

**ORIGINAL**

Decision No. 40445

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)  
BAY RAPID TRANSIT COMPANY, a corpo-)  
ration, to extend its operations as)  
a passenger stage corporation. )

Application No. 28222

O P I N I O N

By this application, Bay Rapid Transit Company asks permission to extend its East Monterey bus line a distance of approximately one mile, to serve a portion of the residential section known as Del Monte Heights, in East Monterey.

Applicant is the successor of Joseph Miller, who for several years operated a bus service between Carmel, Monterey and Pacific Grove, and between Monterey and Fort Ord Village via Seaside and East Monterey. (1)

The application states that there is no common carrier service available to the public over the proposed route, which traverses an area that is said to be experiencing continuing development. The portion of Del Monte Heights through which the extension would run slopes somewhat sharply upward to the east of Fremont Street and the Monterey-Castroville Highway. Applicant now provides frequent service during the day and until late at night between Monterey and East Monterey over those two routes. Residents of Del Monte Heights living on and to the east of Noche Buena Avenue, however, must now walk uphill for some distance upon leaving the bus on Fremont Street or the highway. The proposed extension, designed to alleviate that situation, will take off from the intersection of Broadway and the

(1) The East Monterey line, which includes service to Monterey Airport, was inaugurated in 1944. (Dec. 36947, March 21, 1944, App. 25763). Applicant acquired the Miller properties in 1946. (Dec. 39447, Oct. 1, 1946, App. 27825).

Monterey-Castroville Highway and will proceed easterly on Broadway to Noche Buena Avenue, thence south to the intersection of Hilby and Noche Buena Avenues. Service to and from Monterey over the extended route will be provided with present equipment daily except Sundays and holidays on convenient morning and early evening schedules. Fares will be those now set forth in applicant's tariff: namely, an adult fare of 10 cents; seven tokens for 50 cents; children's fare 5 cents; with transfers to be issued under the terms and conditions provided in the tariff.

A protest, alleging inadequacy of the proposed schedules and demanding denial of the application, was filed by Bryant Guernsey. Protestant formerly operated a passenger stage service between Monterey and Fort Ord Village (including Del Monte Heights) over practically the same routes used, and herein sought to be used, by applicant. Guernsey's certificates were recently revoked for long-continued failure to provide the very service he now seeks to deny to applicant. (Dec. 40236, May 6, 1947, Case 4833.) We have considered the protest and find it to be without merit.

Upon full consideration of the application we are of the

<p>(2) <u>Lv. Monterey</u> <u>(Del Monte and Tyler)</u></p> <p>7:15 a.m. 7:45 a.m. 8:15 a.m. 4:45 p.m. 5:15 p.m. 5:45 p.m.</p>	<p><u>Ar. Del Monte Heights</u> <u>(Hilby and Noche Buena)</u></p> <p>7:30 a.m. 8:00 a.m. 8:30 a.m. 5:00 p.m. 5:30 p.m. 6:00 p.m.</p>
<p><u>Lv. Del Monte Heights</u> <u>(Noche Buena and Hilby)</u></p> <p>7:30 a.m. 8:00 a.m. 8:30 a.m. 5:00 p.m. 5:30 p.m. 6:00 p.m.</p>	<p><u>Ar. Monterey</u> <u>(Del Monte and Tyler)</u></p> <p>7:45 a.m. 8:15 a.m. 8:45 a.m. 5:15 p.m. 5:45 p.m. 6:15 p.m.</p>

opinion and find that public convenience and necessity require the extension of service here proposed, and the application will therefore be granted. A public hearing is not necessary.

O R D E R

Application therefor having been filed and considered, and it having been found that public convenience and necessity so require, and the Commission now being fully advised,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be and it is hereby granted to Bay Rapid Transit Company, a corporation, authorizing the establishment and operation of service as a passenger stage corporation, as defined in Section 2-1/4 of the Public Utilities Act; for the transportation of passengers and baggage between the intersection of State Highway and Broadway, on the one hand, and the intersection of Hilby Avenue and Noche Buena Avenue, on the other hand, all in the community known as East Monterey, Monterey County, California, as an extension of and to be consolidated with applicant's present operative authority in and in the vicinity of Monterey, California.

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

- a. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed 30 days from the effective date hereof.
- b. Within 60 days from the effective date hereof and on not less than 1 day's notice to the Commission and the public, applicant 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 them by further order, applicant shall conduct operations pursuant to the certificate herein granted over and along the following routes:

Beginning at the intersection of State Highway and Broadway, thence easterly along Broadway to Noche Buena Avenue; thence southerly along Noche Buena Avenue to its intersection with Hilby Avenue, and return via the same route.

Applicant is authorized to turn its motor vehicles at termini and intermediate points, in either direction, at the intersection of the street or by operating around a block contiguous to such intersection, or in accordance with local traffic rules.

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

Dated at San Francisco, California, this 24<sup>th</sup> day of June, 1947.

Harold P. Hule  
Justice J. Callahan  
W. H. Wallace  
A. J. Johnson  
Samuel Patten  
COMMISSIONERS