

Decision No. 16431

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of EL PASO-LOS ANGELES STAGE LINE
for certificate of public conveni-
ence and necessity to operate pas-
senger and baggage motor stage
service between Los Angeles, Calif.
and Blythe, Calif., en route to
El Paso, Texas.

ORIGINAL

Application No. 8598

In the Matter of the Application
of RAY WALKER and W. T. WHISLER,
co-partners, for certificate of
public convenience and necessity
to operate auto passenger stage
service between Los Angeles and
Colorado River Ferry, at a point
about four miles east of Blythe,
California.

Application No. 8611

In the Matter of the Application
of GERENTE R. GONZALES, doing
business under the firm and style
name of GONZALES STAGE LINE, for
certificate of public convenience
and necessity to operate passenger
service between Los Angeles and
point on State line between Calif-
ornia and Arizona and designated by
the landing of the ferry over the
Colorado River near Ehrenburg.

Application No. 8930

- A. E. Sherman, for El Paso-Los Angeles Stage Line
(R. A. Salinas), Applicant.
- D. F. Smith and W. T. Casey, by W. T. Casey, for
G. R. Gonzales, Applicant.
- Kidd and Hardy, for Motor Transit Company,
Protestant.
- H. H. Gogarty, for Southern Pacific Company,
Protestant.
- Warren E. Libby, for Pickwick Stages, Incorporated,
and A. A. Bland, Protestants.
- E. W. Kidd and W. E. Libby, for United Stages,
Protestant.
- E. T. Lucey, for The Atchison, Topeka and Santa Fe
Railway Company, Protestant.

BY THE COMMISSION:

O P I N I O N

The applications herein are for certificates of public convenience and necessity to operate auto stage lines between Los Angeles, California, and the states of Arizona, New Mexico and Texas.

Public hearings were conducted before Examiners Gordon and Williams at Los Angeles, and after the filing of briefs, were duly submitted, and are now ready for decision. At the final hearing before Examiner Williams, applicants, Walker and Whisler, made no appearance, and did not press their applications. For this reason, an order to dismiss the same should be entered.

Applications numbered 8598 and 8930 propose no service except incidental to through service within the State of California, both applications being solely for interstate operations.

Under Decision No. 16408 on Applications numbered 9808, 9681, 9651, 9758 and 9783, dated April 5, 1926, this Commission decided that it was without power to grant or deny authority for the exercise of interstate operating privileges. In view of this fact, it is useless to discuss the testimony of applicants and protestants as to a need for any interstate service, and the application of El Paso-Los Angeles Stage Line and Gerente R. Gonzales, doing business under the name of Gonzales Stage Line, may, therefore, be dismissed from further consideration.

It is to be borne in mind, however, that the California Legislature of 1925 passed an amendment to section 9 of Chapter 213 of the Act of 1917 (Auto Stage and Truck Transportation Act), which provides:

"Neither this act nor any provision thereof shall apply or be construed to apply to commerce with foreign nations or commerce among the several states of this union, except in so far as the same may be permitted under the provisions of the constitution of the United States and the acts of congress; provided, however, that with reference to transportation companies operating solely in interstate commerce between any point or points within this state and any point or points in any other state or in any foreign nation, the railroad commission shall have the power to prescribe such reasonable, uniform and non-discriminatory rules and regulations in the interest and aid of public health, security, safety, convenience and general welfare as shall in its opinion be required by public convenience and necessity. (Amended, Ch. 254, Stats. 1925, p. 433)."

Under this provision, interstate auto carriers will be required to comply with such rules and regulations as this Commission, under such authority, shall establish.

O R D E R

RAY WALKER and W. T. WEISLER, co-partners, having made application to the Railroad Commission for a certificate of public convenience and necessity to operate auto passenger stage service between Los Angeles and Colorado River Ferry at a point about four miles east of Blythe, California; applicants not having appeared at any of the hearings,--

IT IS HEREBY ORDERED that the said application be, and the same is hereby dismissed.

EL PASO-LOS ANGELES STAGE LINE and GERENTE R. GONZALES, doing business under the firm name and style of GONZALES STAGE LINE, having applied for certificates of public convenience and necessity to operate between California and the states of Arizona, New Mexico and Texas, public hearings having been held, the matters having

been duly submitted, and being now ready for decision,--

IT IS HEREBY ORDERED that said applications be,
and each of them is, hereby dismissed for want of jurisdiction.

Dated at San Francisco, California, this 9th day
of April, 1926.

H. H. Brundage
Chas. E. Jones
Emory Washburn
Leon Whitell

Commissioners.