

Decision No. 25827.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

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

Application No. 18776.

R. S. Myers, for Applicants.
N. D. Pritchett, for Order of Railroad Telegraphers.
P. L. Decoto, for himself and other resident pro-
testants.
Ralph V. Richmond, representing the Decoto District,
County of Alameda.

BY THE COMMISSION:

O P I N I O N

In the above entitled proceeding authority is sought by Southern Pacific Company and Railway Express Agency, Inc., to close their respective agencies at Decoto, Alameda County.

A public hearing was conducted in this matter before Examiner Hunter, at Decoto, April 28, 1933.

At the hearing Applicant Railway Express Agency, Inc., advised that subsequent to the filing of this application it had made arrangements, in the event Southern Pacific Company discontinued its agency at Decoto, for a representative to carry on its business and, therefore, desired to withdraw its application for authority to abandon its agency at this point. The testimony introduced at the hearing, therefore, relates only to Southern Pacific Company's portion of the application to abandon its agency.

Decoto, which is an unincorporated town in Alameda County, is located on Southern Pacific Company's line between Oakland and Niles. The district surrounding Decoto is devoted largely to agricultural pursuits such as the growing of deciduous fruits, truck gardening, dairy and poultry business, with some industrial development.

Southern Pacific Company, in its Exhibit No. 1, shows the business conducted at the Decoto Agency during the two-year period ending March 31, 1933, to be as follows:

I t e m	Business conducted for Year ending March 31st			
	1933		1932	
	Number	Revenue	Number	Revenue
Baggage handled - pieces	49		66	
Waybills made	50		87	
Freight bills made	425		559	
Western Union messages	186		186	
Passengers	170	\$ 97.	268	\$ 316.
" (commute)	85	704.	37	330.
Milk and cream - Cans	1	-	5	2.
*Less-than-carload revenue - local		180.		346.
" " " " interline		64.		65.
Sub-total		\$1,045.		\$1,059.
Carloads - cars	34		85	
*Carload Revenue - local		454.		1,248.
" " " " interline		529.		2,154.
Sub-total		\$ 983.		\$3,402.
TOTAL		\$2,028.		\$4,461.

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

The above does not include revenue received by Southern Pacific Company from Pacific Motor Transport Company which amounted to \$106 for the year ending March 31, 1933, nor \$4.59 received from the Western Union during this same period.

The annual station expenses, including salary of agent, heat, light and water, amounted to \$1,581.

The nearest agency stations to Decoto are Niles, to the south a distance of 2.7 miles, and Hayward, to the north 6.4 miles.

If this application is granted, Southern Pacific Company proposes to establish a non-agency station at Decoto; to store less-than-carload shipments in its warehouse under lock, a custodian to be appointed to care for the key; to provide a telephone at the station to enable the railroad patrons to communicate with the adjacent agencies in railroad matters, these adjacent agencies to notify consignees by post card of the arrival of shipments at Decoto; and to keep the waiting room open for the convenience of the company's passengers. Decoto is served by four passenger trains in each direction daily and one local freight in each direction daily except Sundays.

A number of residents and business men of Decoto appeared and opposed the granting of Southern Pacific Company's application, particularly contending that it would be inconvenient if they were required to secure the key from a custodian before receiving or delivering their less-than-carload shipments at the company's warehouse. This arrangement is an inconvenience compared with the plan of having an agent available to take care of the shippers' needs directly, but where the shipments at a station have declined to a point where they ^{are} materially less than the cost of maintaining the agency, it appears that the shippers should not object to some inconvenience in order to permit the railroad to make a substantial saving in operating expenses, particularly when there is another agency station within a distance of less than three miles.

With respect to carload movements, the shipper can contact the agent at the adjacent station through the company's telephone

at the station or the commercial telephone at a toll of 5¢ and since the company plans on advising consignees by post card or telephone of the arrival of carload shipments, it does not appear that the public would be put to an unreasonable expense or inconvenience in connection with carload shipments.

With respect to passenger traffic, patrons entraining at Decoto can pay the fare to the conductor without extra cost and commutation tickets can be secured at the other end of the trip. If necessary the single fare from Decoto paid the conductor can be applied on the purchase of commute books.

While the California Farm Bureau Federation did not make an appearance at this proceeding, it has advised the Commission, by letter, that it does not desire to oppose the granting of this application.

One of the principal shippers and receivers of freight at Decoto is the Masonic Home, located approximately an equal distance from the stations of Decoto and Niles. The superintendent of this Home stated that while an agent at Decoto was a convenience to the management and patrons of the institution in the way of advising of the arrival of passengers and shipments for the Home, he admitted that the freight business could be handled at Niles with little inconvenience. The Home has a bus meeting the two trains which carry its rail passengers therefore the absence of the agent's service would not impose an unreasonable hardship on this institution.

Reference was made to the fact that at times passengers have use for the waiting room, particularly during times of stormy weather. While the company plans to keep the waiting room open and sanitary, it does not contemplate providing heat and lights. It is clear from the record, however, that the amount of use made of this waiting

room is comparatively small and materially less than is the case at many other non-agency stations on applicant's lines in California where no heat is afforded. The matter of requiring the company to provide heat and light at a waiting room of a non-agency station is one that can be handled either through formal or informal proceeding at any time it can be shown that public convenience and necessity reasonably require the maintenance of these facilities.

After carefully considering the record in this proceeding it appears that Southern Pacific Company should be authorized to discontinue its agency at Decoto, for the time being at least, and if and when railroad business at that point improves the company has indicated its willingness to restore the agency. In the meantime it will be authorized to maintain a non-agency station as applied for herein.

O R D E R

A public hearing having been held in the above entitled proceeding, the matter having been 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 applicant, Southern Pacific Company, be and it is hereby authorized to close its agency station at Decoto, County of Alameda, State of California, and to change its station records and tariffs accordingly, subject to the following conditions:

- (1) Applicant shall continue said station as a non-agency station.

- (2) The abandonment of this agency shall not result in an increase in fares for passengers boarding trains at this point.
- (3) Applicant shall notify the public ten (10) days in advance of the closing of said agency by posting a notice in a conspicuous place at said station.
- (4) Applicant shall store less-than-carload freight shipments under lock in the company's warehouse and the company telephone, located at this station, shall be made available to patrons. The keys to both warehouse and telephone shall be obtainable from a custodian located at or near said station, notice of which shall be maintained at said station.
- (5) 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.
- (6) 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 the above entitled application, in so far as it pertains to the application of Railway Express Agency, Inc., be dismissed without prejudice.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 8th day of May, 1933.

J. L. Leary
Leon Whiteley
W. J. Linn
W. B. Harris
Matthew W. Warr