

Decision No. 38508

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-)	Application
venience and Necessity to operate certain street)	No. 19502
railway and motor coach routes in the Counties)	86th Supplemental
of Alameda and Contra Costa, State of California.)	

ORIGINAL

BY THE COMMISSION:

O P I N I O N

By the Order in Decision No. 38155 in 76th Supplemental Application No. 19502, Key System was issued a certificate of public convenience and necessity to extend its service in and in the vicinity of Hayward over routes designated as "a" to "c" inclusive. One of the routes (No. 91 Castro Valley Line) over which it operates pursuant to this certificate is as follows:

From the intersection of "B" and Castro Streets; along "B" Street to Foothill Boulevard, along Foothill Boulevard to Mattox Road; along Mattox Road to Castro Valley Boulevard; along Castro Valley Boulevard to Redwood Road; along Redwood Road to Strobbridge Avenue; along Strobbridge Avenue to Orchard Avenue; along Orchard Avenue to Laurel Avenue; along Laurel Avenue to Redwood Road; along Redwood Road to "A" Street; along "A" Street to Third Street; along Third Street to "B" Street; along "B" Street to the intersection of "B" and Castro Streets, looping via Castro Street, "A" Street, Watkins Street, and "B" Street.

Applicant now proposes to operate said No. 91 line over the following route:

From the intersection of Foothill Boulevard and Lower Road, along Foothill Boulevard to "B" Street, along "B" Street to Castro Street, thence via "B" Street to Third Street, along Third Street to "A" Street, along "A" Street to Redwood Road, along Redwood Road to Laurel Avenue, along Laurel Avenue to Orchard Avenue, along Orchard Avenue to Strobbridge Avenue, along Strobbridge Avenue to Redwood Road, along Redwood Road to William Street, along William Street to Lake Chabot Road, along Lake Chabot Road to Castro Valley Boulevard, along Castro Valley Boulevard to Redwood Road, and return via balance of previously described route.

Applicant alleges that the proposed change will provide better service to persons in Upper Castro Valley through the use of William Street which has recently been resurfaced and placed in an operative condition; that the proposed service will replace the present one-way loop service with two-way service; and that the proposed change has been requested by the Hayward Area Chamber of Commerce.

Applicant will require a certificate of public convenience and necessity for the proposed route to operate along Redwood Road from Castro Valley Boulevard to William Street, along William Street from Redwood Road to Lake Chabot Road, and along Lake Chabot Road from William Street to Castro Valley Boulevard.

With this plan, service will be discontinued over Mattox Street from its intersection with Castro Valley Boulevard to its intersection with Foothill Boulevard. Applicant desires to retain operating rights over this route for use as needed.

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

Key System 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.

O R D E R

IT IS HEREBY ORDERED that:

I. A certificate of public convenience and necessity is hereby granted to Key System, a corporation, authorizing the establishment and operation of service as a passenger stage corporation as defined in Section 2½ of the Public Utilities Act, as an extension and con-

largement of its present operative rights and consolidated therewith, for the transportation of passengers over and along the following routes in the vicinity of Hayward, California, in addition to routes "a" to "c" inclusive, described in the Order of Decision No. 38155.

- p. Along Redwood Road from Castro Valley Boulevard to William Street.
- q. Along William Street from Redwood Road to Lake Chabot Road.
- r. Along Lake Chabot Road from William Street to Castro Valley Boulevard.

In providing service pursuant to the foregoing certificate the following service regulations shall be complied with:

1. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the effective date hereof.
2. Applicant shall comply with the provisions of General Order No. 79, and Part IV of General Order No. 93-A by filing in triplicate and concurrently making effective appropriate tariffs and time schedules within sixty (60) days from the effective date hereof and on not less than one (1) day's notice to the Commission and the public.

II. Key System is authorized to suspend its operations over that portion of its No. 91 Motor Coach Line on Mattox Road between its intersection with Castro Valley Boulevard and its intersection with Foothill Boulevard, and retain operative rights over this route as needed.

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

Dated at San Francisco, California, this 14th day of December, 1945.

A. Harold Rubin

Francis Davis

Harriet Adelle

Harriet P. Hull
Commissioners