

ORIGINAL

Decision No. 25131.

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 (here-
 inafter called the Atchison Company)
 and RAILWAY EXPRESS AGENCY, INCORPORAT-
 ED, a corporation (hereinafter called
 the Express Agency), for authority to
 close the station at El Toro, California,
 and to maintain thereat a part-time
 employe to act as caretaker and to
 perform certain duties.

Application No. 18326.

BY THE COMMISSION:

ORDER

The Atchison, Topeka and Santa Fe Railway Company, a corporation, and Railway Express Agency, Incorporated, on August 8, 1932, filed a joint application to abandon their respective agencies at El Toro, 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 exceeding four hours per day.

The Atchison, Topeka and Santa Fe Railway Company states that during the year ending June 30, 1932, a total of 3 carloads of freight were received and 55 carloads were forwarded. During this same period there were 144 less-than-carload shipments received and 10 less-than-carload shipments forwarded. A total of 15 passenger tickets were sold during the year at this agency.

Railway Express Agency, Incorporated, reports revenue from express shipments of \$141.72 during the year ending June 30, 1932.

The nearest existing agencies are located at San Juan Capistrano (9.1 miles east) and Irvine (5.2 miles west).

The California Farm Bureau Federation on August 12, 1932, stated, in writing, that it does not object to the granting of this application. The principal shippers have been interviewed by a member of the Commission's Engineering Department and his report shows they do not object to having the station placed on a part-time basis.

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 related 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's request 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 El Toro, Orange County, 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. C. Seavey
Leon A. White
M. A. Carr
M. B. Harris
Fred G. Stewart
 Commissioners.