

ORIGINAL

Decision No. 23477.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Southern Pacific Company for authority to close the agency at Delhi Station, County of Merced, State of California, during the period December 1st to June 30th, inclusive, of each year.

Application No. 17133.

In the Matter of the Application of the Railway Express Agency, Inc., for authority to abandon its agency at Delhi, County of Merced, State of California.

Application No. 17157.

- R. S. Myers, for Applicant, Southern Pacific Company.
- A. S. Weston, for Applicant, Railway Express Agency, Inc.
- W. H. Bates, for Eleven Protestants.

BY THE COMMISSION:

O P I N I O N

By these applications, Southern Pacific Company and Railway Express Agency, Inc., seek to close their agency at Delhi, Merced County, during the period December 1st to June 30th of each year. A public hearing was conducted by Examiner Kennedy at Delhi on February 24, 1931, at which time the proceedings were consolidated, for purposes of hearing and decision, and taken under submission.

Delhi, a station on Southern Pacific Company's main

San Joaquin Valley Line, is located 5.7 miles to the east of Turlock and 4.5 miles to the west of Livingston, the agents for the Railroad being also agents for the Express Company. These agencies serve an agricultural territory around Delhi.

Applicants seek to discontinue their respective agencies at Delhi during the seven months' period December 1st to June 30th, annually, on the grounds that the business transacted at said station does not justify the expenses of their maintenance. It is proposed to continue the station as an agency station during the remaining five months' period each year.

Applicant, Southern Pacific Company, presented, in support of its application, reports showing that the total direct station expense during the period December, 1929, to June, 1930, inclusive, amounted to \$1,047.; that the less than carload freight revenue amounted to \$477.; that the ticket revenue amounted to \$117. and that the total of these revenues failed to meet the station expense during the period by the sum of \$453. The carload revenue during that period was \$1,950. The gross revenue from express business during the same seven months' period, except that the December figures are for the year 1930 instead of 1929, was \$566.82, while the agent's commissions amounted to \$66.35 or an average of \$9.48 per month.

Applicant, Southern Pacific Company, proposes, in event this application is granted, to establish a non-agency station in charge of a caretaker, who will receive and deliver less than carload freight; sign bills of lading; look after the station building and communicate with the railroad agent at Turlock, when necessary, in connection with transaction of

railroad business for patrons at Delhi. Passenger tickets will be sold by the train conductors, as at any non-agency station, without extra charge.

Applicant, Railway Express Agency, Inc., proposes, in the event the application is granted, to continue Delhi as a non-agency station, delivering prepaid shipments and receiving at the express car door of trains serving Delhi. Applicant also proposes to arrange for express messenger to accept prepaid shipments at the car door when the shipper has ascertained the amount of the charge and presented the same to the messenger.

Eleven protestants appeared and stated, through their spokesman, Mr. W. E. Bates, that they objected to the proposed discontinuance of the agency because it would lessen the service available to the community. However, with the understanding that a caretaker would be provided to handle the less than carload shipments and to look after the station building, protestants did not press their objections in so far as the abandonment of the railroad agency was concerned but did ask that an express agent be maintained. Mr. A. S. Weston, Route Agent for the Railway Express Agency, testified that he had endeavored to obtain an outside party to act as agent but that he was unsuccessful in his efforts due to the fact that the party interviewed was not willing to assume the responsibility of meeting two trains daily and handling express business for the compensation of approximately \$10. per month which has been paid to the railroad agent.

The record clearly shows that the volume of business transacted does not warrant the maintenance of an agency at Delhi during the said seven months' period, considering the fact that

other agencies are available within comparatively short distances. It appears to the Commission that it is reasonable to grant the requests of applicants and the following order so provides:

O R D E R

Public hearing having been held and the matter having been submitted, therefore,

IT IS HEREBY ORDERED

I. That Southern Pacific Company is hereby authorized to close its agency at its station of Delhi, Merced County, between December 1st and June 30th, inclusive, each year, and to change its station records and tariffs accordingly, subject to the following conditions:

- (1) Applicant shall continue said station as an agency station during the period July 1st to November 30th, inclusive, each year.
- (2) Applicant shall continue said station as a non-agency station during the period December 1st to June 30th, inclusive, of each year.
- (3) Applicant shall appoint a custodian who shall accept and deliver less than carload freight shipments, sign bills of lading and communicate with the railroad agent at Turlock, when requested by the public, in connection with railroad business.

II. That Railway Express Agency, Inc., is hereby authorized to abandon its agency at Delhi, Merced County, during the period December 1st to June 30th, inclusive, each year and to change its station records and tariffs accordingly, subject to the following conditions:

- (1) Applicant shall maintain said station as a non-agency station and shall require its train messengers to discharge prepaid express

matter and receive express matter C.O.D. or when accompanied by the exact charge at the car door.

- (2) Applicant shall continue to maintain an agency at said station between the period July 1st and November 30th, inclusive, each year.

III. That

- (1) Applicants shall post notices at said station notifying the public of removal of said agent and of the provisions made for the transaction of railroad and express business after removal of the agent at least ten (10) days before each time the agent is removed.
- (2) Applicant shall, within thirty (30) days thereafter, notify the Commission of the initial removal of the agent in compliance with the terms of this order.
- (3) The authorization herein granted shall lapse and become void unless initially exercised within one (1) year from the date hereof.

The Commission reserves the right to make such further orders as it may deem right and proper and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

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

Dated at San Francisco, California, this 9th day of March, 1931.

C. C. Seamy
Leon S. Wherry
M. J. Carr
M. B. Lavin
Fred G. Stewart
 Commissioners.