

Decision No. 29708.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application
of SOUTHERN PACIFIC COMPANY, for
authority to close agency at
Wayne Station, County of Santa
Clara, State of California.

Application No. 14685.

ORIGINAL

H. W. Hobbs for Applicant.
J. J. O'Brien for Protesting Shippers.

BY THE COMMISSION:

O P I N I O N

In this application Southern Pacific Company requests an order from this Commission granting authority to close its agency at Wayne Station, Santa Clara County, California.

A public hearing was held before Examiner Williams at San Jose on August 20, 1928, at which time the matter was taken under submission.

Wayne Station is located on Southern Pacific Company's Miles-San Jose branch, about 3.4 miles north of San Jose, and 2.6 miles south of Milpitas, both of these latter points having agency stations. It is situated in an orchard and vegetable growing district and several dairies are also located in the vicinity.

The passenger business handled at this station appears to be negligible, the records showing but twenty-six (26) passengers during the twelve month period.

During the twelve months ending January, 1928, six thousand six hundred forty-six (6,646) dollars revenue from forwarded and received freight was received by the company. Of this amount one thousand (1,000) dollars accrued from less-than-carload shipments.

The principal commodities shipped are vegetables, walnuts and nursery stock, while incoming shipments consist of feed and fertilizers. A considerable portion of the outgoing business occurs during the winter months while incoming shipments appear to be distributed fairly evenly over the entire year.

The record shows that the station expense for the twelve (12) months ending February, 1928, was fifteen hundred sixty-four and 75/100 (1,564.75) dollars, or 23½% of the total revenue and 156½% of the less-than-carload revenue.

A representative of the Clark Nursery Company, located three-quarters of a mile south of Wayne, testified that the nursery made a considerable amount of less-than-carload shipments during the months of November to March, inclusive, and that if the agency were closed these shipments would have to be hauled to Milpitas. He also stated that the site for this nursery was selected on account of its accessibility to transportation facilities. He testified that he has incoming carload and less-than-carload shipments on which it would be necessary to prepay charges if Wayne were made a non-agency station.

S. F. Lieb and E. V. Stone, representing certain walnut growers in the vicinity, testified in regard to shipments of this commodity from Wayne.

J. J. O'Brien, who owns thirty-one farms in the vicinity, testified that he shipped over twenty cars of tomatoes, peppers, and cucumbers last year, all being carload shipments and that the number will probably be increased this year due to the opening of a packing house at Wayne.

The applicant proposes to maintain a non-agency station at Wayne and to continue to handle all passengers and freight shipments offered. It will be necessary, however, for patrons to

transact their business with the railroad through the agent at either Milpitas or San Jose. Incoming less-than-carload shipments will be placed in the warehouse by the train crew and a key will be left with a responsible party in the vicinity.

At a station where a considerable number of less-than-carload shipments are forwarded and received, the convenience to the public of having an agent on duty is desirable and when the amount of such business warrants or the inconvenience to the public in reaching other agency stations would be unreasonable, a carrier should be required to maintain such an agency. In the present case, however, the total revenue from less-than-carload shipments is considerably less than the expense of the agency and convenient access to other agency stations over paved highways is available. After a consideration of the evidence in this proceeding, it is the opinion of the Commission that this application should be granted and an order to this effect will be entered in this proceeding.

O R D E R

Southern Pacific Company having made application to this Commission for authority to discontinue its agency at Wayne Station, Santa Clara County, California, a public hearing having been held, the matter being under submission and ready for decision, therefore,

IT IS HEREBY ORDERED that Southern Pacific Company be and it is hereby authorized to discontinue its agency at Wayne, Santa Clara County, provided, however, that said company shall continue to maintain said station as a non-agency station and that less-than-carload shipments received at this point shall be stored in the freight house and a notice posted on the door of

said freight house, advising the public where the key may be secured.

Applicant shall notify the public ten (10) days in advance of the closing of said agency by posting notice at said Wayne Station.

The effective date of this order shall be March 1st, 1929.

Dated at San Francisco, California, this 23d day of January, 1929.

Thos D. Lott

Ch. J. ...

...

M. J. ...

Commissioners.