

Decision No. 24070.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application  
of SOUTHERN PACIFIC COMPANY for  
authority to close the agency at  
Fairport Station, County of Modoc,  
State of California. )

Application No. 17453.

In the Matter of the Application  
of RAILWAY EXPRESS AGENCY, INC.,  
for authority to abandon its agency  
at Fairport, County of Modoc,  
State of California. )

Application No. 17539.

ORIGINAL

H. W. Hobbs, for applicant, Southern  
Pacific Company

C. C. Graves, for applicant, Railway  
Express Agency, Inc.

M. D. Pritchard and B. C. Lewis, for Order  
of Railroad Telegraphers, Protestant  
in Application No. 17453

BY THE COMMISSION:

O P I N I O N

In Application No. 17453, Southern Pacific Company, a corporation, requests authority to abandon its agency at Fairport on its Lakeview Branch in Modoc County, and in Application No. 17539, Railway Express Agency, Inc., a corporation, requests like authority.

A public hearing in these matters was conducted by Examiner Handford at Alturas at which time the matters were consolidated for the purpose of receiving evidence and for decision, were duly submitted, and are now ready for decision.

Fairport is located on the Lakeview Branch of the Shasta Division of applicant, Southern Pacific Company near the California-

Oregon State Line. Southern Pacific Company contends that public convenience and necessity do not justify the continued maintenance of the agency of Fairport, due to the small amount of business transacted at that point.

The following tabulation shows the comparison between passenger and less than carload business transacted and the expense of maintaining the agency for the year ending July 31, 1931.

	<u>Total</u>	<u>Average per month</u>
Ticket Revenue	\$ 218.	\$ 18.
L.C.L. Freight Revenue	1063.	89.
Total	<u>\$1281.</u>	<u>\$107.</u>
Station Expense	<u>1404.</u>	<u>117.</u>
Excess Expenses over Revenue	\$ 123.	\$ 10.

Applicant proposes to maintain a caretaker to care for the L.C.L. shipments and station facilities, if the application is granted.

The only protest to the granting of the application was entered by the Order of Railroad Telegraphers on the ground that some of the duties proposed for the caretaker were duties that should be performed by an agent, in accordance with the terms of the agreement between the Order of Railroad Telegraphers and the railroad. This Commission is not the proper tribunal to adjust such a matter, on the other hand we must look to the record for evidence of public convenience and necessity in deciding the merits of this application.

It appears that the amount of business transacted at Fairport does not justify the maintenance of an agent, and Application No. 17453 will be granted, providing a caretaker is maintained to care for the station.

The representative of the Railway Express Agency, Inc. testified that the agent at Fairport was maintained under the

joint agency plan, whereby the agent of the railroad company acts as the express agent. An endeavor has been made by the express company to secure a local resident as express agent but no satisfactory arrangement developed.

It appears, therefore, that Application No. 17539 should be granted, provided that express matter forwarded from or received at Fairport will be handled by the express messenger on trains stopping at Fairport.

#### O R D E R

A public hearing having been held on the above entitled matters which were consolidated for the receiving of evidence and for decision, the matters having been duly submitted and the Commission being now fully advised,

IT IS HEREBY ORDERED that

I. Southern Pacific Company is hereby authorized to abandon the maintenance of an agent at its station of Fairport on its Shasta Division, in Modoc County, State of California, and to change its station records and tariffs accordingly, subject to the following conditions:

1. Applicant shall give not less than ten (10) days' notice to the public of the abandonment of said agency by posting notice at said station.
2. Said station shall be continued as a non-agency station.
3. Coincident with the abandonment of said agency, applicant shall provide a caretaker at said station.
4. Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the discontinuance of the agent authorized herein and of its compliance with the conditions hereof.
5. The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof, unless further time is granted by subsequent order.

II. Railway Express Agency, Inc. is hereby authorized to abandon its agency at Fairport, on the Shasta Division of the Southern Pacific Company, in the County of Modoc, State of California, subject to the following conditions:

1. Applicant shall give not less than ten (10) days' notice to the public of the abandonment of said agency by posting notice at said station.
2. Upon the abandonment of said agency, applicant shall handle express shipments moving into or out of said station if tendered to or received from the express messenger.
3. Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the abandonment of said agency.
4. The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof, unless further time is granted by subsequent order.

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

Dated at San Francisco, California, this 28<sup>th</sup> day of September, 1931.

Al Sauer  
Leon Whiskey  
M B Harris  
Fred G. Stewart  
Commissioners.