

Decision No. 34117.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

<p>In the Matter of the Investigation on the Commission's own motion to consider certain proposed changes in its General Order No. 36, covering regulation in the establishment and abandonment of Depots, Sidings and Spur Tracks of Common Carriers.</p>)
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ORIGINAL

Case No. 3119.

Mr. Gerald E. Duffy and Mr. W. P. Quirk,
for The Atchison, Topeka and Santa Fe
Railway Company.

Mr. H. W. Hobbs, for Southern Pacific Com-
pany, Peninsular Railway Company, Visalia
Electric Railroad Company, Central Califor-
nia Traction Company, Northwestern Pacific
Railroad Company, San Diego and Arizona
Railway Company and Los Angeles and Salt
Lake Railroad Company.

Mr. Frank Karr and H. W. Hobbs, for Pacific
Electric Railway Company.

Mr. A. S. Hutchinson, for The Western Pacific
Railroad Company, Sacramento Northern Rail-
way and Tidewater Southern Railway Company.

Mr. J. J. Deuel, for California Farm Bureau
Federation.

Mr. Edward Stern, for the Railway Express
Agency, Inc.

SEAVEY, COMMISSIONER:

O P I N I O N

This is an investigation on the Commission's own motion
to determine whether or not present conditions require a modifica-
tion of General Order No. 36, prescribing certain regulations in

connection with the establishment or the abolition of agencies, non-agencies, sidings, spur tracks and other station facilities of common carriers in this state.

A public hearing was conducted in this matter at San Francisco on September 24th, 1931.

At the hearing a draft of a proposed General Order in this matter was introduced for consideration, copies of which were furnished all the carriers affected in advance of the hearing. This proposed substitute General Order differs from the prevailing General Order, in that carriers would be permitted to abandon station facilities, upon thirty (30) days' notice to the Commission and the public, without making formal application, as is at present required. In the proposed draft, the carrier is required, as is the case in the existing General Order, to make application to abandon or discontinue agencies and non-agencies. Another essential difference in the two forms is that the proposed General Order requires that, in filing applications seeking authority to abolish or discontinue agencies or non-agencies, the carrier must file a record showing the volume of business, by number of shipments, conducted at the particular agency under consideration, whereas the prevailing General Order requires that, in addition to a showing as to the number of shipments at a particular agency, the applicant also must show the earnings of that particular station, which, the carriers show, requires considerable accounting to properly allocate the revenue received at that point to various other accounts. The proposed General Order finally was accepted by all parties of record in this proceeding with slight modifications.

After carefully considering the record in this proceeding, the following form of order is recommended.

O R D E R

An investigation having been instituted on the Commission's own motion in the above entitled proceeding, a public hearing having been had, the matter being under submission and ready for decision,

The Railroad Commission of the State of California Hereby Finds as a Fact that the proposed rules and regulations governing the establishment or abolition of agencies, non-agencies, sidings, spur tracks and other station facilities of common carriers, as prescribed in General Order No. 36-A, are just, reasonable and in public interest; therefore,

IT IS HEREBY ORDERED that all railroads, coming within the jurisdiction of this Commission, on and after November 1st, 1931, shall conform with the regulations governing the establishment or abolition of agencies, non-agencies, sidings, spur tracks and other station facilities, as prescribed by the Railroad Commission of the State of California in its General Order No. 36-A.

The effective date of this General Order shall be November 1st, 1931.

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 13th day of October, 1931.

O. S. Leary
Leon Whittell
M. J. Lee
W. B. Lewis
Fred G. Hildreth

Commissioners.

GENERAL ORDER NO. 36-A.

(Superseding General Order No. 30)
(Superseding General Order No. 36)

RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

IN THE MATTER OF THE ESTABLISHMENT OR
ABOLITION OF AGENCIES, NON-AGENCIES,
SIDINGS, SPUR TRACKS AND OTHER STATION
FACILITIES OF COMMON CARRIERS.

Approved _____ . Effective _____ .

1. IT IS HEREBY ORDERED by the Railroad Commission of the State of California that whenever a depot is constructed in this state by a railroad corporation at any station, or an agency established at any depot, or a siding, spur or other track is constructed for the reception and delivery of freight, the Commission shall be immediately supplied with information regarding the same, including the name of the station or agency, and the name, location and length of such track. The distance to the nearest tenth of a mile of such station or track from existing stations on each side shall at the same time be given; provided, however, that this section shall not apply to tracks constructed for temporary purposes.

2. IT IS HEREBY FURTHER ORDERED that no railroad corporation shall abandon any station or discontinue an agency at any station without first having made application to and received the consent of this Commission; provided, however, that this section shall not apply to temporary or seasonal agencies.

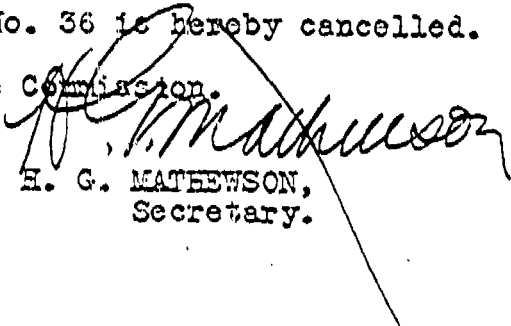
3. IT IS HEREBY FURTHER ORDERED that when any railroad corporation makes application to abandon an agency or non-agency, the following information shall accompany the application:

- (a) The name of and the distance to the nearest tenth of a mile of adjacent agency stations from the one proposed to be abandoned.
- (b) If an agency station, the number of passenger tickets sold during the last preceding twelve months.
- (c) The number of carload and less than carload shipments forwarded and received at such station for the last preceding twelve months.
- (d) The principal commodities forwarded and received for the last preceding twelve months.
- (e) The names and addresses of the principal receivers and shippers of freight who would be affected by the change.

4. IT IS HEREBY FURTHER ORDERED that no railroad corporation shall abandon or remove any depot, platform, siding, spur or other facility, except upon thirty (30) days' notice to the public and to the Commission, unless otherwise authorized by the Commission, by posting, in a conspicuous place at each such facility, notice or notices of intention to effect such changes or abandon such facilities, and by filing with the Commission a statement setting forth the nature and extent of such changes to be made or facilities to be abandoned. The Commission, upon complaint or upon its own motion, shall have power, at once and without notice, to suspend the effect of any such notice of intention by a railroad corporation and, upon reasonable notice thereof, to enter upon a hearing concerning the propriety of such change or abandonment of any facility and to refuse to permit such change or abandonment of any such facility. This order is not to be construed as denying to a railroad corporation the right to change, alter, remove or discontinue the use of sidings, spurs or other facilities originally constructed under special contracts wherein time limits or other conditions affecting the permanency of such facilities are specified.

General Order No. 36 is hereby cancelled.

By order of the Commission.


H. G. MATHEWSON,
Secretary.