

Decision No. 22139.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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

ORIGINAL

Application No. 16177.

R. W. Palmer, for Applicant.
Harold G. Morehouse, 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 close its agency at Shively, Humboldt County.

A public hearing in this matter was held before Examiner Gannon in Shively, on January 28, 1930.

Shively is located on the main line of the Northwestern Pacific Railroad Company, between Willets and Eureka. The nearest agencies are South Fork, 8.3 miles south, and Scotia, 10.0 miles north. The railroad, as well as the territory served by said station, is located on the east side of Eel River, while the State Highway is located on the west side of the river. A county vehicular ferry is operated across the river to afford a connection between Shively and the State Highway. At times of extreme high water the vehicular ferry is out of service, thus cutting off highway access to and from Shively and leaving the railroad as the only means of public transportation.

It is the contention of applicant that the amount of business transacted at Shively does not justify the expense of

maintaining an agent at this station. Revenues derived at this station for the twelve-month period ending August 31, 1929, are as follows:

Passenger tickets sold by agent.....	\$508.00
Carload freight forwarded and received.....	659.00
L.C.L. freight forwarded and received.....	1,064.00
Expense of maintaining agent.....	1,810.11

Applicant proposes, in the event this application is granted, to appoint a custodian to care for L.C.L. freight, to keep the passenger station in condition for the use of passengers, and to maintain, when necessary, a fire in the waiting room. The representative of the Railway Express Agency testified that a resident express agent will be appointed at Shively to continue to care for the express business.

The abandonment, as proposed, was opposed by the citizens of Shively on the ground that an agent was needed to handle express shipments, to care for L.C.L. freight and perishable shipments, and, furthermore, on account of the fact that at periods of high water in Eel River, the railroad was the only outlet for the residents of the Shively district.

It is apparent from the record herein that the revenue from the business at this station which requires the services of an agent does not in itself justify the maintenance of an agent. However, this is not the sole test. We must give due consideration to other elements such as the resulting inconvenience to the public in the event the agency is discontinued. The evidence shows that the company has indicated its willingness to store L.C.L. shipments in the warehouse under lock and key and to appoint a custodian of the key, and to have a representative keep the passenger station in comfortable condition. Carload shipments

will be cared for without delay or serious inconvenience to the shipper and passengers will be able to secure their tickets from the train conductors.

With respect to express business, it is planned to continue this service through the appointment of an agent in this district.

After carefully considering the evidence in this proceeding, it appears to us that the application should be granted with the proviso that the public be given the service referred to above.

C R D E R

Northwestern Pacific Railroad Company having made application to abandon its agency at Shively, Humboldt County, a public hearing having been held and the matter being now ready for decision,

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 Shively, on its main line in the County of Humboldt, subject, however, to the following conditions:

(1) Applicant shall continue the maintenance of said station as a non-agency station.

(2) Applicant shall store L.C.L. freight shipments in the station building, under lock and key, and shall appoint a custodian at said station for the purpose of caring for L. C. L. freight and, at such times as necessary, custodian shall maintain a fire in the waiting room for the comfort of the patrons on the

line for a reasonable time prior to the arrival of passenger trains.

(3) Applicant shall post notices at said station notifying the public of the removal of said agent for at least ten (10) days before the agent is removed.

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

Dated at San Francisco, California, this 19th day of February, 1930.

Cl. Weaver
Ernest J. Smith

Howe & Lott

Commissioners.