

ORIGINAL

Decision No. 28827.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of LOS ANGELES AND SALT LAKE RAILROAD COMPANY, WESTERN PACIFIC RAILROAD COMPANY, THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, SOUTHERN PACIFIC COMPANY, and RAILWAY EXPRESS AGENCY, INC., for the adoption by the Commission of a General Order prescribing the procedure with respect to the establishment of part-time agencies at stations or seasonal station agencies, or changes in such part-time or seasonal agencies which may affect service to the public.

Application No. 19193.

- E. J. FOULDS, for Southern Pacific Company and for FRANK KARR, for Pacific Electric Railway Company and E. E. BENNETT, for the Los Angeles & Salt Lake Railroad Company.
- G. E. DUFFY, for The Atchison, Topeka and Santa Fe Railway Company.
- L. N. BRADSHAW, for the Western Pacific Railroad Company, Sacramento Northern Railway and Tidewater Southern Railway Company.
- EDWARD STERN, for Railway Express Agency, Inc.
- B. C. LEWIS, Vice-President, Telegraphers.
- N. D. PRITCHETT, General Chairman of the Southern Pacific Telegraphers.
- N. E. MILLER, General Chairman of the Western Pacific Telegraphers.

BY THE COMMISSION:

O P I N I O N

In the above entitled proceeding the Commission is asked to promulgate a General Order for railroads and express companies

to follow when desiring to reduce agency service.

A public hearing was conducted herein before Examiner Hunter in San Francisco on January 5, 1934, and the matter was taken under submission upon the filing of briefs which are now before the Commission.

At the hearing it was stipulated by the parties that the file in Case No. 3119 would be considered in evidence in this proceeding in so far as relevant. Decision No. 24117, dated October 13, 1931, in Case No. 3119, directs the issuance of General Order No. 36-A, dealing, among other things, with the establishment or abolition of agencies, non-agencies, and station facilities of common carriers.

In the instant application authority is sought to reduce the time of agency service after notice to the public and the Commission. The plan of reduction of agency service referred to herein includes the reduction of hours of daily agency service, the change from full time to part-time or seasonal agency service, and the elimination of agency service, but does not include the abandonment of non-agency service which in some cases would affect rates.

Under applicants' plan the procedure in reducing agency hours would be to give fifteen (15) days' advance notice to the public and the Commission before making the change, such change to become effective unless the Commission directs the carrier to file a formal application five days in advance of the time set for the change, in which case the agency service would be continued until the Commission made its order. Under the present plan of procedure, when a carrier desires to reduce a full time agency to part-time, seasonal agency, or complete abandonment of agency service, it is required to file a formal application.

The record shows the following with respect to the number

of applications filed during the years 1932 and 1933 involving both reduction in and abandonment of agency service.

Carrier	Reference	Number of Applications	Procedure	
			Ex Parte	Hearing
Southern Pac. Co.	Ex. 2	106	81	25
Western Pacific Railroad Co.	" 3	5	5	-
Sacramento Northern Rwy.	" 3	2	2	-
The Atchison, Topeka & Santa Fe Rwy. Co.	Letter dated Jan. 15, 1934	19	17	2

The only opposition to the granting of this application was offered by representatives of the Order of Railroad Telegraphers. In their brief it is contended that the present method of procedure, as prescribed by General Order No. 36-A is workable; that it affords all parties an opportunity to present their case before the Commission; and that the carriers' plan will not permit of any substantial saving as compared with the method of procedure now employed. It is pointed out in this brief that the carriers' plan to give only fifteen (15) days' notice before curtailing agency service is wholly inadequate to allow protestants sufficient time to make the necessary investigations and appeal to the Commission, and it is therefore urged that if this application is granted, not less than thirty (30) days' advance notice be given the public and the Commission; also that the carriers be required to file a statement showing the volume of business conducted at an agency where it is proposed to reduce the service.

After reviewing this record it is concluded that certain economies can be effected by promulgating a General Order prescribing procedure where a carrier desires to reduce agency service, to the effect that such service may be curtailed or abandoned after thirty (30) days' notice to the public and the Commission, unless the Commission otherwise directs. Such notice to the Commission should show the main features of the operating results of the agency under consideration. This plan would eliminate the necessity of filing formal applications except in cases where there appears to be a necessity for such filing. Under such a plan of procedure the public interest would be taken care of as the Commission would continue to direct the carrier to file formal applications where conditions appear to justify and continue the agency service until the matter is finally determined.

It is concluded that General Order No. 36-A should be expanded to provide for the reduction of agency service, the revised General Order to be designated as General Order No. 36-B, and the following order will so provide.

#### O R D E R

A public hearing having been held in the above entitled proceeding and the matter being now under submission and ready for decision,

The Railroad Commission of the State of California Hereby Finds as a Fact that it is in public interest to expand General Order No. 36-A so as to prescribe procedure in reducing agency

service by common carriers in this state, therefore,

IT IS HEREBY ORDERED that all railroads and express companies coming within the jurisdiction of this Commission on and after April 1, 1934, shall conform to the requirements governing the establishment, curtailment or abolition of agencies, non-agencies, sidings, spur tracks and other station facilities, as prescribed by the California Railroad Commission in its General Order No. 36-B, copy of which is attached hereto. This General Order supersedes General Order No. 30 and General Orders Nos. 36 and 36-A.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 26th day of February, 1934.

W. H. Harvey  
Leon Whitted  
W. J. Carr  
W. B. Harris  
W. A. [unclear]

Commissioners.

GENERAL ORDER NO. 36-B.

(Superseding General Order No. 30)  
(Superseding General Orders Nos. 36 and 36-A)

RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

IN THE MATTER OF THE ESTABLISHMENT OR ABOLITION OF AGENCIES, NON-  
AGENCIES, SIDINGS, SPUR TRACKS AND OTHER STATION FACILITIES,  
AND THE CURTAILMENT OF AGENCY SERVICE OF COMMON CARRIERS.

Approved Feb. 26, 1934, Effective March 18, 1934.

~~Authorized by Decision No. 26827, Application No. 19193.~~  
Authorized by Decision No. 26827, Application No. 19193.

1. IT IS HEREBY ORDERED by the Railroad Commission of the State of California that whenever a depot is constructed in this state by a railroad corporation at any station, or an agency established at any depot, or a siding, spur or other track is constructed for the reception and delivery of freight, the Commission shall be immediately supplied with information regarding the same, including the name of the station or agency, and the name, location, and length of such track. The distance, to the nearest tenth of a mile, to such station or track from existing stations on each side shall at the same time be given; provided, however, that this section shall not apply to tracks constructed for temporary purposes.
2. IT IS HEREBY FURTHER ORDERED that no railroad corporation shall abandon any non-agency station without first having made application to and received the consent of this Commission; provided, however, that this section shall not apply to any temporary non-agency stations.

3. IT IS HEREBY FURTHER ORDERED that no railroad corporation or express corporation shall hereafter reduce agency service at any station without having first given thirty (30) days' notice to the public, unless otherwise authorized by the Commission, by posting in a conspicuous place at each such station or office, notice or notices of intention to effect such changes and by filing with the Commission a statement setting forth the nature and extent of such changes and the reasons therefor. Said statement shall contain the following information:

- (a) The name of and the distance to the nearest tenth of a mile to agency stations adjacent to the one involved.
- (b) The number of passenger tickets sold during the last preceding twelve months.
- (c) The number of carload and less-than-carload shipments forwarded and received at such station for the last preceding twelve months.
- (d) The principal commodities forwarded and received for the last preceding twelve months.
- (e) The names and addresses of the principal receivers and shippers of freight who would be affected by the change.

The Commission, upon protest or complaint or upon its own motion, shall have power to suspend the effect of any such notice of intention by a railroad corporation or express corporation, and to require such corporation to file a formal application for authority to make said change.

4. IT IS HEREBY FURTHER ORDERED that, unless otherwise authorized by the Commission, no railroad corporation shall abandon or remove any depot, platform, siding, spur or other facility, except upon thirty (30) days' notice to the public and to the Commission, by posting, in a conspicuous place at each such facility, notice or notices of intention to effect such changes or