

Decision No. 25129.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
 THE ATCHISON, TOPEKA AND SANTA FE
 RAILWAY COMPANY, a corporation
 (Hereinafter called the Atchison
 Company) and RAILWAY EXPRESS AGENCY,
 INCORPORATED, a corporation (Herein-
 after called the Express Agency), for
 authority to close the station at
 San Clemente, California, and to main-
 tain thereat a part-time employee to
 act as caretaker and to perform cer-
 tain duties.

Application No. 18317.

ORIGINAL

BY THE COMMISSION:

ORDER

The Atchison, Topeka and Santa Fe Railway Company, a corporation, and Railway Express Agency, Incorporated, on August 3, 1932, filed a joint application to abandon their respective agencies at San Clemente, Orange County, with the understanding that there will be maintained thereat a part-time employee who will act as caretaker and who will perform some of the duties of an agent, such part-time employee to work not to exceed four hours per day.

The Atchison, Topeka and Santa Fe Railway Company states that during the year ending June 30, 1932, a total of one (1) carload of freight was received and none forwarded. During this same period there were 89 shipments of less-than-carload freight received and ten less-than-carload shipments forwarded. A total of 130 passenger tickets were sold during the year at this agency.

Railway Express Agency, Incorporated, reports revenue from express shipments of \$407.17 during the year ending April 30, 1932. The nearest existing agencies are Oceanside (17.4 miles

east) and San Juan Capistrano (6.7 miles west).

The City Council of San Clemente on August 5, 1932, adopted a resolution stating that it had no objection to the granting of this application.

With respect to that portion of this application dealing with Railway Express Agency, Incorporated, service, the Commission is in receipt of a letter advising that this company has secured the service of an agent to handle its business at this location and therefore request is made that the application be dismissed without prejudice in so far as it relates to the Railway Express Agency, Incorporated.

It appearing that a public hearing is not necessary herein and that the application should be granted with respect to The Atchison, Topeka and Santa Fe Railway Company, and dismissed in so far as it relates to Railway Express Agency, Incorporated,

IT IS HEREBY ORDERED that The Atchison, Topeka and Santa Fe Railway Company is hereby authorized to close its agency at the station of San Clemente, Orange County, California, subject, however, to the following conditions:

- (1) Applicant shall maintain at said station a part-time employee who will act as caretaker and who will perform some of the duties of an agent.
- (2) Applicant shall provide for storage of less-than-carload freight shipments under lock and key in the Railroad Company's warehouse. The keys to said warehouse shall be in the custody of the caretaker or other custodian and shall be made available to patrons whenever occasion demands.
- (3) Applicant shall notify the public of the establishment of the proposed part-time agency by posting a notice for at least ten (10) days in advance of the date of the change in a conspicuous place at said station.

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

IT IS HEREBY FURTHER ORDERED that this application in so far as it relates to the service of the Railway Express Agency, Incorporated, is hereby dismissed without prejudice.

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

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

Dated at San Francisco, California, this 29th day of August, 1932.

C. J. [Signature]

Leon [Signature]

M. J. [Signature]

W. B. [Signature]

Frederic G. [Signature]

Commissioners.