

Decision No. 36837

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 Con-)
venience and Necessity to operate certain street) Application
railway and motor coach routes in the Counties of) No. 19502
Alameda and Contra Costa, State of California.) (66th Supplemental)

BY THE COMMISSION:

ORIGINAL

OPINION AND ORDER

In this supplemental application Key System requests permission to make certain rerouting of portions of its No. 47 line in the City of Richmond, in order to better serve the workers at the Richmond Shipyards. Two objectives will be accomplished: (1) to have a motor coach route pass through a large housing project located between Cutting Boulevard and Petrero Avenue and west of San Pablo Avenue; and (2) to bring its service closer to the Prefabrication plant of Richmond Shipyards. Neither of these reroutings will entail any additional bus mileage and, on the other hand, will make the service more convenient.

This rerouting will necessitate certification of service as follows:

1. In Hermann Avenue (Access Highway) between Seventh and Fourteenth Streets.
2. In Seventh Street between Hermann Avenue (Access Highway) and Cutting Boulevard.
3. In Tenth Street between Hermann Avenue (Access Highway) and Cutting Boulevard.
4. In Forty-seventh Street between Petrero Avenue and Cutting Boulevard,

all within the City of Richmond.

The rerouting proposed will eliminate the need of any service on Cutting Boulevard between San Pablo Avenue and Forty-seventh Street, Richmond, therefore that portion of the route should be abandoned.

The complete routes of the revised No. 47 bus line are as follows:

Commencing at Tenth Street and MacDonald Avenue; along Tenth Street to Cutting Boulevard; Cutting Boulevard to 14th Street; 14th Street to the entrance to Richmond Shipyard No. 2 in the vicinity of Mooker Avenue; thence returning via same route to Tenth Street and Bissell Avenue; thence via Bissell Avenue to Ninth Street; to Nevin Avenue; to Tenth Street; to MacDonald Avenue; with an alternate route in either direction for that part from Tenth Street and Cutting Boulevard to 14th Street and Hermann Avenue (Access Highway), to operate via Tenth Street to Hermann Avenue (Access Highway), via Hermann Avenue (Access Highway) to 14th Street, thence continuing as before; and

Commencing at Tenth Street and MacDonald Avenue; along Tenth Street to Cutting Boulevard; Cutting Boulevard to the entrance to the No. 1 Shipyard located approximately at the intersection of Fourth Street and Cutting Boulevard; thence continuing via Cutting Boulevard to Central Drive, and Central Drive to Richmond Shipyards No. 3 and No. 4; thence returning via same route to Tenth Street and Bissell Avenue; to Ninth Street; to Nevin Avenue; to Tenth Street; to MacDonald Avenue; or via an alternate route from Central Drive to Cutting Boulevard; to Garrard Boulevard; to MacDonald Avenue; to Ninth Street; to Nevin Avenue; to Tenth Street; to MacDonald Avenue; with an alternate route in either direction for that part from Tenth Street and Cutting Boulevard to Seventh Street and Cutting Boulevard, to operate via Tenth Street to Hermann Avenue (Access Highway), to Seventh Street; to Cutting Boulevard, and continue as before.

Commencing at the intersection of Buchanan Street and San Pablo Avenue; along San Pablo Avenue to Potrero Avenue; Potrero Avenue to 47th Street; 47th Street to Cutting Boulevard; Cutting Boulevard to 14th Street; 14th Street to the entrance to Richmond Shipyard No. 2, in the vicinity of Mooker Avenue; thence returning via same route; and

Commencing at the intersection of Buchanan Street and San Pablo Avenue; along San Pablo Avenue to Potrero Avenue; Potrero Avenue to 47th Street; 47th Street to Cutting Boulevard; Cutting Boulevard to the entrance to Richmond Shipyard No. 1, located approximately at the intersection of Fourth Street and Cutting Boulevard; thence continuing via Cutting Boulevard to Central Drive; and from Central Drive to Richmond Shipyards No. 3 and No. 4; thence returning via same route; with an alternate route in either direction from that part from 14th Street and Cutting Boulevard to Seventh Street and Cutting Boulevard, to operate via Fourteenth Street to Hermann Avenue (Access Highway), via Hermann Avenue (Access Highway) to Seventh Street; via Seventh Street to Cutting Boulevard; thence continuing as before.

It appears that this is not a matter in which a public hearing is necessary and that the application should be granted.

Applicant is placed upon notice that "operative rights" as such do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the granting of such rights. Aside from their purely permissive aspect they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the State which is not in any respect limited to the number of rights which may be given.

IT IS HEREBY ORDERED that:

I. A certificate of public convenience and necessity be and it is hereby granted to Key System as a passenger stage corporation, as defined in Section 2½ of the Public Utilities Act, for the transportation of passengers in Hermann Avenue (Access Highway), Seventh Street, Tenth Street, and Forty-seventh Street in the City of Richmond, Contra Costa County, California, as an extension and enlargement of its present operative rights and consolidated therewith, subject to the following conditions:

- (1) The service herein authorized shall be commenced within a period of not to exceed sixty (60) days from the date hereof.
- (2) The authority herein granted is subject to the provisions of Section 52(b) of the Public Utilities Act and further to the condition that Key System, its successors or assigns, shall never claim before this Commission, or any court or other public body, a value for said operative rights or claim as the cost thereof an amount in excess of that paid to the State as the consideration for such rights.

II. In the operation of said passenger stage service pursuant to the foregoing certificate, Key System shall comply with and observe the following service regulations:

- (1) Applicant shall file a written acceptance of the certificate herein granted within thirty (30) days from the effective date hereof.
- (2) Subject to the authority of this Commission to change or modify such at any time by further order, Key System shall conduct such passenger stage operation over and along the following described routes in the City of Richmond, California:
 1. In Hermann Avenue (Access Highway) between Seventh and Fourteenth Streets.
 2. In Seventh Street between Hermann Avenue (Access Highway) and Cutting Boulevard.
 3. In Tenth Street between Hermann Avenue (Access Highway) and Cutting Boulevard.
 4. In Forty-seventh Street between Cutting Boulevard and Potrero Avenue.

The complete routes of the revised No. 47 bus line are described on page 2 of this decision.

III. Key System is hereby authorized to abandon passenger stage service on Cutting Boulevard between San Pablo Avenue and 27th Street in the City of Richmond, coincident with the establishment of service on 47th Street, as hereinbefore authorized.

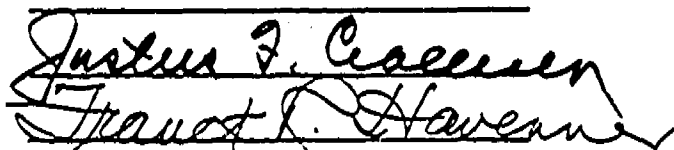
The Commission reserves the right to make such further orders in this proceeding as to it may seem just and proper, and to revoke this authority in whole or in part if in its opinion public convenience and necessity demand such action.

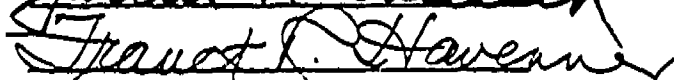
The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 20th day of

January, 1944.







Commissioners