

Decision No. 24095.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of  
SUNSET RAILWAY COMPANY for authority  
to close the agency at Fellows, County  
of Kern, State of California.

Application No. 17394.

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

Application No. 17485.

R. C. Hillebrand for Applicant in Application  
No. 17394.

H. E. Scruggs for Applicant in Application  
No. 17485.

E. P. Peck, E. L. Blank and O. P. Goode, in  
propria persona, protesting both  
applications.

BY THE COMMISSION:

O P I N I O N

In Application No. 17394 the Sunset Railway Company, a corporation, has petitioned the Railroad Commission for authority to close its agency station at Fellows in Kern County.

In Application No. 17485 Railway Express Agency, Inc., a corporation, has requested of the Railroad Commission similar authority, the two companies maintaining a joint agency at this station.

A public hearing on the above entitled applications was conducted by Examiner Handford at Bakersfield, the matters were consolidated for the receipt of evidence and for decision, were duly submitted and are now ready for decision.

The station of Fellows is located approximately six miles west of Taft, at which point there is also an agency. A daily freight service is operated on the Sunset Railway as far as Taft

and beyond Taft through Fellows a tri-weekly local service is offered. No passenger service has been operated since May 1st, 1931.

The railroad company submitted exhibits showing the revenue received at this station during the year ending July 31, 1931, as compared with the revenue received during the twelve months' period ending July 30, 1930. This exhibit is, in part, as follows:

Freight forwarded and Received	Year ending <u>7/31/1930</u>	Year ending <u>7/31/1931</u>
Carloads-cars	851.	44
Carload Revenue	\$ 22,801.	\$ 1,908.
Less-than-carload, tons	397	230
Less-than-carload, revenue	\$ 1,728.	\$ 1,146.

The principal shipments appear to be commodities handled in connection with the oil industry which industry has, due to business depression, shut down to a large extent in this locality. The exhibit also shows that the annual station expense of maintaining this agency is approximately \$2,500. per year, whereas the present less-than-carload revenue is but \$1,140. per year.

It is claimed by applicant, Sunset Railway Company, that the freight business at Fellows can be successfully handled by the agent at Taft. The railway office at Taft is connected by local telephone with the community at Fellows and there is a paved state highway between the two points. Applicant claims that less-than-carload shipments can be handled in the same manner as such shipments are now handled at many other points in the state.

Applicant Railway Express Agency, Inc., requests authority to close its agency at Fellows. In the past the agent of Sunset Railway Company has acted as express agent at this point on a commission basis, and applicant claims that it has been unsuccessful in obtaining any other person to act as its agent in view of the small amount of remuneration.

The revenue during the twelve months ending May 31, 1931, on express shipments forwarded and received at Fellows amounted to \$1,978.00 and the receipts for June, July and August of 1931 are considerably less than in the corresponding months in the year of 1930. Express matter in and out of Fellows is not carried by the trains of the Sunset Railway Company but is handled by truck.

Both applications were protested by several merchants doing business in Fellows, their general contention being that the present depression and lack of business would be but temporary and that with the re-opening of the oil industry in the vicinity there would again be a need for an agent at Fellows. None of these merchants was willing to act as a representative of the express company.

After carefully considering the evidence in this proceeding, the Commission believes that the amount of business offered to the applicant, Sunset Railway Company, does not warrant or justify the expense of maintaining an agent at this point and that, therefore, this application should be granted. The Railway Express Agency, Inc., will also be granted authority to close its agency, since it appears that there is no one available to handle the express agency on a part time basis and the amount of business does not warrant the company maintaining a separate agency at Fellows.

#### O R D E R

A public hearing having been held on the above entitled applications, the matters having been duly consolidated and submitted, and the Commission being now fully advised,

IT IS HEREBY ORDERED that applicant, Sunset Railway Company, a corporation, be and it is hereby authorized to close its agency at Fellows, Kern County, and to change its station records and tariffs accordingly, provided that said station be hereafter operated as a non-agency station,

IT IS HEREBY FURTHER ORDERED that applicant, Railway Express Agency, Inc., a corporation, be and it is hereby authorized to close its agency at Fellows, Kern County, and to change its agency records and tariffs accordingly.

Applicants shall, within thirty (30) days thereafter, notify this Commission, in writing, of the abandonment of the facilities herein authorized and of their compliance with the conditions hereof.

The authorizations 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 authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 5<sup>th</sup> day of October, 1931.

W. B. Harris  
Leon Whittell  
W. B. Harris  
Fred G. Stewart  
Commissioners.