

Decision No. 25780.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of  
(a) SOUTHERN PACIFIC COMPANY for an  
order authorizing it to close the  
agency at Crows Landing, County of  
Stanislaus, State of California, and  
(b) RAILWAY EXPRESS AGENCY, INC. for  
an order authorizing it to abandon  
its agency at said station.

**ORIGINAL**

Application No. 18451.

R. S. Meyer, for Applicant Southern Pacific  
Company;  
A. S. Weston, for Applicant Railway Express  
Agency, Inc.;  
J. J. Deuel, for Stanislaus County Farm Bureau,  
Protestant;  
George W. Fink, Secretary, Crows Landing Chamber  
of Commerce, Protestant;  
N. D. Pritchett, for Order of Railroad Teleg-  
raphers, Protestant.

By the Commission:

O P I N I O N

In the above entitled proceeding Southern Pacific  
Company and Railway Express Agency, Inc. seek authority to close  
their joint agency at Crows Landing in Stanislaus County, Cali-  
fornia.

A public hearing was conducted in this matter at Crows  
Landing by Examiner Handford on March 14, 1933, and at this  
hearing the matter was duly submitted and it is now ready for  
decision.

Crows Landing is unincorporated and is located on the  
Southern Pacific Company's line between Tracy and Fresno via  
Kerman. The present normal daily train service consists of

one passenger train and one local freight train, except on Sunday, in each direction. The nearest existing agency stations to Crows Landing are Patterson, 5.8 miles to the north, and Newman, 6.3 miles to the south. The population is estimated to be approximately 250 permanent residents.

In support of the application, records showing operating revenues were introduced by Southern Pacific Company (Exhibit No.1) which include the figures shown below:

<u>Items</u>	<u>Annual Revenue</u>	
	<u>1931</u>	<u>1932</u>
Passenger tickets,	\$433.	\$524.
*Less than carload shipments - local,	440.	210.
Less than carload shipments - interline,	68.	83.
*Carload shipments - local,	3,823.	2,997.
Carload shipments - interline,	763.	593.
TOTAL ---	\$5,527.	\$4,207.
Station Expense,	-	\$1,639.
Number of Western Union Messages,	521	457
Baggage handled (pieces),	249	172
Number of waybills made,	448	181
Number of freight bills made,	990	769

\* The amounts shown are one-half of the actual revenue for shipments received and forwarded in order to allocate or credit to the station its proportion of revenue derived therefrom.

The principal carloading business is composed of barley, rice, livestock, oil, and gasoline shipments.

In addition to the revenue shown in Exhibit No. 1, applicants' witness testified that a revenue was received from Pacific Motor Transport business amounting to an average of \$36.00 per month which should be credited to Crows Landing.

The tabulation shows (exclusive of Pacific Motor Transport business) that the revenue received during 1932, as compared with that of 1931, reflects a loss of \$1,320., or a decrease of approximately 24 per cent. The total annual direct station expense amounted to \$1,639., or an average of \$137. per month.

The total annual revenue for the year 1932, excluding that derived from carload business, was approximately 38 per cent of station expense.

The Southern Pacific Company introduced operating figures to show that the station expense is only a small part of the total expense of handling shipments. Exhibit No. 1 shows that during the year 1931, on Southern Pacific Company's system, the station expense amounted to but 7.55 per cent of the total expense of operation.

The revenue of Railway Express Agency, Inc. during the twelve-month period ending January 31, 1933, for all express shipments forwarded and received at Crows Landing amounted to \$353. In the past, Southern Pacific Company's agent has acted as express agent at this point on a commission basis. Railway Express Agency, Inc. alleges that in view of the small amount of remuneration no other party is available to handle an agency at this point in case Southern Pacific Company is permitted to withdraw its agent.

Applicant, Southern Pacific Company, proposes, if this application is granted, to store less-than-carload shipments in its warehouse under lock, provided a suitable arrangement can be made to secure the services of a custodian of the key; likewise, the company's telephone will be made available to patrons to communicate with adjacent agencies for the purpose of ordering cars or for other railroad business.

The granting of this application was protested by Stanislaus County Farm Bureau, representing various property owners and merchants of Crows Landing, as well as farmers in the locality, it being contended that the total amount of business

conducted at said station warrants the service of an agent. It was further contended that removal of the agent would result in inconvenience to shippers in ordering cars, signing bills of lading, and that they would be deprived of the service of receiving notice of the arrival of less-than-carload shipments and would be required to secure keys to the warehouse and the telephone from a custodian, as well as being deprived of direct Western Union and express business.

After carefully considering this entire record, it is concluded, in view of the fact that the adjacent agencies can take care of the business at this point without undue hardship to applicants' patrons, this application should be granted as the expense of maintaining this agency is not justified and results in an unwarranted expense to applicants and their patrons.

#### O R D E R

A public hearing having been held in the above entitled proceeding, the matter having been duly submitted and the Commission being now fully advised and basing its order on the conclusion appearing in the Opinion which precedes this Order,

IT IS HEREBY ORDERED that Southern Pacific Company and Railway Express Agency, Inc. be and they are hereby authorized to close their agency at Crows Landing, located on Southern Pacific Company's main line of its Western Division in Stanislaus County, California, and to change their respective records and tariffs accordingly, provided said station is continued as a non-agency station.

IT IS HEREBY FURTHER ORDERED that the authorization herein granted is subject to the following conditions:

- (1) Said agency is to be continued as a non-agency station.

- (2) Applicants 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.
- (3) Railway Express Agency, Inc. shall continue to handle express shipments moving into or out of said point, provided they are tendered to or received from express messenger at car door of trains stopping at said point.
- (4) Applicants shall, within thirty (30) days thereafter notify this Commission, in writing, of the abandonment herein authorized and of their 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 27<sup>th</sup> day of March, 1933.

P. L. Sawyer  
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H. A. Cunn  
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M. B. Harris  
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W. H. Hoover  
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 Commissioners.