

Decision No. 33115

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the )  
SOUTHERN PACIFIC COMPANY for an order )  
authorizing it to close its seasonal )  
agency of Aptos Station, County of Santa ) Application No. 22871  
Cruz, State of California, and to main- )  
tain the same as a non-agency. )

R. S. MYERS, for Applicant.

BY THE COMMISSION:

O P I N I O N

Applicant, Southern Pacific Company, has made application requesting authority to close its seasonal agency of Aptos Station in Santa Cruz County and to maintain same as a non-agency station.

A public hearing was held in this matter before Examiner Walquist at Santa Cruz, California, on May 3, 1940, at which time the matter was duly submitted.

A brief review of the history of the Aptos Station agency discloses that Southern Pacific Company maintained a part-time agency at this station and the adjoining station of Capitola, a distance of 3.1 miles west, during the period from May 16, 1934, to June 28, 1937, at which time both stations were restored to full-time agencies. On October 29, 1937, the company filed notice, in accordance with the provisions of the Commission's General Order No. 36-B, of its intention to discontinue the freight and passenger agency at Aptos Station effective December 1, 1937, and that thereafter it proposed to operate the station on a seasonal basis from approximately June 1 to approximately November 30 of each year.

Applicant now contends that under present conditions the business handled at said Aptos Station does not warrant the maintenance of an agency during the remaining months of the year, namely, approximately June 1 to November 30, and therefore requests its discontinuance as a seasonal agency station until sufficient traffic shall have been developed to justify maintaining an agency at said point.

ORIGINAL

The amount of traffic handled at the Aptos Station during the six months period of June to November, 1938, and 1939, is as follows:

I T E M	Six Months 1939	Average Per Month	Six Months 1938	Average Per Month
<b>FREIGHT RECEIVED AND FORWARDED:</b>				
Carloads - Cars	96	16	132	22
Carload revenue - Local*	\$2,882	\$ 480	\$3,122	\$ 520
Carload revenue - Interline	\$ 100	\$ 17	-	-
Less-than-carload revenue - Local*	\$ 356	\$ 59	\$ 480	\$ 80
Less-than-carload revenue - Interline	\$ 105	\$ 18	\$ 59	\$ 10
<b>PASSENGERS AND REVENUE:</b>				
Agency Reports - Passengers		(None)		
Agency Reports - Revenue		(None)		
<b>MISCELLANEOUS:</b>				
Baggage handled - pieces		(None)		
Western Union Messages		(None)		
Milk and Cream - Cans		(None)		
Milk and Cream - Revenue		(None)		

\* For the items of local freight revenue the amounts shown represent one-half of the actual revenue in order to allocate or credit to this station its proportion of revenue derived therefrom.

Attention is called to the fact that the revenues shown in the above statement include those derived from less-than-carload traffic handled to and from this point by the Pacific Motor Trucking Company as well as the Southern Pacific Company.

The estimated cost to applicant of maintaining the agency at Aptos Station during the six months period from June to November, inclusive, is \$896. This amount represents wage item only, based on an 8-hour day and a total of 154 working days during the six months period.

Applicant called attention to the fact that at the present time there is no passenger service on the line operating through Aptos, nor is there any Railway Express Agency business handled by Southern Pacific Company in and out of this point. Less-than-carload

traffic to and from Aptos is now handled by the Pacific Motor Trucking Company, with approximately ninety-five per cent of it receiving store-door pickup and delivery. All of these arrangements would be continued and same would be unaffected by the abandonment of the agency at this station.

At the present time the key to the freight house is left in charge of a custodian at Aptos who provides access for shippers receiving or forwarding less-than-carload traffic via the Southern Pacific Company. The Company maintains a free telephone at said station for patrons desiring to communicate with the existing agencies on either side, Watsonville Junction, 12.2 miles east, and Capitola, 3.1 miles west.

Two witnesses introduced testimony protesting the granting of the application. A summary of this testimony indicates that the services rendered by the Pacific Motor Trucking Company in performing store-door pickup and delivery of less-than-carload traffic were satisfactory; that an agent is required part-time only during certain months of the year to look after the transportation needs of shippers having carload business; that the previous arrangement whereby an agent was on duty part-time at Aptos and part-time at Capitola met their requirements; that it was entirely satisfactory to other shippers; and that they felt they were entitled to this consideration. (1)

Applicant testified that certain Labor Board rulings require the carrier to pay full-time compensation at each station

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(1) During the six months period from June to November, 1939, 62 cars were forwarded and 34 cars received at this point. The cars forwarded consisted of 58 cars of apples and 4 cars of vinegar, with the number of cars of apples per month as follows:

<u>Month</u>	<u>Cars Forwarded</u>
August	1
September	26
October	23
November	8
Total	58

where an agent is on duty part-time and as a result of this order the average monthly cost to applicant for maintaining a part-time agency at this station hereafter would be \$149 for wage item only, as reflected in its exhibit. In response to a query applicant stated that the measuring stick used in determining whether or not a particular agency should be abandoned was the use of the agency by the patrons of the company; that in this instance there was no passenger service on the line operating through Aptos; and that less-carload traffic was being handled by P.M.T. truck, thereby limiting the use of the agency to shippers having carload business. Applicant further testified that traffic requirements at this point would be kept under surveillance and that in the event this application was granted it would have traffic men visit the territory frequently and thus be prepared to look after the transportation needs of the community.

A review of the record indicates that public need for the agency service is limited to shippers having carload business and that the company has provided free telephone service for its patrons to communicate with the existing agencies on either side. However, the demands of protestant shippers in requesting a company representative to look after their transportation needs are not unreasonable, in fact, such service is expected of any transportation company that expects to survive in this day and age.

On consideration of all the facts of record in this matter and basing our conclusions on the preceding opinion, we must conclude that the public interest justifies granting applicant's request. It is understood, however, that the Southern Pacific Company will be expected to have a traffic representative visit this territory frequently, that the granting of this application is without prejudice to the community of Aptos, and that if conditions justify, the matter will be reopened for further consideration.

O R D E R

Public hearing having been held in the above-entitled proceeding and the matter having been duly submitted,

IT IS HEREBY ORDERED that applicant, Southern Pacific Company, be authorized to abandon its agency station at Aptos, Santa Cruz County, California, and to change its station records and tariffs accordingly, subject to the following conditions:

- (1) Applicant shall continue said station as a non-agency station.
- (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 keys to both warehouse and telephone shall be obtainable from a custodian located at or near said station and notices advising shippers where the key may be secured shall be maintained at both warehouse and telephone.
- (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.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 21<sup>st</sup> day of

May, 1940.

Ray & Rice  
Frank D. ...  
...  
...  
James A. ...  
Commissioners