

Decision No. 31439

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

IN THE MATTER OF THE APPLICATION )  
OF THE ATCHISON, TOPEKA AND SANTA )  
FE RAILWAY COMPANY, A CORPORATION )  
(HEREINAFTER CALLED ATCHISON COM- )  
PANY) AND RAILWAY EXPRESS AGENCY, )  
INCORPORATED, A CORPORATION (HERE- )  
INAFTER CALLED EXPRESS AGENCY) FOR )  
AUTHORITY TO DISCONTINUE AND ABAN- )  
DON THEIR AGENCY AT SOLANA BEACH, )  
CALIFORNIA, AND TO OPERATE THE SAME )  
AS A NON-AGENCY STATION. )

APPLICATION

NO. 21854

ORIGINAL

M. W. Reed, for Applicants.

H. J. Heaney, for J. L. Elliott, General Chairman,  
Station and Telegraph Employees, Santa Fe  
System, Protestants.

BY THE COMMISSION:

OPINION AND ORDER

In the above numbered proceeding The Atchison, Topeka & Santa Fe Railway Company and Railway Express Agency, Inc. ask for authority to discontinue and abandon their agency at Solana Beach, San Diego County, California.

A public hearing in this matter was conducted before Examiner Ager at Oceanside on October 24th, at which time it was taken under submission and is now ready for decision.

The record shows that for the past several years Solana Beach has had the status of a part-time agency, and that business at this location was handled by the agent at Encinitas, who made daily trips to Solana Beach for that purpose. During the past twelve months there have been no passenger tickets sold at Solana Beach, and in the year ending September 1938, thirty-three (33) carloads of freight were received and no carloads forwarded. In this same period there were four hundred sixty-eight (468) less-than-carload shipments received and none forwarded.

Abandonment of agency service as proposed herein will have no effect on these shipments except that it will require the prepayment of freight charges unless the shipper desires to post a bond guaranteeing these charges.

Should an occasion arise where the services of an agent are required as for example, in ordering cars or quoting rates, such service may be procured from the agent at Encinitas about four miles north of Solana Beach. This information may be secured by telephone without toll charge as both stations are within the same telephone exchange area.

Although copies of the Notice of Hearing were sent to all the principal shippers and receivers of freight at Solana Beach, no one appeared in protest to the granting of the application. The Order of Railroad Telegraphers entered an appearance as protestants, but offered nothing in the way of evidence to show that agency service should be maintained at this point. A careful review of the record and analysis of the Exhibits indicates that there is insufficient business at Solana Beach to warrant its being continued as an agency station.

We are of the opinion that the application is reasonable and should be granted. The following Order will so provide:

O R D E R

Public hearing having been held and the Commission being

fully advised,

IT IS HEREBY ORDERED that The Atchison, Topeka & Santa Fe Railway Company and Railway Express Agency, Inc. are hereby authorized to abandon their joint agency at Solana Beach, San Diego County, California, and to change the station records and tariffs accordingly, providing that said station shall be continued as a non-agency station.

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.

The authorization herein granted shall lapse and become void if not exercised within one year from the date hereof, unless further time is granted by subsequent Order.

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

Dated at San Francisco this 5<sup>th</sup> day of November 1938.

Raymond A. H. H. H.  
Frank P. H. H.  
Chas. H. H. H.