

Decision No. 16948

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application
of C. A. SCHINDLER for a certifi-
cate of public convenience and
necessity to operate passenger,
freight and express service be-
tween Imperial Beach, San Diego
County, California, and Tia Juana,
San Diego County, California.

APPLICATION NO. 12496.

Arthur F. H. Wright, for Applicant.

Richard T. Eddy, for Fred A. Sutherland,
Protestant.

BY THE COMMISSION:

OPINION

ORIGINAL

Applicant herein seeks to establish, under a certificate of public convenience and necessity, passenger, freight and express service between Imperial Beach and Tia Juana, termini within San Diego County.

A public hearing herein was conducted by Examiner Williams at San Diego.

Applicant proposes to establish service between the termini named by traversing Coronado Avenue between Imperial Beach and Nestor, and thence over the San Diego - Tia Juana highway to Tia Juana, California. He proposes no service between Nestor and Tia Juana, the service being limited entirely to points west of Nestor. He proposes to use a 5-passenger touring car and a

1½-ton truck in the service, and to operate daily with two schedules in each direction. The fares proposed are 35 cents for the single trip between termini, or 60 cents for the round trip, with a fare of 5 cents between Imperial Beach and Seabreeze, 10 cents between Seabreeze and Nestor and 15 cents between Imperial Beach and Nestor. The freight rate between termini is 35 cents per 100 pounds, with proportionate rates for other points proposed to be served. The distance from Imperial Beach to Tia Juana is 7.6 miles.

Applicant produced, as witnesses in support of the application, Mrs. Alice M. Gould, Konrad Kather, George F. Bassett, E. Metcalf and Mrs. Gertrude Metcalf, all of Imperial Beach, and Lillian O. Smith of Seabreeze, who testified in general that the passenger service proposed by applicant would be of use to them. It was stipulated also that ten other witnesses would testify generally to the same effect as the witnesses who were examined. None of the witnesses testified to a need for freight or express service.

Imperial Beach is 3½ miles from Palm City, and between the two points passenger service is given by George J. Nixon and the Sutherland Stages. Mr. Nixon, however, did not appear as a protestant at the hearing. Sutherland Stages operate nine trips daily in each direction between the two points named, beginning at 7:00 a. m. and ending at 10:00 p. m. The equipment used is 24-passenger coaches. The Nixon service consists of a 5-passenger touring car operated between Imperial Beach, Palm City and San Diego. At Palm City connection is made to the Sutherland Stages, operating between San Diego and Tia Juana, which service is main-

tained on a not less than hourly schedule.

Applicant's proposal is to leave Imperial Beach, journeying southward about one-half mile to Coronado Avenue, then moving eastwardly to Nestor, which is about one-half mile south of Palm City. The service would thus parallel at a short distance the service now maintained by George J. Nixon and protestant Sutherland Stages. There was some testimony introduced by applicant to show that some passengers at Seabreeze and vicinity are more than one-half mile from the Sutherland and Nixon services. Between Nestor and Tia Juana the service of the Sutherland Stages is available for travel in either direction. There is very little difference between the rates proposed by applicant and those now maintained by Sutherland and Nixon.

If applicant were granted the certificate applied for, the service to be established by him would parallel at a very short distance the two services already established between Imperial Beach and Palm City. These services are not shown to be inadequate. It does not appear from the testimony of applicant's witnesses that such additional service is required by public necessity, nor does it appear that such service could be established and maintained with any reasonable expectation of profitable patronage. The population in the district sought to be served does not exceed a few hundred, and the majority of these persons are within reasonable distance of the Nixon and Sutherland services. The only new feature proposed by applicant is a through service without change between Imperial Beach and points west of Nestor and Tia Juana, and there is very little affirmative showing that such a service is needed in addition to the facilities al-

ready existing, both of which have been shown before this Commission to be unprofitable as to passenger operations at the present time. As applicant made no affirmative showing as to freight or express, that feature of his application need not be discussed further.

We therefore find as a fact, upon the record herein, that public convenience and necessity do not require the establishment of service as proposed by applicant, and the application therefore should be denied. An order will be entered accordingly.

O R D E R

C. A. Schindler having made application to the Railroad Commission for a certificate of public convenience and necessity to establish passenger, freight and express service between Imperial Beach and Tia Juana, San Diego County, California, a public hearing having been held, 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 do not require the establishment and operation of service as proposed by applicant herein, for the transportation of passengers, freight and express, between Imperial Beach and Tia Juana, California, and

IT IS HEREBY ORDERED that the application herein be and the same hereby is denied.

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

Dated at San Francisco, California, this 17th day of June 1926.

H. H. Brundage

C. C. Seaver

Franklin D. ...

COMMISSIONERS.