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Decision No. 14554

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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R. J. ANGELL on Behalf of Himself and  
Others,

Complainant,

vs.

SOUTHERN PACIFIC COMPANY, a cor-  
poration,

Defendant.

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: Case No. 2065

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ORIGINAL

N. B. Bachtell, for Complainants

V. S. Andrus and D. S. Wier for Southern  
Pacific Company, Defendant.

Ed. Stern for American Railway Express Com-  
pany.

BY THE COMMISSION:

### OPINION

In this proceeding, R. J. Angell on behalf of himself and other residents of the town of Rosamond and vicinity, in Kern County, complains of defendant, Southern Pacific Company, a corporation, and alleges that the closing of the agency station at Rosamond by defendant has caused great inconvenience to passengers and shippers of freight and express; that shipments require to be prepaid when consigned to Rosamond or same are carried to either the station of Mojave or to the station of Lancaster; and that the closing of the agency has deprived the residents of Rosamond of

telegraph service.

Defendant, Southern Pacific Company, filed its answer herein denying the material allegations of the complaint and alleging that the volume of business originating at and destined to the station of Rosamond does not warrant the employment of an agent at such point and the expense so incurred would be wasteful, extravagant and uneconomical.

A public hearing on this complaint was conducted by Examiner Handford at Rosamond, the matter was duly submitted and is now ready for decision.

Witnesses for complainants testified as to the inconvenience which has resulted from the discontinuance of an agency station at Rosamond; that shipments were frequently carried by to Mojave or left at the station of Lancaster, although it appears that much of the cause of complaint covered shipments which were not prepaid and which, under the carrier's regulations, <sup>were</sup> required to be delivered at an agency station. The principal complaint appears directed to the handling of express matter, consignors being required to make delivery to the train messenger at the car door, whereas formerly, when an agent was employed, the agent attended to the receipt and delivery of express to and from the trains. The objection of the principal shipper by express, who forwards milk daily to Los Angeles, is that he is required to wait for the arrival of the train from Mojave to load his shipments and that when the train is late he not only is delayed but is unable to ascertain how late the train may be. Other witnesses testified that due to the absence of an agent, and since the agency was withdrawn that they had arranged for their incoming freight to be delivered at Lancaster, where an agent is employed.

It is also of record that a considerable portion of the land owned by complainants was acquired from the defendant company and that the withdrawal of the agent would result in retarding the development of Rosamond and the surrounding territory.

Mr. V.S. Andrus, Assistant Superintendent of Transportation of defendant company presented testimony and filed exhibits showing the volume of business heretofore handled at Rosamond, the revenue derived and the expense of conducting the agency station. The following data, pertinent to the issues herein, has been abstracted from these exhibits:-

Year ending August 31, 1924

Revenue from Tickets sold		\$352.00
Loss-than-carload freight-		
Forwarded	\$ 88.00	
Received	<u>1349.00</u>	<u>1437.00</u>
Revenue from Tickets, total sold and l.c.l. freight		1789.00
Carload Freight		
Forwarded	\$3181.00	
Received	<u>166.00</u>	<u>3347.00</u>
Total, all revenue		\$5136.00

The expense of conducting the agency for the above period has amounted to \$1942.82. This amount is 108.60 percent of the revenue derived from ticket sales and less-than-carload freight - both received and forwarded, - and is 37.83 percent of the total revenue received at this station.

The services of an agent are principally necessary for the public in the handling of the less-than-carload freight business and the sale of tickets. It is apparent that the expense as incurred at this station is unwarranted and not justified, exceeding as it does the total revenue received from these items of revenue.

The carload business at this station for the period covered by the exhibits shows the following:-

Forwarded

1 car cattle  
3 cars Manure  
43 cars Silica Rock

Received

1 car lumber

None of the foregoing carload shipments are of commodities requiring the services of an agent.

After full consideration of all the evidence in this proceeding, we are of the opinion and hereby find as a fact that the volume of business now transacted by the Southern Pacific Company at its station of Rosamond does not justify the establishment of an agent at such point, and that to re-establish an agency would place an undue burden on other shippers and patrons of defendant company.

In reaching this conclusion the Commission is not unmindful of the needs of those engaged in the development of a new community but the needs and requirements of all the patrons of the defendant company must also receive consideration and under the state of facts as herein fully presented we find no justification for the re-establishment of the agency.

O R D E R

A public hearing having been held in the above entitled proceeding, the matter having been duly submitted, the Commission being now fully advised and basing its order on the

finding of fact as appearing in the opinion which precedes this order,

IT IS HEREBY ORDERED that this complaint be and the same hereby is dismissed.

Dated at San Francisco, California, this 10<sup>th</sup> day of February, 1925.

H. B. Lundberg  
O. Levey  
Egerton Shore  
George D. Squires

Commissioners