

Decision No. 21785.

**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of NORTHWESTERN PACIFIC RAILROAD COMPANY for authority to close agency at South Bay, County of Humboldt, State of California.

Application No. 15862.

In the matter of the application of the RAILWAY EXPRESS AGENCY for authority to abandon its agency at South Bay, Humboldt County, State of California.

Application No. 15910.

H. W. Hobbs, for applicant, Northwestern Pacific Railroad Company.

R. S. Elliott and Edward Stern, for applicant, Railway Express Agency.

WHITSELL, COMMISSIONER:

O P I N I O N

In Application No. 15862, Northwestern Pacific Railroad Company, a corporation, requests permission to abandon its agency at South Bay, Humboldt County, California, and in Application No. 15910, Railway Express Agency requests authority to abandon its agency at South Bay.

A public hearing was conducted in these matters in Eureka on October 30th, 1929, at which time it was agreed that the two above entitled applications would be consolidated for hearing and determination.

South Bay is located on the main line of Northwestern Pacific Railroad Company, between Sausalito and Eureka. The nearest agencies are to the south at Lolita, 6.8 miles, and to

the north at Eureka, 6.3 miles.

Northwestern Pacific Railroad Company contends that the amount of business conducted at South Bay does not warrant the maintenance of an agent and that the business can be reasonably handled on a non-agency basis.

The following table shows the revenues of the total railroad business handled at South Bay for the twelve months ending May 31st, 1929:

Carload freight forwarded and received.....	\$19,960.37
L.C.L. freight forwarded and received.....	322.31
Passenger tickets sold.....	484.00
Expense of conducting agency, approximately..	2,200.00

Railway Express Agency's testimony shows that the express business at South Bay is handled by the railroad agent on the joint agency plan. The gross revenue accruing to the Railway Express Agency, for shipments forwarded and received at South Bay, for the twelve months ending July 31st, 1929, amounted to \$423.39 and the commissions paid to the agent were \$42.32, or an average of \$3.52 per month. An unsuccessful attempt was made by the Railway Express Agency to appoint a local resident of South Bay as express agent in the event the railroad agency was abandoned.

Testimony indicates that if the railroad company's application is granted, both incoming and outgoing L.C.L. freight will be placed in the freight house under lock and that a local resident of South Bay will be appointed custodian of a key, from whom patrons could gain access to the freight house and deliver or receive shipments.

Although a petition of protest was received by the Commission previous to the time of the hearing, no one appeared at the hearing to protest the granting of either of these applications. A representative of the Pacific Lumber Company, a large

carload receiver of freight at South Bay, testified that his company had no objection to the abandonment of the railroad agency.

It appears to the Commission that all carload freight can be handled without the service of a resident agent and that all passenger business can be handled by the train conductor. The service of a resident agent is most needed for the handling of L.C.L. freight but, owing to the fact that the annual receipts from this class of business amount to less than \$350.00, the continued maintenance of an agent is not justifiable, particularly when arrangements are made to keep all shipments under lock in the freight house.

With the abandonment of the agency, express shipments to or from South Bay can readily be cared for by the express messenger on all passenger trains stopping at this station.

It appears to me, from the record herein, that the continued maintenance of an agent at South Bay is not justified for either the railroad or express agency and that these applications should be granted.

The following form of order is recommended:

O R D E R

Northwestern Pacific Railroad Company having made application (Application No. 15862) to abandon its agency at South Bay, Humboldt County, and Railway Express Agency having made application (Application No. 15910) for like abandonment, 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 permission and authority be

and it is hereby granted to Northwestern Pacific Railroad Company to abandon its agency at the station of South Bay, County of Humboldt, State of California, subject, however, to the following conditions:

(1) Applicant shall maintain said station of South Bay as a non-agency station.

(2) Applicant shall place L.C.L. shipments in the freight house and arrange to have a custodian of a key to this building so that shippers and receivers may gain access to their freight.

(3) Applicant shall, for not less than ten (10) days prior to the abandonment of said agency, notify the public of said abandonment by posting notice at said station of South Bay.

IT IS HEREBY FURTHER ORDERED that permission and authority be and the same is hereby granted to Railway Express Agency to abandon its agency at the station of South Bay, County of Humboldt, State of California, provided, however, that shipments shall be received and delivered by Railway Express Agency's messenger at car door at said station.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 14th day of November, 1929.

Thomas G. Lott

C. S. Seaver

Frank C. ...

Leon ...

M. A. ...

Commissioners.