

Decision No. 25057.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of THE WESTERN PACIFIC RAILROAD
COMPANY for permission to abandon
an agency at Milpitas in the County
of Santa Clara, State of California.

Application No. 18288.

BY THE COMMISSION:

ORIGINAL

ORDER

The Western Pacific Railroad Company, a corporation, on July 20, 1932, applied for authority to abandon its agency at Milpitas Station in Santa Clara County, State of California.

Accompanying the application is a statement showing the amount of business transacted at the Milpitas Station during the twelve months ending May 31, 1932, as follows:

Item	Number	Revenue
	: Revenue for 12 months' period :	
	: ending May 31, 1932. :	
Passenger tickets sold (no local passenger service)	0	0
Less-than-carload shipments received,	468	\$562.29
Less-than-carload shipments forwarded,	20	27.90
Carload shipments received,	28	641.24
Carload shipments forwarded,	47	<u>1,824.05</u>
Total Revenue,		<u>\$3,055.48</u>

The nearest agency station to the north of Milpitas is Niles, located a distance of 11.7 miles, and San Jose to the south, a distance of 12.1 miles. It is alleged in the application that

the abandonment of said agency will not involve the abandonment of any facilities; that the station will be continued as a non-agency station and that, in applicant's opinion, the continued maintenance of the agency is not necessary for the business of the applicant or for the public.

The California Farm Bureau Federation on July 26, 1932, signified, in writing, that it does not object to the granting of this application.

A member of the Transportation Division of the Commission's Engineering Department has made an investigation of this matter and his report shows that the interested shippers and receivers of freight have indicated that they do not desire to oppose the granting of this application.

The company has indicated that it plans to take care of less-than-carload shipments by storing them in a warehouse under lock and key and appointing a custodian for the key.

It appears that a public hearing is not necessary herein and that the application should be granted, therefore

IT IS HEREBY ORDERED that The Western Pacific Railroad Company is hereby authorized to abandon its agency at said station of Milpitas, located on the San Jose Branch of its Western Division in Santa Clara County, and to change its station records and tariffs accordingly, provided that said station be continued as a non-agency station, subject to the following conditions:

- (1) Applicant shall give the public at least ten (10) days' notice prior to the abandonment of said agency by posting notices in a conspicuous place at said station.
- (2) Applicant shall continue said station as a non-agency station.
- (3) Less-than-carload shipments shall be stored under lock and key in the company's warehouse, the key

thereto to be obtained from custodian located at or near said station.

- (4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the abandonment herein authorized 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.

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

Dated at San Francisco, California, this 16th day of August, 1932.

C. S. Jones
Leon Whitely
W. A. Lee
W. B. Harris
James G. Stewart
 Commissioners.