

Decision No. 37275

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 street railway and motor coach routes in the counties of Alameda and Contra Costa, State of California.) Application No. 19502 73rd Supplemental

BY THE COMMISSION:

ORIGINAL

SUPPLEMENTAL ORDER

In the seventy-third supplement to Application No. 19502 Key System requests authority to modify the route of its No. 67 line⁽¹⁾ by discontinuing service on Montrose Road from Santa Barbara Road to Spruce Street, Berkeley, and operating in lieu thereof along Santa Barbara Road between Montrose Road and Spruce Street, Berkeley.

Applicant alleges that the proposed change will eliminate the excessive grades on Montrose Road between Santa Barbara Road and Spruce Street, and reduce the attendant accident hazard.

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

Applicant is hereby 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 grant 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. Key System is authorized to discontinue motor coach service along Montrose Road between Santa Barbara Road and Spruce Street

(1) The complete route of said No. 67 line was authorized by Decision No. 27183, as amended by Decisions Nos. 30981, 35409, 36144, and 36195 in Application No. 19502.

in the City of Berkeley, said discontinuance to become effective concurrently with the establishment of service as hereinafter authorized.

II. A certificate of public convenience and necessity be and it is hereby granted to Key System for an automotive stage service for the transportation of passengers in the City of Berkeley, to be consolidated with the remainder of its operative rights, subject to the following condition:

The service herein authorized shall be commenced within a period of not to exceed ninety (90) days from the date hereof and on not less than two (2) days' notice to the Commission and the public.

III. In the operation of said passenger stage service pursuant to the foregoing certificate, Key System shall comply with 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 operations over and along the following described route:

In Santa Barbara Road, between Montrose Road and Spruce Street, City of Berkeley.

Commencing at the intersection of San Pablo Avenue and Stockton Street, along Stockton Street to Albemarle Street, along Albemarle Street 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, along Oxford Street to Rose Street, along Rose Street to Spruce Street, along Spruce Street to Vassar Avenue, along Vassar Avenue to Kentucky Avenue, along Kentucky Avenue to Maryland Avenue, along Maryland Avenue to Vermont Avenue, along Vermont Avenue to Colorado Avenue, along Colorado Avenue to Boynton Avenue, along Boynton Avenue to Florida Avenue, along Florida Avenue to Santa Barbara Road, along Santa Barbara Road to Spruce Street, and return via the rest of the previously described route; with an alternate route for that portion along Vassar between Spruce Street and Kentucky Avenue, extending from the intersection of Spruce Street and Vassar Avenue, along Spruce Street to Grizzly Peak Boulevard, along Grizzly Peak Boulevard to Beloit Avenue, along Beloit Avenue to Purdue Avenue, along Purdue Avenue to Kenyon Avenue, along Kenyon Avenue to Trinity Avenue, along Trinity Avenue to Beloit Avenue, along Beloit Avenue to Cambridge Avenue, along Cambridge Avenue to Yale Avenue, along Yale Avenue to Vassar Avenue, along Vassar Avenue to Kentucky Avenue.

The Commission reserves the right to make such further orders in this proceeding as to it may seem just and proper, and to revoke its 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 8th day of August, 1944.

Richard Lachse
Justus F. Cullen
Frank R. Havenor
James Olin
Walter K. Hume
Commissioners