

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

THE POND FARM CENTER OF
THE KERN COUNTY FARM BUREAU,
a voluntary association,

Complainant,

vs.

THE ATCHISON, TOPEKA AND SANTA
FE RAILWAY COMPANY, a corporation,

Defendant.

Case No. 1448.

Edison Abel and J. J. Deuel, for Complainant,
E. T. Lucey and J. W. Walker, for Defendant.

BY THE COMMISSION:

O P I N I O N

The Pond Farm Center of the Kern County Farm Bureau, a voluntary association of owners and workers of farms, residing at or near the Pond siding and flag station on the line of defendant in Kern County, by its complaint herein alleges that the community of Pond is a rapidly growing and developing farming section having a population of over 350 persons, that the service now rendered by defendant consists of a siding and a flag station; that the nearest agency station on the line of defendant's railroad is located at Wasco, eight and one-half miles distant from Pond; that complainants are seriously and unreasonably inconvenienced by being compelled to travel to the Wasco station of defendant for all express, freight and adequate passenger service and facilities; that the exclusive area which would be served by the establishment of an agency station at Pond would be a district approximately ten miles wide by twenty miles long; and that the most convenient location for the estab-

lishment of an agency station would be at or near the intersection of defendant's line of railroad with the section line between Sections 25 and 36, Township 25 South, Range 24 East, Mount Diablo Base and Meridian. Complainant prays for an order of this Commission directing defendant to construct and maintain a depot at or near the point hereinabove referred to, and to provide and maintain an agent at said depot for the service of the community.

Defendant Atchison, Topeka and Santa Fe Railway Company, duly filed its answer herein, said answer denying the material allegations of the complaint.

A public hearing on this complaint was conducted by Examiner Handford at Pond at which time evidence was taken and the matter was duly submitted.

Claude A. Pullen, residing at Pond, testified that it was the desire of the community to have the proposed agency station located, constructed and maintained at practically the present location of the present flag stop; that the community consisted of approximately 125 families, seventy-five per cent of whom employed hired help; that shipments were now made principally from Wasco, McFarland and Delano; rice being shipped from Delano necessitating an eight mile haul or from the non-agency station of Elmo, necessitating a three mile haul, the latter station having a siding of 50 car capacity and better team track facilities and enjoying a carload rate of fifty cents per ton less than the rate on southbound shipments from Pond; that due to inadequate facilities but one team could load at Pond under present conditions; that express shipments were thrown off along the right-of-way, local freight being put into a box car or on the open platform; that due to these conditions consignees prefer to receive their express and less-than-carload freight shipments at the agency stations at Wasco, McFarland or Delano; that it is incon-

venient regarding the matter of securing cars to be loaded at Pond a telephone expense of 25 cents being charged for messages to the agent at Wasco or it being necessary to go to that point to order cars; that less-than-carload shipments to Pond require prepayment of freight charges; and that by reason of no agent at Pond goods are now warehoused at Delano which, if an agent were to be stationed at Pond, would be warehoused there the farmers proposing to establish a warehouse. This witness stated further that he had shipped 20 tons of alfalfa, ten tons moving via the Southern Pacific rails and the balance by truck; that he had received some less-than-carload freight; that the establishment of a station and agent would result in more business for the defendant railroad by diverting traffic to Pond now handled by trucks or by the Southern Pacific agency stations at McFarland and Delano.

Thos. R. Lytle, residing one-half mile east of Pond testified as to the shipment of two cars of rice; that the shipping conditions were unsatisfactory, three days being required in each instance to obtain the necessary cars, and it being necessary to go to the agency station of Wasco to have the cars billed out to their destination; and that rice was now being warehoused at Delano by reason of an agency station and better facilities being available at such point.

Herman Bennerschildt, residing one-half mile east of Pond station, testified as to having shipped 14 carloads of hay and 1 carload of wheat from Pond; that the team track facilities at such station were poor; that cars must be ordered from the agency station at Wasco; and that all business has to be transacted with the agency station at Wasco, either by going there personally or by using the telephone with a minimum charge of twenty cents. This witness has hauled some freight to the non-agency station of Elmo, where shipping facilities are better, but the distance to be negotiated by such haul offsets the advantage in rate obtained by shipping from such station.

O. H. Weinberger, a farmer residing at Pond, testified regarding the shipment of hay having forwarded 20 carloads from Pond and experiencing difficulty in getting empty cars for loading, in some instances having to wait two weeks for his car orders to be filled. The witness' ranch is located two miles from the station at Pond, and he has found it necessary to go personally to Wasco regarding his car orders, or to bill out his shipments, or to telephone at his expense. The hay produced on the ranch is sometimes sold f.o.b. ranch and is baled and shipped by the purchaser some by truck and some by the rail line of the defendant, but the conditions as to convenience of shipping facilities by rail are a consideration in the price offered for the commodity by the purchaser.

Ray Branniger, a rancher residing 4 miles from Pond station, ships hay from the Southern Pacific station at McFarland to which point a highway exists. Some hay is also shipped from the defendant's non-agency station at Elmo.

A. J. Russell, a rancher residing at Pond, estimated the population of the community tributary to the station to be 500 persons. He has hauled his products to the Southern Pacific agency station of McFarland and in general his experience has been similar to that expressed by witnesses heretofore mentioned, but his experience has covered a longer period.

M. E. Dixon, a storekeeper at Pond, receives about 5 tons of less-than-carload freight per month, all of which must be prepaid at the point of shipment by reason of there being no agent at Pond. Witness claims to have received reasonably good service although on a few instances freight has been left on the platform by night trains during inclement weather. Witness estimates his freight shipments to average a revenue of \$100.00 per month, and complains more regarding the difficulty experienced with express shipments which has resulted in his having his perishable express

consigned to the Southern Pacific agency at Delano, from which point they are trucked to his store at Pond.

C. C. Casey, a rancher of Pond growing alfalfa, cotton, corn and in the dairy business, stated that he was not at present a shipper his dairy products being purchased by a creamery which picked up the product by their own trucks at his ranch.

J. E. Grogan, a rancher at Pond, stated his ranch was not fully developed and that his shipments were principally cattle and hogs in less-than-carload movements. Witness objects to the present lack of facilities for less-than carload receipts or shipments; and at present is disposing of his cattle and hogs at either Delano, McFarland or Wasco.

J. W. Walker, superintendent of the Valley Division of defendant testified that his company did not own a suitable site for the establishment of a station and agency at Pond, although he had estimated that the cost of a station building, exclusive of land, would approximate \$15,000, to which should be added an item of \$12000, for grading, \$4000 for team and house tracks, and \$2500 for a stock corral, a total initial investment of \$33,500, exclusive of land which might be required. The estimated cost of maintaining an agency is \$3000 per annum of which amount \$2280, would be required for the salary of the agent-operator under the wage agreement approved by the Federal Wage Board. The station building covered by the foregoing estimate is similar to that now located at Wasco, being a combined freight and passenger station. This witness claims that the necessity for station facilities and the establishment of an agent is largely dependant upon the revenue received from less-than-carload freight and passenger ticket sales, and that the revenue received at Pond Station does not yet warrant the establishment of the desired facilities. From a statement filed as an exhibit the following data covering a twelve months period has been compiled:

Passenger Revenue			\$1884.70
Less-than-carload Freight			
<u>Received</u>	Local -	1685.78	
	Interline -	153.28	
<u>Forwarded</u>			
	Local -	330.14	
	Interline -	<u>78.16</u>	<u>2247.36</u>
Total Passenger and less-than-carload Freight Revenue			\$4132.06
Car Load Freight			
<u>Received</u>			
	Local	700.71	
	Interline	245.13	
<u>Forwarded</u>			
	Local	3125.90	
	Interline	<u>625.76</u>	<u>4697.50</u>
Total Revenue			\$8829.56

We have given full consideration to the evidence and exhibits presented herein. From the record it appears that if an agency had been in operation during the yearly period covered by the foregoing data and the expense of conducting the agency had approximated the estimate of \$3000 per annum, the percentage of revenue from passenger and less-than-carload freight required for agency expense would have been 72.60 per cent, and the percentage of the total revenue required for agency expense would have been 33.98 per cent.

The expense of maintaining the agency if established is not justified by the revenue available from all traffic now offering.

In view of the limited volume of traffic now offering at Pond we conclude and hereby find as a fact that the capital in-

vestment estimated at \$33,500 is not justified, nor does the business offering at this time justify the operation of an agency station. We are, therefore, of the opinion that the complaint should be dismissed without prejudice.

O R D E R.

A public hearing having been held on the above entitled complaint, the matter having been duly submitted, the Commission being fully advised and basing its order on the conclusion and finding of fact as appearing in the opinion which precedes this order, and it ^{further} appearing that considerable time has elapsed since the filing of the petition, IT IS HEREBY ORDERED that this complaint be and the same hereby is dismissed without prejudice.

Dated at San Francisco, California, this _____ day of June, 1927.

Frank J. ...
W. B. ...
Al ...
Leon ...
Thos. ...
Commissioners.