

ORIGINAL

Decision No. 35584

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
JOSEPH MILLER, doing business as)
BAY RAPID TRANSIT COMPANY, for per-)
mission to extend his motor bus)
operations in Carmel, and inaugurate)
two additional alternate routes, one)
to serve Carmel High School, the other)
via Forest Road and Carmel Woods,)
affording a direct service between)
Carmel and Pacific Grove, said extension)
and additional alternate routes to be)
served in connection with applicant's)
existing motor bus passenger service)
as modified.)

Application No. 24498

WALLACE L. WARE for Applicant.

BAKER, Commissioner:

O P I N I O N

Joseph Miller, doing business as Bay Rapid Transit Company, is presently engaged in the operation of a passenger stage line between Monterey, Pacific Grove and Carmel and intermediate points, for the transportation of passengers, baggage and shipments of express weighing not to exceed one hundred pounds. The operation between Monterey and Carmel is over and along the Coast Highway and various streets of the two cities. In the above-entitled application applicant requests permission to extend his operations in Carmel and to establish service over two additional routes: one to serve the Carmel High School situated on the Coast Highway near its intersection with Ocean Avenue; and the other to afford a direct service between Carmel and Pacific Grove, via Forest Road and Carmel Woods. The proposed extensions would be operated in connection with applicant's existing passenger stage services between Carmel, Monterey and Pacific Grove.

A public hearing therein was had on April 23, 1942, at the conclusion of which the matter was submitted. By an amendment of the application during the hearing, applicant requested the Commission to grant a certificate de novo in lieu of all his present operative rights between the points involved therein and to include the extensions herein sought.

The new proposed route via Forest Road and Carmel Woods is a shorter route between Pacific Grove and Carmel than applicant's present route via Monterey. Four round-trips daily would be operated over this route. There would be no change in the present fare of 20 cents between Pacific Grove and Carmel.

A number of public witnesses testified in support of the application. They represented various business enterprises in the territory involved and the Board of Supervisors of Monterey County. It was the concensus of these witnesses that the proposed routings of applicant were essential and would provide a more flexible and convenient service for the residents of Carmel and Pacific Grove.

There was no opposition to the application and it does not appear to be necessary to discuss in detail the evidence introduced in support thereof. The service here proposed is one which is designed to provide a direct service between Pacific Grove and Carmel which is not now available. The establishment of service over the proposed route would create a saving of time in transit over the existing route operated by applicant between Pacific Grove and Carmel, via Monterey, which involves one transfer. After full consideration of this record it appears that public convenience and necessity require the establishment of the proposed operation and the application should be granted.

The authority sought for additional routes and the request for a certificate de novo in lieu of applicant's present operative rights will be combined in a single grant in the following order which is recommended.

O R D E R

An application therefor having been filed as above-entitled, public hearing thereon having been had and the matter submitted, and it being found that public convenience and necessity so require:

IT IS ORDERED that a certificate of public convenience and necessity is hereby granted to Joseph Miller, doing business as Bay Rapid Transit Company, authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 24 of the Public Utilities Act, for the transportation of passengers, baggage and shipments of express weighing not to exceed one hundred pounds each on passenger carrying vehicles between Pacific Grove, Monterey, Carmel and intermediate points, not in addition to but in lieu of the operative rights heretofore granted to or acquired by applicant under the authority of the Commission's Decision No. 24320, dated December 21, 1931, Decision No. 28181, dated August 19, 1935, Decision No. 30185, dated October 4, 1937, and Decision No. 33093, dated May 14, 1940, subject to the condition that Joseph Miller, his successors or assigns, shall never claim before this Commission, or any court or other public body, a value for the authority hereby granted in excess of the actual cost thereof.

IT IS FURTHER ORDERED that the operative rights created by Decisions Nos. 24320, 28181, 30185 and 33093 are hereby

revoked and annulled.

IT IS FURTHER ORDERED that in the operation of passenger stage service pursuant to the foregoing certificate, the following service regulations should be observed:

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 rules of the Commission's General Orders No. 79 and 80 and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective tariffs and time schedules satisfactory to the Commission within sixty (60) days from the effective date hereof and on not less than five (5) days' notice to the Commission and the public.
3. Subject to the authority of this Commission to change or modify them at any time by further order, applicant shall conduct passenger stage service pursuant to the certificate herein granted over and along the following routes:

Between Monterey and Carmel:

Beginning at the intersection of Seventh Street and the County Road at the easterly corporate boundary of Monterey near Hotel Del Monte, thence westerly to Ocean Avenue, thence northerly to Del Monte Avenue, thence westerly to Tyler Street, thence southerly to Cass Street, thence southerly along Cass Street and the Coast Highway to Camino Del Monte at Carmel Woods, thence along Camino Del Monte, Serra Avenue, Camino Del Monte, Ocean Avenue, Camino Real, Ninth Avenue, Carmelo Avenue, Santa Lucia Avenue, San Carlos Street, Seventh Avenue, Lincoln Street, Sixth Avenue to its intersection with Camino Del Monte in Carmel.

Additional routes in and near Carmel:

Beginning at the intersection of Coast Highway and Carpenter Street, thence southerly along Carpenter Street to Ocean Avenue.

Beginning at the intersection of Camino Del Monte and the Coast Highway, thence southerly along the Coast Highway to Ocean Avenue, thence westerly along Ocean Avenue to its intersection with Lincoln Street.

Between Pacific Grove and Carmel:

Beginning at the intersection of Lighthouse Avenue and Forest Road, thence southerly along Forest Road and Pacific Grove--Carmel Highway to its intersection with Coast Highway near Carmel Hill Gate.

Between Monterey and Pacific Grove:

Beginning at the intersection of Tyler Street and Franklin Street (Monterey) thence westerly and northwesterly along Franklin Street, High Street, Pine Street, David Avenue, Gibson Avenue, Alder Street, Sinex Avenue to its intersection with Asilomar Avenue.

Beginning at the intersection of Munras Street and Webster Street, thence along Munras Street, northwesterly to Alvarado Street thence northerly and northwesterly along Alvarado Street, Lighthouse Avenue, David Avenue, Eardley Avenue, Lighthouse Avenue to its intersection with Alder Street. Pacific Grove, thence loop over Alder Street, Bay View Avenue, Cedar Street, Jewell Avenue and Forest Avenue to its intersection with Lighthouse Avenue, Pacific Grove.

Additional route in Pacific Grove:

Between Lighthouse Avenue and Gibson Avenue the route is southerly along Willow Street, westerly along Junipero Avenue and southerly along Cedar Street to its intersection with Gibson Avenue.

Additional route in Monterey:

Beginning at the intersection of Franklin Street and Main Street, thence southerly along Main Street to Hartnel, thence loop over Hartnel Street, Polk Street and Pearl Street to its intersection with Main Street.

4. Applicant is authorized to turn its motor vehicles at termini, either in the intersection of the street or by operating around blocks contiguous to such intersection in either direction, and to carry passengers as traffic regulations of the municipality may require.

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

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 14th day of July, 1942.

Justus J. Galloway
Carl H. Riley
W. W. Baker
Frank P. Havener
Richard K. Ketchum
COMMISSIONERS