

Decision No. 13311

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application )  
of BALIES G. WALKER. Application ) Application No. 9432  
for certificate of public con- )  
venience and necessity. )

Harry W. Horton for Applicant.  
C.W. Range for Southern Pacific Railway and  
Inter-California Railroad, Protestants.  
D.B. Roberts for Bland Stages, Protestant.

BY THE COMMISSION:

O P I N I O N

Balies G. Walker has made application to the Railroad Commission for a certificate of public convenience and necessity to operate an automobile stage line between the east boundary of the State of California at the west end of Yuma Bridge and the southern boundary of California at Andrade, in the County of Imperial.

A public hearing was held by Examiner Williams in El Centro, California.

Applicant proposes two round trips daily between termini charging a fare of sixty cents in each direction. Applicant proposes to use a high powered touring car at the beginning and to add such other equipment as transportation needs may require whenever required. Applicant testified that he is familiar with the region to be served and has been since 1906, that he has done much contracting, both in California and other Mexican area adjacent. He testified that he is worth approximately \$30,000.00 mostly in cash. Applicant stated that the service proposed in California

is a portion of an inter-state service between Yuma and Mexico particularly that part tributary to Algodones, a village opposite Andrade on the Mexican side of the line.. The applicant explained that this is an improved irrigation district where many thousands of acres are under cultivation principally for cotton and required a large population of laborers and others. In order to do trading at Yuma, their nearest important trading center, there being only small stores at Andrade and Algodones, this population estimated at 500, needs through transportation to Yuma.

Applicant asked leave to amend his application by changing the schedule of operation between Yuma Bridge and Andrade from half hour to one hour on account of the conditions of the roads.

Applicant estimated that there is a population of 5000 south of the border and about 500 in California who require services and in support of his statement produced a petition signed by approximately 100 men living at Yuma, Andrade, Winterhaven, Somerton, Bard and Gadsden asking for the establishment of transportation service between the points designated.

Applicant Walker testified that he proposes to establish lines of automobile service on the Mexican side all terminating at Algodones and that in this way he would produce a large patronage for the service between Andrade and Yuma Bridge and that in fact the route between Yuma Bridge and Andrade is necessary to complete the delivery of his passengers into Yuma and return.

Applicant was supported by H.C. Sherwood of Andrade, Chief Clerk and Purchasing Agent of the Imperial Irrigation District, who testified that transportation to Yuma going and returning the same day was a necessity for the employees of the irrigation district of whom there are never less than one hundred and in active seasons as many as four hundred. He explained that these men

did their banking and purchasing at Yuma because it was only 9½ miles from their residence and they could not make a journey of sixty miles to the nearest point, Calexico.

Applicant was also supported by J. A. Shown, proprietor of a cotton ranch of 2231 acres, five miles south of Algodones. He said about 300 persons, mostly Mexicans, were employed on the ranch and that there was constant need of transportation to and from this district and Yuma. W.C.Horan of Winterhaven (between Yuma Bridge and Andrade) testified that the services proposed would be a convenience to the people living near Winterhaven but was not a necessity as the distance was not great and most of them had vehicles of their own.

Protestant Southern Pacific Railway introduced exhibits showing that it had sold tickets between Yuma and Andrade for six months prior to November 7th, 1923 to the number of 3,083 of which 451 were round trip tickets and in a reverse direction 1,772 tickets. The fare between the points is the same as proposed by applicant. Protestant Southern Pacific Railway in another exhibit showed that it has three trains in each direction between termini. Of this train service two trains gives service during business hours. This train leaves Andrade at 12:03 p.m. and returns from Yuma at 2 p.m. This train service it was contended by applicant and witnesses gave no opportunity to do shopping or purchasing in Yuma without remaining over night. The service of the Southern Pacific is performed by the Inter-California Railway which continues on the Mexican side to Calexico.

Protestant A. B. Bland was granted a certificate by the Commission to operate service between Holtville and Yuma and intermediate points and one of the intermediate points is Winterhaven. He testified that there was no traffic between Winterhaven

and Yuma. This protestant also produced Virgil N. Sams of Yuma, driver of the car protestant said he was operating under his certificate. Sams also testified that there was no demand for patronage nor had he carried any passengers from Araz Junction, a point on the road to Winterhaven, since he began service July 15th, 1923.

The testimony submitted herein is satisfying that a public need for the service proposed by applicant exists and that the ability of the public on both sides of the Mexican border to go to Yuma early in the morning and return as late as 3:50 in the afternoon is a convenient and adequate provision for them. It is also plain from the train schedules submitted by the Protestant Southern Pacific Railway that its service is all westward in the morning, except one train in the afternoon and that this train reaches Yuma at an hour that leaves but little time for the transaction of business before returning and that, therefore, the service of the protestant is at this time inadequate to meet the need disclosed. It is also apparent that the services proposed by applicant would do no injury to protestant Bland for the reason that Bland's service is not local but mostly through business between Yuma and central Imperial Valley points.

We, therefore, find as a fact that public convenience and necessity require the establishment of the service as proposed by applicant.

#### O R D E R

Balies G. Walker, having made application to the Railroad Commission for a certificate of public convenience and necessity to operate an automobile stage line between the east boundary line of the State of California at the west end of Yuma Bridge and the southern boundary of the State of California at Andrade, a public

heaving having been hold, the matter having been duly submitted and now being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by applicant as proposed over and along the following route:

Over the Yuma-El Centro highway to Araz Junction thence by way of the county dirt road southerly to Andrade

and that a certificate of public convenience and necessity therefor be and the same hereby is granted subject to the following conditions:

1. That applicant Balies G. Walker shall file within a period of not to exceed fifteen (15) days from date hereof his written acceptance of the certificate herein granted and shall file within a period of not to exceed thirty (30) days from date hereof, in duplicate, tariff of rates and time schedules, identical with the tariff of rates and time schedules as proposed in the exhibit attached to his application herein, with exception of amendment referred to respecting time schedules, such tariff of rates and time schedules to be in accordance with General Order No. 51 of the Railroad Commission; and shall commence operation within a period of not to exceed sixty (60) days from date hereof.

2. That applicant, Balies G. Walker, shall not sell, lease, assign, or discontinue the service herein authorized, unless such sale, lease, assignment, or discontinuance shall have been authorized by the Railroad Commission.

3. That no vehicle shall be operated by applicant unless such vehicles are owned by said applicant, or are leased under an agreement satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 14<sup>th</sup> day of March, 1924.

CL Henry  
H. B. ...  
Erving Martin

Commissioners