

HR

Decision No. 9918

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application )  
of GEORGE J. NIXON for certificate )  
of public convenience and necess- )  
ity to operate light freight, express, ) Application No. 7315.  
passenger, baggage service between )  
Imperial Beach and San Diego. )

W. W. Praul, for Applicant.  
Thomas Jensen, for Coronado-Imperial  
Beach Stage Line, Protestant.  
T. A. Woods, for American Railway  
Express, Protestant.

BY THE COMMISSION:

O P I N I O N

George J. Nixon has applied to the Railroad Commission for a certificate of public convenience and necessity to operate passenger, light freight, and express service between Imperial Beach and San Diego, via Palm City.

Public hearings were held by Examiner Williams at San Diego.

Applicant proposes to use a small automobile for this service, which is well designed for the general accommodation of traffic needs as is shown by testimony of witnesses living between Palm City and Imperial Beach, a distance of over three miles. It is not proposed to perform any service between Palm City and San Diego, exclusive of business at Palm City, hence removing any competition with the present authorized carriers between these points. The testimony clearly established the need for the service proposed. Imperial Beach is a community

of about 300 persons, augmented by seasonal transients and there is also a military establishment at Camp Hearne, where a troop of Cavalry is stationed. This population now must either use the stage to Coronado and ferry to San Diego, or walk to Palm City, where other carriers are available. There is also the small community of South San Diego to serve.

The application was protested by Thomas Jensen, operating the mail and passenger stage between Imperial Beach and Coronado, on the ground that there was hardly traffic enough to support his service. His service, however, is not to San Diego, which is the terminal desired by witnesses, but to Coronado, which requires either a street car fare or a walk to the ferry one mile distant, though Jensen said he went to the ferry if requested. The Jensen service follows the strand, while applicant's proposed service follows the main highway through Chula Vista and National City, and is more direct and expeditious. Jensen's protest was not supported by any witnesses.

Applicant proposes to charge a schedule of rates that includes points between San Diego and Palm City, and should be amended. Also his freight and express rates should be made to conform to the rules of the Commission.

It is our opinion, from the record, that the service proposed by applicant is responsive to a public need and should be granted.

#### ORDER

George J. Nixon having applied to the Railroad Commission for a certificate of public convenience and necessity to establish passenger, light freight, and express service

between Imperial Beach and San Diego, public hearings 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 require the operation by applicant of the service proposed by him herein, in and along the following route:

From Imperial Beach to Palm City by main road; thence by main highway to Chula Vista; thence via Highland Avenue and Eighth Street to National Avenue; and thence by National Avenue to San Diego.

Provided, no service of any kind is to be performed except to and from San Diego and points between Palm City and Imperial Beach, exclusive of Palm City,

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

- I - That applicant, George J. Nixon, shall file within fifteen (15) days from date hereof, his written acceptance of the certificate herein granted, and shall file within thirty (30) days of the date hereof, duplicate tariff of rates and time schedules, in accordance with General Order No. 51 of the Railroad Commission, and that operation of such service shall begin within a period of thirty days from date hereof.
- II - That applicant, George J. Nixon, 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.
- III- 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 23<sup>d</sup>  
day of December, 1921.

H. B. Prudig

H. D. Loveland

Quinn Martin

Robert H. Rowell

W. F. Pennington  
Commissioners.