

Decision No. 38945

ORIGINAL

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)
permission to continue suspension of)
operations between Carmel and)
Pacific Grove via Forest Road and)
Pacific Grove - Carmel Highway.)

Application No. 25763
2nd Supplemental

SECOND SUPPLEMENTAL OPINION

Joseph Miller, doing business as Bay Rapid Transit Company, provides a passenger stage service between Monterey, Pacific Grove, Carmel, East Monterey and other points in that general area. Two routes are authorized between Pacific Grove and Carmel. One of these routes is via Monterey and the other, a shorter route, is via Forest Road and Pacific Grove-Carmel Highway. Decision No. 36947 dated March 21, 1944, authorized applicant Miller temporarily to suspend operations over the latter route until May 31, 1945, and Decision No. 37962 dated June 5, 1945, authorized the continuation of such suspension of service until May 31, 1946. By Second Supplemental Application, Miller requests authority for a further suspension of this service until May 31, 1947.

In support of such request, the application states in substance:

That service presently provided between Carmel and Pacific Grove via Monterey by transfer at the latter point has proved adequate to meet the public need during the period of suspension; that he has received no protests because of the lack of a direct service; that resumption of service over this route would not be profitable at this time; that at the time the service was provided over the suspended route an average of less than four passengers were transported on each schedule; that no change of circumstances

is apparent which would materially increase the number of passengers available; that, although no governmental way time restrictions now prevent applicant from operating over this route, he has insufficient equipment to fully meet the public needs on other routes operated and that he desires to retain the operative right over the shorter route in anticipation of the growth of the communities and the probability of further public need for service over such route.

The Commission has considered applicant's request and is of the opinion that further suspension should be authorized for only six months instead of the twelve months as requested. Before the expiration of such suspension period, applicant shall determine whether there is sufficient public need for the service to justify its reestablishment. If it is determined that such public need does not exist, he should request the Commission to authorize him to abandon the operation and to revoke the operative right therefor. No public hearing is necessary.

SECOND SUPPLEMENTAL ORDER

Good cause appearing,

IT IS ORDERED that Joseph Miller may continue suspension of passenger stage service between Carmel and Pacific Grove via Forest Road and Pacific Grove-Carmel Highway until November 30, 1946. Applicant shall immediately, and upon not less than one

day's notice to the Commission and the public, file appropriate supplements to his tariffs and time tables reflecting the authority herein granted.

The effective date of this order shall be 20 days from the date hereof.

Dated at San Francisco, California, this 7th day of May, 1946.

Harold Anderson
Justin F. Quisenberry
James D. ...
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 COMMISSIONERS