, and with the exceptions noted, on southbound trips passengers are picked up only between the northern terminus and Ashby Avenue. However, passengers are discharged at all points to downtown Oakland. Passengers on northbound trips are picked up at all points, but passengers are discharged south of Ashby Avenue only at the points previously noted.

It appears that on southbound trips additional service is afforded to the public by the stops presently being made to embark

passengers when space is available, nor would such stops unduly inconvenience persons already riding. The existing practice conforms with the directive of the Office of Defense Transportation to secure maximum utilization of equipment. This portion of the proposal will, therefore, be denied.

To disembark passengers on northbound trips south of Ashby Avenue is to utilize in local service equipment intended for service to outlying areas and tends to duplicate the service performed by the No. 2 street railway line. Applicant's proposal in this regard will be granted.

#### O R D E R

Public hearings having been held in the above entitled matter, the matter now having been submitted, and the Commission being fully apprised:

IT IS ORDERED that, subject to the authority of the Commission to require changes or modifications at any time by further order, Key System is hereby authorized to suspend service between the hours of 9:00 a.m. and 3:30 p.m. and after 7:00 p.m. on week days and on Sundays and holidays on portions of the certificated routes as follows:

1. Route No. 72-Richmond-Oakland Motor Coach Line.
2. Route No. 73-San Pablo-Solano Avenue Motor Coach Line

Commencing at the intersection of Ashby Avenue and San Pablo Avenue, thence via San Pablo Avenue to Broadway, Broadway to 10th Street, 10th Street to Clay Street, Clay Street via San Pablo Avenue to the intersection of Ashby Avenue and San Pablo Avenue.

IT IS FURTHER ORDERED that in lieu of the suspensions herein authorized and concurrently therewith, local service shall be operated on Key System's No. 2 San Pablo Avenue street railway line throughout the entire operating day, ending not earlier than midnight, including all day Sundays and holidays, with equipment adequate to meet

the approval of the Railroad Commission.

IT IS FURTHER ORDERED that the preceding authorizations shall be subject to the following conditions:

- (1) Applicant shall file in duplicate and make effective within thirty (30) days from the date hereof time schedules covering the services herein authorized, in a form satisfactory to the Railroad Commission.
- (2) Service hereinbefore authorized shall be established within a period not to exceed thirty (30) days from the date hereof and upon not less than five (5) days' notice by letter to the Railroad Commission and appropriate notice to the public in the form of cards placed conspicuously in all motor coaches involved.

IT IS FURTHER ORDERED that applicant's request to discontinue the embarkation of passengers at certain points on southbound trips south of Ashby Avenue on its Nos. 72 and 73 lines be and it is hereby denied.

IT IS FURTHER ORDERED that no passengers on the Nos. 72 and 73 lines shall be disembarked on northbound trips south of Ashby Avenue at any time.

IT IS FURTHER ORDERED that jurisdiction herein shall be and it is hereby reserved by the Commission to make such further order or orders in this proceeding as the Commission in its discretion may deem just and proper.

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

Dated at San Francisco, California, this 15<sup>th</sup> day of December, 1942.

Justus J. Casner  
M. J. Baker  
Francis R. Havens  
Richard K. Hulse  
Commissioners