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Decision No. 44336

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
ROBERT A. BURROWES and RICHARD J.)
CARPENTER, doing business under the)
name and style of Moraga Valley)
Stages for a certificate of public)
convenience and necessity to operate)
a passenger stage service between)
Oakland, Alameda County, and)
Lafayette, Contra Costa County.)

Application No. 31380

O P I N I O N

In this proceeding, Robert A. Burrowes and Richard J. Carpenter, doing business as Moraga Valley Stages, request a certificate of public convenience and necessity authorizing passenger stage operations between Oakland, Alameda County, and Glenside, Contra Costa County, and intermediate points.

The Oakland terminal would be at the intersection of 20th Street and Broadway. Glenside, the easterly terminal is approximately one mile south of the community of Lafayette. The route generally would be over Broadway, Piedmont Avenue, Pleasant Valley Road, Moraga Road, Mountain Boulevard, Snake Road and Skyline Boulevard through the points of Canyon, Moraga and St. Marys College. No local service is proposed between the intersection of 20th Street and Broadway, Oakland, and the intersection of Snake Road and Mountain Boulevard in the Montclair District of Oakland. The total distance between terminals is approximately ten miles.

The proposed one way fares are set forth in the following table:

Between And	<u>Oakland</u>	<u>Montclair</u>	<u>Canyon</u>	<u>Moraga</u>	<u>St. Marys College</u>
Montclair	\$.15				
Canyon	.25	\$.25			
Moraga	.25	.25	\$.15		
St. Marys College	.40	.40	.15	\$.15	
Glenside	.40	.40	.15	.15	\$.15

Initially, applicants proposed to operate one schedule daily except Sundays and holidays. Three schedules would be operated on Saturdays. One 1943 model Yellow Coach with seating capacity of 29 passengers would be used in the service. The financial statement of applicants indicates that they have a net worth of approximately \$3,600.

As justification for the authority sought, the application states that there is no public transportation available between the points proposed to be served; that many new homes are now being constructed in the area along the proposed route; that applicants have received numerous requests to establish service between the Glenside, Moraga, Canyon and Montclair Districts, on the one hand, and the central business district of Oakland, on the other hand; that the community of Canyon has a population of about 500, many of whom are employed in Oakland and have no public transportation; and that the easterly portion of the Montclair District of Oakland requires the proposed service which, applicants assert, can be met under their proposed plan.

The only passenger stage carriers in the area involved are Key System Transit Lines, Pacific Greyhound Lines and Gibson Lines. The two latter carriers serve the point of Lafayette, which is about one mile from applicants' proposed easterly terminus. Key System Transit Lines serves the westerly portion of the Montclair District of Oakland, but as applicants do not propose

local service between 20th Street and Broadway and the intersection of Mountain Boulevard and Snake Road, Key System has waived protest to the granting of the application. The other two passenger stage operators have indicated that they do not desire to offer any protest.

After full consideration of the evidence offered by applicants in support of their request, the Commission is of the opinion and concludes that public convenience and necessity require the proposed operations. Therefore, the application will be granted. A public hearing is not necessary.

Robert A. Burrowes and Richard J. Carpenter are 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

An application therefor having been filed, the Commission being fully informed therein and it having been found that public convenience and necessity require the proposed operations,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity is hereby granted to Robert A. Burrowes and Richard J.

Carpenter authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 2½ of the Public Utilities Act, for the transportation of passengers and baggage between Oakland and Glenside and intermediate points via Canyon and Moraga, subject to the restriction that no passenger may be transported having both origin and destination between the intersection of 20th Street and Broadway and the intersection of Snake Road and Mountain Boulevard, including points intermediate thereto.

(2) That in providing service pursuant to the certificate herein granted, applicants shall comply with and observe the following service regulations:

- a. Applicants shall file a written acceptance of the certificate herein granted within a period of not to exceed 30 days after the effective date hereof.
- b. Within 60 days after the effective date hereof and on not less than 5 days' notice to the Commission and the public, applicants shall establish the service herein authorized and 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 tables.
- c. Subject to the authority of this Commission to change or modify it by further order, applicants shall conduct operations pursuant to the certificate herein granted over and along the following route:

Commencing at 20th Street and Broadway, Oakland, via Broadway, Piedmont Avenue, Pleasant Valley Road, Moraga Avenue, Mountain Boulevard, Snake Road, Skyline Boulevard, Canyon Road, Moraga-Pinchurst Road, St. Marys Road and Glenside Drive to the intersection of Glenside Drive and Los Palos Drive. Thence via a loop formed by Los Palos Drive and Glenside Drive. Returning via the same route to Franklin Street and Broadway, Oakland, thence via Franklin Street, 20th Street to Broadway.

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

Dated at San Francisco, California, this 20th day
of June, 1950.

R. E. Dineen

James P. Luce

Harold P. Hill

Herbert P. Potter
COMMISSIONERS