

ORIGINAL

Decision No. 35144

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
) 59th Supplemental
)
)
)

BY THE COMMISSION:

OPINION AND ORDER

In the above entitled supplemental application Key System seeks authority to discontinue operation of the northwesterly portion of its No. 67 Spruce Street motor coach line between the intersection of Panhandle Boulevard and East Shore Highway and the intersection of San Pablo Avenue and Stockton Street, all in the City of Richmond, and to modify the present route in the City of Berkeley between Rose Street and University Avenue.

At the present time applicant is operating its No. 67 Spruce Street motor coach line over the following route:

Commencing at the intersection of Panhandle Boulevard and East Shore Highway, along Panhandle Boulevard to Huntington Avenue, to San Pablo Avenue, to Stockton Street, to Albemarle Avenue, to Fairmount Avenue, to Colusa Avenue, to Tacoma Avenue, to The Alameda, to Grove Street, to University Avenue, to Oxford Street, to Rose Street, to Spruce Street, to Vassar Avenue, to Kentucky Avenue, to Maryland Avenue, to Vermont Avenue, to Colorado Avenue, to Boynton Avenue, to Florida Avenue, to Santa Barbara Avenue, to Montrose Road, to Spruce Street, and thence returning via balance of regularly certificated route to terminal at Panhandle Boulevard and East Shore Highway.

In addition to the above route a limited amount of service is also performed up to 7:00 p.m. over a somewhat extended service route, as follows:

Picking up the line arbitrarily at University Avenue and Oxford Street, along Oxford Street to Rose Street, to Spruce Street, to Beloit Avenue, to Purdue Avenue, to Kenyon Avenue, to Trinity Avenue, to Beloit Avenue, to Cambridge Avenue, to Yale Avenue, to Vassar Avenue, to Maryland Avenue, to Vermont Avenue, to Colorado Avenue, to Boynton Avenue, to Florida Avenue, to Santa Barbara Avenue, to Montrose Road, to Spruce Street, and thence via balance of certificated route.

Only the westerly portion of the present route from the intersection of Oxford and University Avenues is under consideration herein. The proposed route of the westerly portion is as follows:

Commencing at Stockton Street and San Pablo Avenue, along Stockton Street to Albemarle Avenue, along Albemarle Avenue to Fairmount Avenue, along Fairmount Avenue to Colusa Avenue, along Colusa Avenue to Tacoma Avenue, along Tacoma Avenue to The Alameda, along The Alameda to Grove Street, along Grove Street to Rose Street, along Rose Street to Sutter Street, along Sutter Street to Shattuck Avenue, along Shattuck Avenue to University Avenue, along University Avenue to Oxford Street, and thence via the entire balance of the present service route.

In the original application it was intended to route via Berryman Street rather than Rose Street; however, by letter dated December 2, 1942, the application was amended to read as above because of the fact that Rose Street has arterial protection, and operation via Berryman Street would require the coaches to make four crossings of the "F" Shattuck Avenue rail line on each round trip, whereas due to the configuration of the streets, only two crossings of the rail line would be involved if the coaches were to operate via Rose Street.

Applicant states that the proposed discontinuance of service will conform to the statement of policy issued under date of April 17, 1942, by the Office of Defense Transportation, particularly that portion which relates to turn back service. (1)

(1) "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."

It is alleged that the proposed change will result in a saving of approximately 41,000 motor coach miles per year and will release one motor coach for other service, thereby making a substantial contribution to the national war effort, owing to the saving of rubber and material.

Traffic checks show that patronage is very slight on that portion of the route which it is proposed to discontinue, except for one load composed largely of students. No portion of the route proposed to be abandoned is more than approximately 2,000 feet from service on San Pablo Avenue.

It appears that this portion of applicant's request is reasonable and it will be granted.

The proposed modification of route from Grove Street to Shattuck Avenue between Rose Street and University Avenue will eliminate duplicate service by the No. 67 Spruce Street motor coach line and the No. 6 street railway line, and supply additional load service over a less congested route on Shattuck Avenue which is now served only by the "F" Berkeley Shattuck Avenue transbay rail line. This portion of applicant's request appears to be in the public interest and will be granted.

During off-peak hours from approximately 9:00 a.m. to 3:00 p.m., after 7:00 p.m. and all day Sundays and holidays, the company should discontinue service between the intersection of University and Shattuck Avenues and Hopkins Street, adjusting schedules so that both branches of the route will meet "F" line Berkeley Shattuck Avenue trains. It also appears the company should give consideration to the probability of saving additional coach miles through discontinuance of peak hour service on that portion of the No. 67 line mentioned above as soon as shelter can be provided at the terminus of the "F" line at The Alameda.

No public hearing appears to be necessary, therefore

IT IS ORDERED:

I. That Key System be and it is hereby granted a certificate of public convenience and necessity to operate between the cities of Berkeley and El Cerrito and intermediate points, to be consolidated with its present operating rights; provided that Key System, its successors or assigns, may never claim before this Commission or any court or other public authority a value for the operative right herein granted in excess of the actual cost hereof.

II. That service pursuant to the foregoing certificate shall be provided subject to the following regulations:

- (1) Applicant shall file a written acceptance of the certificate hereinbefore granted within a period not to exceed thirty (30) days from the effective date hereof.
- (2) Service hereinbefore authorized shall be established within a period not to exceed thirty (30) days from the effective date hereof and upon not less than five (5) days' notice by letter to the Commission and appropriate notice to the public in the form of cards prominently displayed in each motor coach involved.
- (3) Subject to the authority of this Commission to make changes or modifications at any time by further order, applicant shall conduct said passenger stage operation over and along the following described route:

No. 67 Spruce Street Motor Coach Line,
Western Portion Only

Commencing at Stockton Street and San Pablo Avenue, along Stockton Street to Albemarle Avenue, along Albemarle Avenue to Fairmount Avenue, along Fairmount Avenue to Colusa Avenue, along Colusa Avenue to Tacoma Avenue, along Tacoma Avenue to The Alameda, along The Alameda to Grove Street, along Grove Street to Rose Street, along Rose Street to Sutter Street, along Sutter Street to Shattuck Avenue, along Shattuck Avenue to University Avenue, along University Avenue to Oxford Street.

- (4) Rates of fare and rules and regulations now applying to the transportation of passengers, as set forth in applicant's Tariff C.R.C. No. 130 shall apply to the operation above authorized.

IT IS FURTHER ORDERED that Part II, paragraph (1), Section (b), of Decision No. 35409, dated May 26, 1942, be and it is hereby cancelled and revoked. In all other respects Decision No. 35409, as amended, shall remain in full force and effect.

IT IS FURTHER ORDERED that Key System be and it is hereby authorized to discontinue passenger service, upon not less than five (5) days' notice to this Commission and the public, along those portions of the existing route of its No. 67 line, described below, upon condition that in lieu of said discontinuance of motor coach service, operation shall be commenced over the route as authorized under Section I above, and to amend in conformity with the rules of this Commission, all passenger tariffs, time schedules, and rules and regulations in so far as applicable:

From the intersection of San Pablo Avenue and Huntington Avenue, along Huntington Avenue to Panhandle Boulevard, thence along Panhandle Boulevard to East Shore Highway.

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 22nd day of

February 1943.

Francis P. Haveman
Arthur J. Cadden
Richard H. Hulse
Marion C. Cadden
Commissioners