

ORIGINAL

Decision No. 44289

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
KEY SYSTEM TRANSIT LINES for authority )  
to inaugurate an express and semi- )  
express motor coach service in lieu of )  
a portion of its present transbay "A" )  
rail line between points east of the )  
Municipal Auditorium in the City of )  
Oakland and the City of San Francisco )  
on the one hand, and the central busi- )  
ness district of the City of Oakland )  
on the other, all in the counties of )  
Alameda and San Francisco, State of )  
California. )

Application No. 31128

- Donahue, Richards, Rowell and Gallagher, by Frank S. Richards and J. A. Woods, Jr., for applicant.
- John W. Collier, City Attorney, and Lorin W. East, Public Utilities Engineer, for City of Oakland, interested party.
- Warren P. Marsden, for Department of Public Works, State of California, interested party.
- David A. Silverman, for Oakland Chamber of Commerce, interested party.
- Dudley Frost, for Downtown Merchants' Association and Downtown Property Owners' Association, interested parties.
- Robert B. River, for Bay Area Transportation League, and Wallace M. Sherlock, for East Oakland Civic League, protestants.

O P I N I O N

Key System Transit Lines, by this application, requests authority to discontinue about 5.2 miles of its transbay "A" rail line passenger train service, the section to be abandoned being that extending beyond the intersection of 12th and Oak Streets, Oakland, to the present terminus of the line at Havenscourt Boulevard, Oakland. Upon the discontinuance of such rail service, applicant proposes to inaugurate a through motor coach service between Oakland and San Francisco along two routes beginning at Havenscourt and Foothill Boulevards, Oakland, one a peak hour

express service from High Street via the new Eastshore Freeway, and the other by way of East 14th Street, Lakeshore and MacArthur Boulevards. It also proposes to extend its present No. 46 local motor coach line, which operates between Havenscourt Boulevard and 90th Avenue, so as to provide through service to downtown Oakland along East 14th Street to Grove and 10th Streets.

Under applicant's proposal the remainder of its transbay "A" rail line service to San Francisco, beginning at Oak Street, will be continued as at present. The proposed terminus of the "A" line at Oak Street would be located on 12th Street near the Civic Auditorium and the southerly border of Lake Merritt. The City of Oakland is undertaking extensive improvements of 12th and 14th Streets in that area. The City filed an application with the Commission on March 3, 1949, Application No. 30110, seeking an order directing Key System Transit Lines to assume a portion of the cost incident to the necessary rail relocations and grade separation in conformity with the City's planned street improvements. No order has yet been made by the Commission on that application. Should the Commission grant the present application for authority to terminate the "A" line at Oak Street, the necessity for the relocation of tracks and separation of grades at the 12th Street dam will be eliminated.

A public hearing was held upon this application before Commissioner Rowell and Examiner Paul at Oakland on April 5, 1950, when the matter was submitted for decision.

In support of its application to discontinue the described portion of its "A" line rail service, applicant asserts that its proposed plan for the addition of new motor coach routes will not

only provide a faster and more convenient transbay transportation service, but will serve to avoid the large expenditures necessary for the reconstruction of its rail line facilities in conformity with the City's street improvement plan. The City of Oakland has declared, by resolution of the City Council, that it is deemed to be in the best interests of the City that "A" train service be abandoned east of Oak Street, and that buses be substituted therefor.

Applicant's existing "A" rail line extending from Havenscourt Boulevard in East Oakland follows along East 14th Street to the 12th Street dam and continues along 12th Street through the downtown area of the City to the Bay Bridge. The volume of traffic has been sufficient to require the frequent operation of three-unit trains, the length of which exceeds the distance between some intersecting streets, thus causing the blocking of cross street traffic at train stops. Such traffic interference on downtown streets will be minimized with the termination of rail service at Oak Street, as the operation of only two-unit trains would be required to accommodate expected traffic.

Transbay motor coach service is now provided by applicant over its "N" and "R" coach routes which extend beyond the present terminus of the "A" rail line to East Oakland areas and neighboring cities. Applicant now proposes to inaugurate an additional transbay coach service to be designated as its "K" line, this line to begin at the intersection of Havenscourt and Foothill Boulevards. During hours of peak traffic, one leg of this new motor coach line

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(1) Each unit consists of two articulated sections having a total of 132 seats. The overall length of a unit is about 110 feet.

will be operated over the Eastshore Freeway as a non-stop express service between High Street and the Bay Bridge Terminal in San Francisco. The other leg will operate during the same period from a point near High Street over East 14th Street, Lakeshore and MacArthur Boulevards, and will provide a non-stop service from a point on Lakeshore Boulevard near Embarcadero to the Bay Bridge Terminal in San Francisco. During off-peak service hours, all of the proposed "K" line motor coach services will operate over the Foothill, Lakeshore and MacArthur Boulevard route just described. Evidence was presented to show in detail the estimated savings in running time to San Francisco from all points on the proposed "K" line motor coach service in comparison with the time required for the operation of the "A" rail line. Applicant also proposes, and requests Commission authority, to operate coaches of greater length than permitted by Section 697.1 of the Vehicle Code except upon special permission given by this Commission.

Applicant's president explained the benefits which he believed would accrue to the City of Oakland and the general public, as well as to the applicant, should it be permitted to discontinue rail service and inaugurate motor coach services as proposed. He stated that major reconstruction work on the 12th Street dam from Fallon Street to Second Avenue is now under way and that final plans for such reconstruction cannot be consummated until it be determined whether provision must be made for the installation of rail facilities. He believed that if rail facilities on the dam were not required, substantial savings would accrue to the City by reason of the redesign and simplification of the vehicular roadway improvements. The extra cost of providing for rail tracks and for the separation of their grade at one point must be borne either by

(2)  
the City or the applicant.

Evidence was given also to show that the evening peak easterly vehicular traffic movement over the 12th Street dam and its approaches is approximately 3,650 vehicles per hour, this traffic artery possibly being one of the most heavily used in Oakland. The traffic congestion over the dam and along East 14th Street is aggravated by the movement of applicant's long trains at twelve-minute intervals during peak periods. The discontinuance of this train service, and the removal of the safety islands and tracks along East 14th Street, would be of material assistance in relieving existing traffic congestion and hazards.

Testimony was presented by applicant to indicate the estimated savings to it under the proposed plan of operations, both in immediate expenditures and in annual operating costs. It was stated that in addition to any costs that it might be required to bear incident to the improvement of the 12th Street dam facilities, it would be necessary for it to completely reconstruct its tracks beyond this point, the reason being that the tracks in that section are in such poor condition as to make maintenance costs thereon excessive. It is estimated that the cost of such track reconstruction would be in excess of \$500,000. Estimates were also given to show that under the proposed plan to operate additional transbay motor coach routes, the total annual cost of operation would be less than with the continuance of the "A" train service

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(2) In Application No. 30110, of the City of Oakland, seeking the apportionment of costs, the City in its brief suggests that one-half the costs incurred because of the presence of the rail facilities should be borne by Key System Transit Lines, and states that one-half of the total cost is estimated at about \$151,780.

as at present, even after making provision for spreading the cost of track removal and street repaving over a ten-year amortization period.

Applicant expressed the opinion that the operation of the additional motor coach units which it plans to employ on its "K" line would add little if any congestion to vehicular traffic on the lower deck of the Bay Bridge over which all motor coaches operate. This deck of the bridge, it was testified, is not now being used to the extent of its capacity, and the peak movement of motor coaches is ordinarily in reverse direction to the peak movement of trucks. The witness also expressed the belief that these added motor coach units would have little effect on traffic density on MacArthur Boulevard or other East Bay street approaches to the Bay Bridge. At the San Francisco Bridge Terminal, Natoma Street will be used for loading and unloading of passengers. This arrangement has been approved by the San Francisco police authorities. Although the motor coach units will have an overall length of about 39½ feet, the record shows that the streets over which these buses will be operated are of such width and alignment as not to create any foreseeable hazard.

Evidence was received to show that the proposed "K" line motor coach service would not only be more frequent than the existing "A" line rail service, but would result in a saving in running time between San Francisco and all East Bay points served. The saving in running time between San Francisco and Havenscourt Boulevard is computed to average as much as 31 per cent. This time saving is generally characteristic of all other stops.

Applicant's witness estimated the number of both rail and motor coach seats that would be available under its proposed

operations. Based upon load checks analyzed, he found that there would be more rail seats available than passengers, and this would also be true with respect to the "K" motor coach line except during morning and evening peak periods when a few schedules would operate with not to exceed approximately five or six standing passengers. Somewhat heavier loading is expected on the proposed extended No. 46 local coach line, the estimated load factors varying from 58 per cent to 111.4 per cent or an average of about 92.6 per cent. According to this witness the estimated load factors on the local line are considerably less than authorized by the Commission. The witness also pointed out that intervals between schedules on each leg of the proposed "K" motor coach line during peak periods of operation would be approximately one-half that now maintained on the "A" rail line.

Of the 25 new diesel powered coaches which applicant plans to acquire, it is estimated that 20 units, on the average, would be ample to fill the heaviest transportation requirement, which would be during the eastbound evening peak period. The use of these units with 51 or 53 seats, depending upon final design selected, would permit wider and more comfortable seats and possess other passenger comfort features.

As pointed out above, the City of Oakland has resolved that the plan of applicant is in the best interest of the City. Such plan was approved through resolutions adopted by the Downtown Property Owners' Association and the Downtown Merchants' Association. It was also approved by the Oakland City Chamber of Commerce. Two witnesses appeared to express their disapproval of applicant's proposal. Each testified generally as to his opposition to any substitution of motor coach service for rail service. Neither

presented any facts to indicate that the proposed service would not otherwise meet their convenience.

Giving full consideration to all the facts of record, we find that applicant's proposal to discontinue operation of its transbay rail line "A" in the City of Oakland between the intersection of 12th Street and Oak Street, and the intersection of Havenscourt Boulevard and Beck Street is not adverse to the public interest and has been justified. We further find that public convenience and necessity require the establishment and operation of the "K" motor coach line, both basic service and express service, as proposed by applicant, and that use of overlength automotive equipment thereon is justified under present traffic conditions. We also find that public convenience and necessity require establishment of local service as proposed by extension of applicant's No. 46 motor coach line. An appropriate order will be issued. A certificate will be granted to applicant authorizing operation over the streets only where needed to enable it, in conjunction with its present certificates, to establish passenger stage service over the routes as proposed.

It should be observed that the operating changes proposed by applicant cannot be instituted until it is able to procure motor coach equipment of the type needed. The authority herein granted will provide that the new motor coach services shall be inaugurated concurrently with the abandonment of that portion of the "A" rail line as proposed, within six months of the effective date of this order, and will also provide that applicant shall, at least thirty (30) days prior to the date that such service changes are effected, file with the Commission for its approval a detailed



statement specifying the type of motor coach equipment to be acquired and also supply proposed time schedules on each motor coach service inaugurated, including information in respect to all transfer points and privileges.

The authority here granted to applicant will not provide for the retirement from service of any property other than rail tracks, ways, and overhead electric facilities specified in the application. No provision is being made with respect to the accounting by applicant for any unamortized investment in abandoned property or cost of removal of tracks and street repaving. Should such authority be requested, the matter may be presented to the Commission by supplemental application when the service changes are completed. The Commission reserves the right to make any further order deemed appropriate with respect to the sufficiency of the motor coach equipment required and with respect to the frequency and standards of operation. Applicant's present system of zone fares will be applicable to the new service.

O R D E R

A public hearing having been held in the above entitled proceeding, the matter having been submitted, the Commission being fully informed therein and based upon the conclusions and findings expressed in the foregoing opinion,

IT IS ORDERED:

(1) That Key System Transit Lines is hereby authorized to discontinue rail passenger service and abandon all facilities exclusively used in connection therewith, except as hereinafter provided, between the westerly line of Oak Street at the intersection of 12th Street, thence extending to the intersection of Havenscourt

Boulevard and Beck Street, all in the City of Oakland, subject to the following conditions:

- (a) That discontinuance of rail service shall be made concurrently with establishment of passenger stage service as authorized in paragraph (2) of this order.
- (b) That Key System Transit Lines may not abandon nor dispose of any units of articulated rail equipment except as hereafter authorized by the Commission.

(2) That there is hereby granted, a certificate of public convenience and necessity to Key System Transit Lines authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 24 of the Public Utilities Act, between all points on, over and along the following streets in the City of Oakland:

- (a) Via Eastshore Freeway, approaches and freeway from the vicinity of High and East 14th Streets to the intersection of freeway access road from the City of Alameda in the vicinity of 23rd Avenue in the City of Oakland.
- (b) 12th Street from the intersection of Oak Street to Clay Street.
- (c) Lakeshore Avenue from East 16th Street to MacArthur Boulevard.
- (d) Applicant may turn its motor vehicles at termini or intermediate points either in the intersection of the street, or by operating around a block, in either direction, contiguous to such intersection.

This certificate is granted as an extension of and combined and consolidated with applicant's present certificates permitting passenger stage service between San Francisco, Oakland, Piedmont, Berkeley, Emeryville, Albany, El Cerrito, Richmond, Alameda, San Leandro, Hayward and all points intermediate thereto.

(3) That Key System Transit Lines is hereby authorized to use automotive equipment in excess of 35 feet but not in excess of 40 feet overall length over its "K" motor coach line between

Oakland and San Francisco.

(4) That on or after the effective date hereof and not to exceed thirty (30) days thereafter, applicant shall file a written acceptance of the certificate herein granted.

(5) That applicant shall establish the passenger stage service herein authorized not later than 180 days after the effective date hereof, subject to the provision that at least 30 days prior to establishment of such service applicant shall file with the Commission for its approval a statement in detail (a) specifying the type of passenger stage equipment to be acquired and used in the service herein authorized, (b) copies in triplicate of the proposed time schedules relating to each passenger stage route inaugurated, and (c) a statement specifying all transfer points and privileges to be established.

The effective date of this order shall be twenty (20) days after the date hereof.

Dated at San Francisco, California, this 7<sup>th</sup> day of June, 1950.

R. E. Johnson  
Justus F. Cassner  
Wm. H. Lamm  
Harold P. Hill  
Fernando L. Patten  
COMMISSIONERS