

Decision No. 27769.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
SOUTHERN PACIFIC COMPANY for an order
authorizing it to close the agency at
Westmorland Station, Imperial County,
California, during the period August
1st to April 30th, inclusive, of each
year.

ORIGINAL

Application No. 19682.

- C. W. Cornell, for applicant.
- P. N. Myers, City Attorney, for City
of Westmorland, protestant.
- B. C. Lewis, Vice President of the
Order of Railroad Telegraphers,
protestant.
- N. D. Fritchett, General Chairman,
Order of Railroad Telegraphers,
protestant.

BY THE COMMISSION:

O P I N I O N

Southern Pacific Company on November 2, 1934, filed its application with the Commission seeking authority to operate its Westmorland Station as a non-agency, except during the months of May, June and July of each year, when it is proposed to continue agency service.

A public hearing was conducted in this matter by Examiner Johnson on December 20, 1934, at Westmorland, at which time the matter was submitted on briefs which have been filed.

Westmorland is located at the end of the so-called Westmorland Branch which connects with Applicant's Niland-Calexico Line at Calipatria. The only train service on this branch consists of freight operation. These trains are operated as the

business justifies and vary throughout the year from daily to tri-weekly service.

Westmorland is served not only by applicant's Westmorland Branch but also by a pick-up and delivery service of the Pacific Motor Transport Company operating from Brawley, through a contract with Southern Pacific Company and Railway Express Agency. State Highway Route No. 26 (U.S.99) extends between Brawley and Westmorland, the distance between the two communities being 7.3 miles.

Westmorland is the trading center for an agricultural section of Imperial Valley. The principal rail shipments from this point consist of cantaloupes, lettuce, watermelons and alfalfa hay. All of these products, with the exception of the hay, are harvested and moved on the railroad during the time the agency is proposed to be left open.

In Exhibit No. 1, applicant sets forth a comparison of business handled through its Westmorland Station for the years ending September 30, 1933, and September 30, 1934, excluding the months of May, June and July, as follows:

I t e m	: Year* : Ending : 9-30-34:	: Av. : Per : Month	: Year* : Ending : 9-30-33:	: Av. : Per : Month
<u>Station Data:</u>				
Number of Way Bills Made	55	6	25	3
Number of Freight Bills Made	236	26	68	8
Western Union Messages	784	87	687	76
<u>Freight Received and Forwarded:</u>				
Carloads - Cars	84	9	13	1
Carload Revenue - Local	\$1,480	\$164	\$785	\$87
Carload Revenue - Interline	2,997	333	205	23
L.C.L. Revenue - Local	53	6	62	7
L.C.L. Revenue - Interline	15	2	39	4
Pacific Motor Transport Revenue	248	28	130	14
<u>Station Expenses Compared with L.C.L. and Ticket Revenue:</u>				
Station Expense	\$1,326	\$147		
L.C.L. Revenue	316	35		
Ticket Revenue	-	-		

* - Excluding the months of May, June and July.

This exhibit, although showing an increase in carload movements in 1934 over 1933, shows a decrease in L.C.L. revenues and an increase in Pacific Motor Transport revenue.

Applicant alleges that in the event this application is granted an endeavor will be made to engage a reliable individual or firm, located in the immediate vicinity of Westmorland Station, to act as custodian of the key to the freight warehouse during such period as the station is maintained as a non-agency, and that if and so long as such a custodian shall be engaged, less-than-carload freight shipments will be stored and locked in the freight warehouse and will be accessible to patrons upon securing the key from the custodian.

Applicant further signified that during the period of each year when Westmorland Station is operated as a non-agency, telephone service will be provided between this station and the nearest agency stations thereto, without charge, for the use of patrons in communicating with the agent concerning railroad business.

The granting of this application was opposed by the City of Westmorland and the Order of Railroad Telegraphers. It was the City's contention that this agency should be maintained throughout the year and that the company enjoyed a substantial amount of carload business during the harvesting season when it is proposed to maintain the agency; also that this profit justified taking the loss during the remainder of the year; furthermore, that an agent at Westmorland performed a helpful service to the shippers throughout the year in taking care of less-than-carload shipments, ordering cars and advising as to railroad service.

After carefully considering the record in this proceeding, it is apparent that the business transacted at this station, outside of the months when the company proposes to maintain the

agency, does not reasonably justify agency service. This conclusion is supported by the fact that there is an agency at Brawley, within a distance of seven miles, and the carrier has offered to provide telephone service and take care of the small amount of less-than-carload business by storing the shipments in the company's warehouse under lock. The table above shows the revenue received from less-than-carload business during the nine months' period of proposed non-agency for the year ending September 30, 1934, amounted to \$68.00, and for the same period of the year ending September 30, 1933, to be \$101.00.

With respect to carload business, the shipper should not be unduly inconvenienced without agency service, particularly in view of the fact that the company has offered to afford telephone service to both the agency at Brawley and Calipatria without cost to the shipper.

At this time we wish to announce that the granting of this application should not be considered as an entering wedge to abandon the agency service throughout the year, nor to abandon operation on this branch line. On the other hand, the Commission will expect that agency service at Westmorland will be increased rather than diminished if in the future business appears to justify same. Furthermore, we will not fix the definite limits of closing this agency as applied for but will require the carrier to meet the shipping requirements. The plan will, however, be based upon maintaining agency service approximately three months throughout the year. The City contends that new developments are in sight which should increase shipments from Westmorland. If and when such additional business is offered to the railroad we shall expect it to increase the agency service so as to meet the reasonable requirements of its patrons.

It has been urged that this agency service should be maintained to take care of express and telegraph business. It should be pointed out that applicant's proposal does not involve the abandonment of express service, which will be carried on by Pacific Motor Transport as at present.

With respect to telegraph service, we could not reasonably require the railroad to maintain its agency to provide telegraph service if the railroad business did not justify such agency expense. On the other hand, if public convenience and necessity require telegraph service, it would be incumbent upon the telegraph company to provide such service.

O R D E R

A public hearing having been held, the Commission being apprised of the facts, briefs having been filed, and the matter having been duly submitted,

IT IS HEREBY ORDERED that Southern Pacific Company is hereby authorized to abandon the agency at its Westmorland Station, located at the end of its Westmorland Branch of the Niland-Calexico Line, County of Imperial, State of California, during the period from approximately August 1st of each year to the following April 30th, inclusive, and to change its station records and tariffs accordingly, subject, however, to the following conditions:

- (1) Applicant shall continue said station as an agency station during the period from approximately May 1st to July 31st, inclusive, of each year, and as a non-agency station during the remainder of each year.

- (2) Applicant shall maintain a company telephone at said station for the use of its patrons so that they may transact railroad business with the nearest agency, without charge to said patrons.
- (3) Applicant shall give not less than ten (10) days' notice to the public of said agency abandonment by posting notice at said station.
- (4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the abandonment of the facilities authorized herein 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 twenty (20) days from the date of this order.

Dated at San Francisco, California, this 25th day of February, 1935.

W. B. Vanier

W. B. Vanier

W. B. Vanier

W. B. Vanier

Commissioners.