

ORIGINAL

Decision No. 27839.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of the  
SUNSET RAILWAY COMPANY, a California  
Corporation, for authority to close its  
agency at Maricopa, California.

Application No. 19584.

Robert Brennan and M. W. Reed, for Applicant.

C. W. Johnson, for certain residents of Maricopa,  
Protestant.

B. C. Lewis, for Order of Railroad Telegraphers,  
Interested Party.

BY THE COMMISSION:

O P I N I O N

In this proceeding authority is sought by the Sunset Railway Company to abandon the agency at Maricopa, in Kern County, and thereafter operate the same as a non-agency station.

A public hearing was conducted in this application by Examiner Hunter on November 15, 1934, at Taft, at which time the matter was taken under submission with the understanding that certain interested parties would be allowed a reasonable time in which to file affidavits setting forth their contentions why this agency should be continued; with the further provision that if after the affidavits are filed the railroad desires to cross-examine these parties, it will ask that a further hearing be held in the matter. This arrangement was made because a number of witnesses who had planned on being at the hearing were prevented from doing so by a heavy rain storm in that district and

it was thought that rather than continue the hearing it would be more desirable to provide that these witnesses file affidavits setting forth their positions.

Maricopa is the terminal of one branch of the Sunset Railway which operates between Bakersfield and the oil fields to the west. This railroad is owned jointly by the Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company, the management alternating every five years. The rail service at Maricopa consists of freight operation only with trains operating tri-weekly.

The volume of business handled at this station was shown to be as follows:

STATEMENT OF CARLOAD AND LESS-THAN-CARLOAD FREIGHT  
RECEIVED AND FORWARDED AT MARICOPA STATION  
FOR THE YEARS 1933 AND 1934

Month:	Carloads				Less-than-Carload				Gross Revenue*	
	Forwarded	Received	Forwarded	Received	Forwarded	Received	Forwarded	Received	1934	1933
Jan.	0	0	1	0	72	42	9365	4526	\$ 333.49	\$ 46.27
Feb.	0	0	5	0	0	36	11126	4764	893.31	48.96
Mar.	0	0	3	0	0	560	11712	4797	520.66	54.38
Apr.	0	0	1	0	154	3330	14734	1678	283.46	24.62
May	0	0	9	0	686	120	6380	7296	569.48	72.42
June	0	0	1	0	1294	1458	3041	5237	96.05	81.51
July	0	0	0	0	204	259	2663	3015	147.99	37.91
Aug.	0	0	0	0	0	652	3448	2489	35.10	33.66
Sept.	0	0	0	1	0	0	2298	2557	40.93	249.49
Oct.	0	0	1	1	445	3387	5285	3068	261.10	730.25
Nov.	0	0	7	0	918	0	7504	16619	2,810.98	160.20
Dec.	1	0	1	6	418	73	6216	1289	832.05	2914.15
Total	1	0	29	8	4191	9917	83772	57335	\$6,824.60	\$4453.82

\* Total Revenue from all shipments to and from Maricopa, regardless of destination. Applicant divides a portion of this revenue with connecting railroads.

The primary expense of maintaining this station is the agent's salary, amounting to approximately \$2,250 per year. The other annual expenses, consisting of light, water, heat, telephone and maintaining the building are estimated at about \$200.

Exhibit No. 2 shows that during the year 1933 the commercial

telegraph receipts at Maricopa Station amounted to \$367.52, of which the railroad's proportion was \$183.49; and for the first ten months of 1934 the receipts were \$337.38, the railroad's proportion being \$168.69.

The business transacted at the adjacent non-agency stations of Pentland and Hazelton, 4.5 and 1.8 miles, respectively, to the east, is handled through the agent at Maricopa. The amount of car-load business handled at these two stations was shown to be as follows:

Month:	Forwarded				Received				Gross Revenue *			
	1934		1933		1934		1933		1934		1933	
	P	H	P	H	P	H	P	H	P	H	P	H
Jan.	22	0	31	0	0	0	0	0	\$4,605.72	\$ 0	\$7,220.83	\$ 0
Feb.	30	0	39	0	0	0	0	0	8,122.03	0	6,299.36	0
Mar.	49	0	14	0	0	0	0	8	9,255.76	0	3,694.17	898.91
Apr.	63	4	33	0	0	0	0	0	14,991.22	255.	7,767.37	0
May	61	0	37	7	0	0	0	0	17,418.78	0	8,833.98	675.00
June	61	0	71	0	0	0	0	0	15,672.72	0	18,186.72	0
July	48	0	51	0	0	0	0	0	11,934.18	0	12,514.69	0
Aug.	38	0	69	0	0	0	0	0	9,429.33	0	17,295.88	0
Sept.	54	0	51	19	0	0	0	0	11,198.97	0	12,731.77	627.00
Oct.	41	0	72	2	0	0	0	0	8,988.08	0	18,798.66	42.00
Nov.	35	0	49	2	0	0	0	0	8,529.95	0	12,008.66	42.00
Dec.	30	0	21	1	0	0	0	0	6,774.89	0	4,442.09	21.00
Total	532	4	538	31	0	0	0	8	\$124,921.63	\$255.	\$128,794.18	\$2,305.91

P - Pentland  
H - Hazelton

\* Total revenue from all shipments to and from these stations, the greater portion of which is divided between applicant and connecting carriers.

Applicant contends that the less-than-carload business is so small it does not justify the maintenance of an agent; that the carload business can be handled without agency service; that if the shipper is required to contact an agent personally it would not be inconvenient for him to negotiate with the agent at Taft, located about seven miles to the north of Maricopa by highway; that Taft and Maricopa are in the same local telephone exchange which affords

a convenient and inexpensive means of securing information from an agent relative to railroad service; that with the recent initiation of Less-than-carload service by Southern Pacific Motor Transport between Bakersfield and Maricopa and adjacent towns, there is less need for agency service; that with the improvement of highways throughout the district served by the Sunset Railway, shipments are being moved more by truck and less by rail; and that there has been a continual decrease in the total amount of oil shipped from this district, which is the principal enterprise, the result being that the entire rail operation of applicant is conducted at a loss. Applicant proposes to provide a telephone at Maricopa for the use of its patrons in contacting the agent at Taft.

The City of Maricopa and a number of shippers and organization representatives appeared in opposition to the granting of this application contending that if the agency service were discontinued, shippers would be seriously inconvenienced in that they would be deprived of agency service for less-than-carload shipments which has included notice of arrival of shipments; that it would be inconvenient for them to place orders for carload shipments to be forwarded and they would receive no notice of carload shipments delivered; that it would be unsatisfactory to contact the agent at Taft, either by telephone or personal visit; that there is a substantial amount of business conducted through the Maricopa agency for both the Pentland and Hazelton non-agency stations which should be considered as part of the Maricopa agency business; and that there are prospects of considerable new business in the near future in the way of live stock shipments and shipments of road materials and supplies to Government camps. Most of the protestants, however,

testified that the greater portion of their shipments was moved by truck.

On May 19, 1932, applicant filed a similar application, No. 18154, seeking authority to close this agency. The Commission, in its Order in Decision No. 25224, dated October 3, 1932, stated, among other things, that applicant had not offered a satisfactory plan of caring for less-than-carload shipments, and the application was denied without prejudice.

Subsequent to the last hearing a plan for handling applicant's less-than-carload shipments has been developed, whereby daily service will be offered between Bakersfield and Maricopa stations by the Pacific Motor Transport, and local deliveries in Maricopa will be performed by a local drayman who will have access to the station warehouse at Maricopa. Under this plan of operation the less-than-carload service at Maricopa should not be inferior to that now offered.

Although there is a substantial amount of carload business enjoyed at the Pentland non-agency station, which is the junction for the lines to Maricopa on the one hand and Taft on the other, this business could, with little added inconvenience, be handled as well at the Taft agency as at Maricopa. While it is true that an agent offers some service to the carload shipper in the way of arranging for cars, billing and notification of delivery of cars, the need for agency service is not as great for carload shipments as is the case with less-than-carload shipments. It may be observed that at the non-agency of Pentland there is a large volume of carload business conducted without agency service and this same thing is true at Hazelton although the amount of business is much less. Stock shipments in this district are handled at the Hazelton Agency and there is no contention that an agency should be established at the latter point to care for

such shipments. It may reasonably be assumed that where there is any substantial amount of carload business available, the carrier will afford the shipper a convenient means of transacting such business.

After carefully considering the record in this proceeding it is concluded that this application should be granted, with the understanding that the plan for providing less-than-carload service will work out as anticipated and with the further provision that if business should substantially increase at this point in the future, service will be resumed.

#### O R D E R

A public hearing having been held, the Commission being apprised of the facts, and the matter being now ready for decision,

IT IS HEREBY ORDERED that Sunset Railway Company is hereby authorized to abandon its agency service at Maricopa and thereafter operate this station as a non-agency, and to change its station regards and tariffs accordingly, subject to the following conditions:

- (1) Applicant shall give the public not less than ten (10) days' advance notice of the closing of this agency, by posting notice in a conspicuous place in the station building at Maricopa.
- (2) Applicant shall maintain a telephone at the Maricopa Station for the use of its patrons to communicate with the agent at Taft, without charge.
- (3) 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.

- (4) 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 25<sup>th</sup> day of March, 1935.

*Don Whidally*

*W. J. Linn*

*M. B. Harris*

*W. L. Moore*  
*Frank R. Brown*