

ORIGINAL

Decision No. 39179

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 WILLIAM A. SOBKE and CLAUDE COOPER)
 for certificate of public convenience)
 and necessity to operate passenger and) Application No. 27106
 baggage service between Calexico,)
 California and Brawley, California.)

M. M. Sattinger for applicant;

Douglas Brookman for Pacific Greyhound Lines,
 protestant.

O P I N I O N

William A. Sobke and Claude Cooper, copartners, request authority to establish and operate a passenger stage service for the transportation of persons and their baggage or express between Calexico and Brawley, and intermediate points.

A public hearing was held at El Centro on March 20, 1946. Evidence, oral and documentary, having been adduced, the matter was submitted for decision.

It is proposed to operate one or two buses between Calexico and Brawley, serving the intermediate cities and towns of Heber, El Centro, and Imperial, via U. S. Highway 99. The route distance, one way, is approximately 26 miles. One-way fares are proposed at the rate of three cents a mile with no reduction for round-trip fares. Children's fare is one-half the adult rate. A transferable weekly pass between any two points

is proposed at a price ten times the one-way fare. Baggage up to fifty pounds per adult passenger would be carried free. Applicant will have no facilities for carrying heavier baggage and no provisions have been made for transporting express.

It is proposed to commence operations on a two-hour schedule between 6:00 a.m. and 8:00 p.m., northbound, and between 7:00 a.m. and 9:00 p.m., southbound. The equipment proposed to be used is two 1937 Dodge buses having 17-passenger capacity, or, as soon as available, two new 29-passenger Ford buses.

The evidence shows that the partnership is financially responsible. One partner is an experienced accountant and the other, Claude Cooper, has, for the past few years, been operating a taxicab business in Calxico.

No evidence of anticipated revenue or expenses was presented.

Protestant, Pacific Greyhound Lines, now operates a passenger stage service between the same points and over the same route proposed by applicant. It also operates interstate buses through the valley along said route and also in an easterly and westerly direction.

Protestant is now operating five buses in Imperial Valley exclusively for local service. Seventeen daily schedules

(1) The transportation requirements in Imperial Valley are somewhat unusual in that there is less demand for strictly local (intracity) business than for interurban or intravalley service, which, at the hearing and in this decision, is sometimes referred to as local service.

are operated in each direction, between Calexico and Brawley, twelve of said schedules are performed with buses maintained in the valley for local service only and five schedules with buses originating at points beyond Imperial Valley.

The buses used exclusively in the valley have a seating capacity of 57 passengers and at present two are air-conditioned. Applicant proposes to allocate now air-conditioned, cruiser-type buses, now on order, as replacements in the Imperial Valley service.

Protestant's fares are on the basis of $1\frac{1}{2}$ cents a mile with a ten-cent minimum. Round-trip fares are 180 per cent of the one-way fare.

Three public witnesses testified in support of the application, a resident and business man of Mexicali, Mexico, a city official of Calexico, and the Secretary of the Chamber of Commerce of Brawley. The former testified that several hundred persons daily cross the border from Mexicali to Calexico and many of them require public transportation from Calexico to other points in Imperial Valley; that, since October, 1945, he has observed crowded conditions at the Pacific Greyhound Lines depot in Calexico and that buses were always too full to accommodate all persons desiring transportation. On cross examination this witness stated that he had made no study of the transportation situation at Calexico, that his testimony is based on observation, and that he did not wait around to see if protestant provided a second bus to take care of the overflow. The witness also stated that, due to an accident, he had not been near the depot for a month prior to the hearing and, therefore, could not

say whether the traffic conditions there had improved.

The second public witness testified that passenger transportation facilities in Imperial County are inadequate because one transportation company attempts to provide all the service in the county; that buses at the Calexico station were crowded to the limit with the result that all persons could not board; that such conditions prevailed until December, 1945. On cross examination this witness stated that he had not observed conditions at the station in Calexico since August, 1945, when protestant moved its depot to another part of the city; that he assumed the situation had improved since then as a result of the additional buses that had been put in operation. The position of this witness is indicated by the following excerpt from the transcript of testimony:

"Q. What is your principal objection that they (protestant) did not have enough buses?

"A. Well, the criticism we have now is, if you care to call it that, we have had a crying need for transportation, additional transportation to carry the passengers, and that there has been nothing done up until the time the application was filed, and then these additional buses were sent down, and we are not exactly sure, if you have those conditions again at some other point during a period when transportation was at a critical stage, that the occasion might arise somewhere else and you will take these buses off here and put them somewhere else in order to meet that situation. There is nothing yet to indicate this is going to be anything permanent.

"Q. If you did have assurance the present service would be improved, would be improved with additional equipment, that would satisfy you?

"A. No; I don't think we should be tied down in Imperial County to one transportation system."

The Secretary of the Chamber of Commerce of Brawley testified that he had observed protestant's buses in Brawley and that, up to approximately January, 1946, they were "loaded" and on a number of occasions could not accommodate all the people who wanted to board and, therefore, in his opinion, the service was inadequate. On cross examination he stated that, since December, 1945, protestant's service had improved materially and that he considered it satisfactory and "a pretty good service".

The evidence offered by protestant's General Traffic Manager shows that, prior to December, 1945, protestant's service in Imperial Valley was performed by so-called "through" buses, i.e., those originating outside Imperial County, with the exception of three buses that operated between Niland and Calxico; that on or about December 12, 1945, protestant added two more buses and inaugurated twelve local valley schedules, in each direction, between Calxico and Brawley; that, at the time of the hearing, seventeen schedules were in operation, serving all points along applicant's proposed route.

Although it is evident from this record that protestant's service in Imperial Valley during the war years was inadequate, the condition existed mainly because of the war emergency which caused greatly increased bus travel. Governmental regulations and scarcity of equipment and labor also restricted protestant in the performance of its service. A recent company survey has resulted in improved transportation service for this area and additional improvements are proposed and will soon be made.

The evidence shows that protestant's fares are one-half those proposed by applicant; that it operates superior equipment and proposes adequate schedules; that it has recently materially improved its service and that it proposes further improvements. Under the circumstances disclosed in this proceeding, protestant should be given the opportunity to provide the public's transportation requirements.

Upon consideration of the entire record we are of the opinion that the establishment and operation of an additional transportation service between Caloxico and Brawley has not been justified. The application, therefore, will be denied.

O R D E R

A public hearing having been held in the above-entitled proceeding, the matter having been submitted, and the Commission being fully advised,

IT IS ORDERED that the above-entitled application be, and it hereby is, denied.

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

Dated at San Francisco, California, this 9th day of July, 1946.

L. Harold Anderson
Justin J. O'neill
Francis J. O'neill
James J. O'neill
Harold P. Kuhl
COMMISSIONERS