

Decision No. 25224.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
the SUNSET RAILWAY COMPANY, a
California Corporation, for authority
to discontinue its station at Maricopa
as an agency station.

Application No. 18154.

ORIGINAL

M. W. Reed, for applicant.
C. W. Johnson and T. N. Harvey, for protestants.

BY THE COMMISSION:

O P I N I O N

In this proceeding authority is sought to discontinue the agency station at Maricopa, Kern County. A public hearing was held at Maricopa by Examiner Johnson on August 3, 1932, at which time evidence was taken and provisions made for the submission of the matter as of August 28, 1932. The extended time for submission was to permit of the filing of certain statistics and briefs.

Maricopa is located at the end of applicant's branch line, there being no agency between Maricopa and Bakersfield, a distance of 43.5 miles. The Taft agency, however, which is located on another branch line diverging at Pentland, is 13.2 miles by rail and approximately 7 miles by highway from Maricopa.

Applicant's showing contains a statement outlining the amount of business transacted at Maricopa Station during the 15-month period April 1, 1931, to June 30, 1932, as follows:

Revenue

15 months period ending June 30, 1932.

Less-than-carload received,	\$2,291.31
Less-than-carload forwarded,	658.41
Carloads received,	1,874.72
Carloads forwarded,	<u>479.79</u>
Total,	\$4,704.23

The Sunset Railway received \$390.52 revenue as their proportion of Western Union business transacted at Maricopa Station during the year ending December 31, 1931. It was shown that the station expense at Maricopa was approximately \$2,750 during the 15 months period ending June 30, 1932.

The Maricopa agency handles the business for the non-agency stations of Hazelton and Pentland, located 1.8 and 4.5 miles to the east, respectively. The record shows the amount of business credited to these stations to be as follows:

	<u>Year ending December 31, 1931.</u>	
	<u>Hazelton</u>	<u>Pentland</u>
Carload revenue received	0	\$22,599.36*
Carload revenue forwarded	<u>\$1,186.00***</u>	<u>94,388.11**</u>
Total,	\$1,186.00	\$116,987.47

* Gas pipe and tank material (unusual shipment)
** Crude Oil
*** Live stock

It is applicant's contention that the amount of less-than-carload business at this station no longer warrants the maintaining of an agent and that the carload business can be adequately handled at other agency stations.

This application was protested by various property owners, oil producers, cattlemen and farmers in the nearby locality,

it being their contention that the amount of business originating at that station warranted the service of an agent and that in addition to the less-than-carload business, the amounts of carload business should also be given weight. It is further contended that there is considerable freight originating at Hazelton, 1.5 miles south, and Pentland, 4.5 miles east of Maricopa, and that the shippers using these non-agency stations are accustomed to transact their business with the company through the agent at Maricopa. A member of the Board of Supervisors of Kern County and a member of the joint Highway Control Board in charge of construction testified that the authorized construction work of a state highway of 17 miles, Maricopa to Ventura, would start in the near future and most of the machinery and material would be handled through Maricopa Station.

The Maricopa Station serves a permanent resident population of 800, Sunset oil field district and Cuyama Valley, a farming and cattle raising locality.

Protestants also take the position that the closing of the agency would not enable the railroad company to effect all of the saving indicated in application, that it would be necessary to maintain the buildings and that the expense of clerical work and stationery would have to be incurred at some other agency. In addition, they point out that there would be some loss in revenue due to diversion of freight to other means of transportation.

There is nothing in the record to show that the company has offered a plan to take care of less-than-carload shipments destined to or received at Maricopa; in fact the applicant's witness testified that in the case of less-than-carload shipments including perishable goods to Maricopa, they would be unloaded on the company's platform or store house at the shipper's risk. In other words, the company takes the position that its responsibility ceases after it has unloaded the

shipments from the car to the station facilities.

As set forth above, applicant shows that for the fifteen months' period ending June 30, 1932, the less-than-carload business amounted to some \$3,000. It is apparent that the company's plan of handling this volume of business would not be a satisfactory one. In some cases where the business is small, the Commission has approved applications for the abandonment of agencies, provided the less-than-carload shipments are stored in the company's warehouse under lock and key and a custodian appointed to keep the key, said key to be available to shippers. In this case, however, where the less-than-carload business is comparatively large, no such plan of service is offered by applicant.

With respect to applicant's contention that the amount of less-than-carload business does not justify the expense of maintaining an agency at this station, it should be pointed out that while the less-than-carload business ordinarily requires the service of an agent more than carload business, consideration should also be given to the need for agency service to care for carload business, especially where such business represents a substantial revenue to the company as in the case under consideration. Furthermore, in analyzing the record in this proceeding, other factors should be considered, such as the number of patrons who will be affected by the discontinuance of the agency, the nature of the commodities shipped and received, the distance to other agencies and the convenience to the public in transacting business with the carrier.

In the instant case it was shown that Maricopa is located at the end of the branch line, there being no agency between Maricopa and Bakersfield, a distance of 43.5 miles. The Taft agency, however, which is located on another branch, is 13.2 miles by rail on a branch from Pentland.

After giving these matters full consideration, the Commission is of the opinion that the Sunset Railway Company should maintain an agent at Maricopa.

O R D E R

Sunset Railway Company, having filed the above entitled application for authority to close its agency at Maricopa, Kern County, a public hearing having been held and the matter duly submitted,

IT IS HEREBY ORDERED that the above entitled application be denied without prejudice.

Dated at San Francisco, California, this 31 day of October, 1932.

C. L. Jones
Leon E. Whittell
W. J. Lee
W. B. Harris
Fred G. Stewart
Commissioners.