

Decision No. 25949.

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 Towle Station, County of
Placer, State of California, during
the period November 1st to April 30th,
inclusive, of each year, and (b)
RAILWAY EXPRESS AGENCY, INC., for
authority to close its agency at said
station during the said period, Novem-
ber 1st to April 30th, inclusive, of
each year.

ORIGINAL

Application No. 18763.

BY THE COMMISSION:

O R D E R

Southern Pacific Company and Railway Express Agency, Inc., petitioned the Railroad Commission for authority to close their respective agencies at Towle, Placer County, California, during the six-month period beginning November 1st of each year and ending the following 30th day of April. Accompanying the application is a comparative statement showing the amount of business transacted at said station during the two-year period ending December 31st, 1932. An abstract from this statement, covering the months during which it is proposed to close the agency, follows:

<u>Items</u>	<u>Six-Month Period in 1931</u>	<u>Six-Month Period in 1932</u>
Passenger tickets sold,	102	104
Number of less-than-carload shipments received,	195	508
Number of less-than-carload shipments forwarded,	70	76
Number of carload shipments received,	4	40*
Number of carload shipments forwarded,	0	9*

*98% Machinery and material for highway construction.

Towle Station serves a mining and summer resort district and has an approximate population of 200 permanent residents in a

radius of three (3) miles. The nearest existing agencies are Colfax, located a distance of 15.1 miles south, and Truckee, located a distance of 50.1 miles north.

The revenue of the Railway Express Agency, Inc., during the 12-month period ending February 28th, 1933, for all express shipments forwarded and received at Towle amounted to \$1,696.88. In the past, Southern Pacific Company's agent has acted as express agent at this point on a commission basis, but Railway Express Agency, Inc., alleges that in view of the small amount of remuneration no outside party is available to handle the agency in case the Southern Pacific Company is permitted to withdraw its agent.

The California Farm Bureau Federation has signified, in writing, that it does not object to the granting of this application.

A representative of the Transportation Division of the Commission's Engineering Department made an investigation of this matter and his report, based on an interview with interested shippers and receivers of freight, indicates there is no serious objection from the standpoint of railroad service to the granting of this application.

Southern Pacific Company has indicated that if the application is granted it plans to take care of less-than-carload shipments by storing them in the warehouse under lock and that the company's telephone located outside of the depot will be made available to patrons to communicate with adjacent agencies for the purpose of ordering cars or transacting any other railroad business.

It appears that a public hearing is not necessary herein and the application should be granted, therefore

IT IS HEREBY ORDERED that the Southern Pacific Company and Railway Express Agency, Inc., are hereby authorized to abandon

their respective agencies at Towle, Placer County, during the period from approximately November 1st of each year to April 30th of the following year and to change their station records and tariffs accordingly, providing that said station is continued as an agency station during the period from approximately May 1st to October 31st of each year and as a non-agency station from November 1st to the following 30th day of April. This authority is granted subject to the following conditions:

- (1) Applicants shall each year notify the public ten (10) days in advance of the closing of said agencies by posting a notice in a conspicuous place at said station and shall also notify this Commission, in writing, that said agencies are to be closed.
- (2) Southern Pacific Company shall store less-than-carload freight shipments under lock in Company's warehouse and the railroad telephone located at said station shall be made available to its patrons. The key to both warehouse and telephone shall be obtainable from a custodian located at or near said station and notice advising shippers where the keys may be secured shall be maintained at both warehouse and telephone.
- (3) Railway Express Agency, Inc., shall continue to handle express shipments moving into or out of said point, providing they are tendered to or received from an express messenger at car door of train stopping at said point.
- (4) Applicants shall within thirty (30) days thereafter notify this Commission of the abandonment herein authorized 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.

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

Dated at San Francisco, California, this 15th day of May, 1935.

O. C. Seavey
Leon Wheeler
W. A. Linn
M. B. Harris
W. H. Harris
Commissioners.

- (5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said "exempt signs" and of its compliance with the conditions hereof.
- (6) The Commission reserves the right to make such further orders, relative to the establishment of "exempt signs" at said crossings, as to it may seem right and proper and to revoke its approval if, in its judgment, public convenience and necessity demand such action.

IT IS HEREBY FURTHER ORDERED that the Railroad Commission of the State of California hereby denies, without prejudice, that portion of the application seeking its approval to erect and maintain "distinctive or exempt signs" at the crossing at grade of a spur track of Northwestern Pacific Railroad Company across Third Street, San Rafael, Marin County, and designated as a portion of Crossing No. 5-16.9.

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

Dated at San Francisco, California, this 15th day of May, 1933.

Al Leary
Leon Outwell
W. J. Ann
M. B. Linn
W. H. Linn

Commissioners.