

Decision No. 21316.**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

<p>In the matter of the application of NORTHWESTERN PACIFIC RAILROAD COMPANY, for permission to remove station agent from its station at Shively, California.</p>

Application No. 15347.

R. W. Palmer, for Applicant.
A. S. Weston, for Railway Express Agency.
J. G. Fraser, for residents of Shively,
Protestants.

BY THE COMMISSION:

O P I N I O N

In this proceeding Northwestern Pacific Railroad Company requests permission to remove the station agent from the station of Shively, on its main line in Humboldt County, California.

A public hearing was held in this matter before Examiner Satterwhite on April 9th in Eureka.

Shively is situated on the main line of Northwestern Pacific Railroad Company, between Willits and Eureka. The nearest agencies to said station are South Fork, 8.3 miles south, and Scotia, 10.0 miles north. The territory served by the railroad at said station, as well as the railroad, are on the east side of the Eel River, whereas the state highway is located on the west side of the river. Contact with the state highway is maintained by means of a county vehicular ferry across the river. At times of extreme high water the vehicular ferry is out of service, thus leaving the railroad as the only means of transportation.

Applicant contends that the amount of business transacted at Shively does not warrant the maintenance of an agent. Revenues derived at this station for the twelve month period ending November 30, 1928, are as follows:

Passenger tickets sold.....	\$ 783.42
Carload freight forwarded and received.....	2,534.59
L.C.L. freight forwarded and received.....	1,239.09
Expense of maintaining agent.....	1,911.99

Applicant proposes, in the event this application is granted, to establish a public railroad telephone at Shively Station whereby prospective patrons could communicate with the agent at either South Fork or Scotia. Furthermore, in the event the agency is closed, applicant will endeavor to secure a custodian at Shively where a key to the freight house would be available to all shippers and receivers of freight.

The representative of Railway Express Agency stated that, in the event the railroad agent was withdrawn, his company would endeavor to appoint a local agent to carry on the express business.

Many of the residents of Shively appeared to oppose the granting of this application, largely on the basis that the Shively territory was just beginning to develop in an agricultural way, and it was expected that the business with the railroad would increase and that an agent was necessary for the handling of L.C.L. freight. Furthermore, on account of the fact that the ferry was not operated when the river was high and the railroad affords the only means of transportation and communication to outside points at such times, the protestants contended that the agent should be maintained.

If the agent from Shively is removed, it is proposed to maintain a non-agency station at this point for the receipt of

both passengers and freight. It appears that there would be no difficulty in handling passenger business, as passenger fares can be collected by the conductor on the passenger trains. Car load freight can also be handled without undue difficulty; however, with L.C.L. shipments, much inconvenience would be experienced.

Balancing all conditions, particularly with respect to L.C.L. freight, it appears to the Commission that this application should be denied.

O R D E R

Northwestern Pacific Railroad Company having made application for permission to abandon its agent at the station of Shively, Humboldt County, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision, therefore,

IT IS HEREBY ORDERED that the above entitled proceeding be and the same is hereby denied without prejudice.

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

Dated at San Francisco, California, this 1st day of July, 1929.

Thomas D. Lott

Ed. Seavey
Frank J. Scott

M. J. Linn
Commissioners.