

SR

Decision No. 10043

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
BAY RAPID TRANSIT COMPANY, a co-
partnership, for certificate of pub-
lic convenience and necessity to op-
erate auto passenger stage line serv-
ice between Monterey and Pacific Grove,
California.

Application No. 5776

J. Sherman Woolf for Applicant.

Fred K. Treat for Monterey-Pacific
Grove Street Railway, Protestant.

James F. Pollard for Coast Valleys
Gas & Electric Company, Protestant.

BY THE COMMISSION.

OPINION

A. J. Mason, V. L. Linebaugh and E. N. White, co-
partners under the name and style of the Bay Rapid Transit
Company, have petitioned the Railroad Commission for an or-
der declaring that public convenience and necessity require
the operation by them of an automobile stage line as a com-
mon carrier of passengers between Monterey and Pacific Grove,
California, and intermediate points.

A public hearing on this application was conducted
before Examiner Satterwhite at Monterey, the matter was duly
submitted and is now ready for decision.

Applicants propose to charge a minimum rate of ten
cents between terminals and intermediate points and to oper-
ate on a schedule of regular intervals of twenty minutes from
six o'clock a. m. up to and including twelve o'clock p. m.

between terminals, in accordance with Exhibits "B" and "C" attached to said application, using as equipment four swell-side fourteen to sixteen passenger busses, with two busses of the same description in reserve.

The Monterey and Pacific Grove Railway Company protested the granting of this application.

Many witnesses consisting of well-known and prominent citizens and business men were called by both the applicants and the protestant.

The Monterey and Pacific Grove Railway Company operates an electric street railway in the Cities of Monterey and Pacific Grove, all of the road, except some eight hundred feet in the United States Presidio of Monterey, being located within these two municipalities. The main line track is about five and a quarter miles in length. The company owns eight cars and has four of them in operation. They are small cars and of an old type, with an average seating capacity of thirty-four passengers. The fare has been and now is five cents.

For several years last past there has been considerable complaint on account of the irregular and unsatisfactory service of the street car line, and it has been justifiable as shown by the testimony of all witnesses. This proposed automobile service has been demanded on account of the increasing dissatisfaction of the citizens of both communities with the street car service.

The testimony indicates that the rolling stock, equipment and tracks have been in poor condition for some time, which has caused unsatisfactory service. The revenues of the company have been barely sufficient to meet the operating expenses and there have been no funds with which to make necessary repairs to the roadbed, track and rolling

stock and no improvements or replacements have been made until shortly before this hearing, when J. D. Brown was employed by the company for the purpose of making material and necessary improvements to the service. Under Mr. Brown's management a few cars have been placed in better running shape, the electrical and mechanical conditions of the road have been somewhat improved and it was shown that the trolley has been put in fair condition. In order to do this all the receipts have been used, after paying the wages of the necessary platform men. Under the new management about \$400 per month has been spent in new wheels and other necessary equipment, and it was shown that at least \$5,000 is needed to make improvements for the purpose of maintaining a good and satisfactory twenty-minute service.

The testimony indicates that the majority of merchants and citizens in these communities prefer the street railway system to the automobile stage service and are willing to pay a reasonable increase in railway fare, provided said railway can be rehabilitated and an adequate and satisfactory service given. The Monterey Canning Association, representing an investment of over \$2,000,000, operates a large number of fish canneries at Monterey and employs a very large number of cannery employees, and the secretary of this association testified that adequate transportation facilities are vital both to these communities and to the canneries, and that an adequate street car system would be preferable to an auto stage line.

It was shown at the hearing that an increase in rates would be necessary to enable the street railway company to make all the necessary improvements in the system

and render a good and satisfactory service. Since the hearing the protestant has filed with this Commission an application, No. 6266, asking for an increase of its rate of five cents to not more than ten cents.

On April 9, 1921, Decision No. 8837 was rendered upon said Application No. 6266, wherein it was held and determined that \$8,000 was required in order to make up the most necessary of deferred maintenance and to provide for the most urgent repairs of the railway property, to permit of a fairly reasonable service, and ordered applicant to make available, within thirty days from the date of said decision, in cash, and deposit locally the minimum amount of \$8,000, to be expended by the present local management in deferred maintenance of its railway and for the betterment of its service under the directions of this Commission. For good cause, the time to comply with this order was extended to and including June 9, 1921.

The present decision has been withheld pending the outcome of the railway application and compliance with Decision No. 8837 thereunder.

It being clearly shown in this case that the public desired a street railway service, provided satisfactory and adequate service be given, in preference to a proposed automobile service, this Commission felt it should deny the establishment of the proposed auto service until it should affirmatively appear that the railway carrier is unable to rehabilitate its system and to render satisfactory service.

However, it is now apparent that the Monterey and Pacific Grove Railway Company is unable to rehabilitate its service in accordance with the directions of this Commission.

After a careful consideration of the evidence, we are of the opinion and find as a fact that public convenience and necessity require the establishment of an auto stage service for passengers between Monterey and Pacific Grove and intermediate points.

ORDER

A public hearing having been held in the above application, the matter being submitted and now ready for decision,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the operation by A. J. Mason, V. L. Linebaugh and H. N. White, co-partners under the name and style of the Bay Rapid Transit Company, of an automobile stage line as a common carrier of passengers between Monterey and Pacific Grove, California, and intermediate points,

Provided that the operative rights and privileges hereby established may not be transferred, leased, sold nor assigned, nor the said service abandoned unless the written consent of the Railroad Commission thereto has first been procured, and

Provided further, that no vehicle may be operated in said service unless said vehicle is owned by the applicants herein or is leased by said applicants under a contract or agreement satisfactory to the Railroad Commission.

IT IS HEREBY ORDERED that applicants shall within twenty (20) days from the date hereof file with the Railroad Commission their schedule and tariff covering said proposed service, which shall be in addition to proposed sched-

ule and tariff accompanying the application, and shall set forth the date upon which the operation of the line hereby authorized will commence, which date shall be within ninety (90) days from the date hereof, unless time to begin operation is extended by formal supplemental order.

Dated at San Francisco, California, this 2d
day of ~~January~~ ^{February}, 1922.

H. B. Rounding

H. D. Leonard

Charles H. Lawrence

J. F. Anderson

Commissioners.