

Decision No. 30467

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 its seasonal)
agency at Ceres Station, County of)
Stanislaus, State of California, and)
to maintain same as a non-agency.)

Application No. 23403

ORIGINAL

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 Ceres Station in Stanislaus County and to maintain same as a non-agency station.

A public hearing was held in this matter before Examiner Malquist at Ceres, California, on May 16, 1940, at which time the matter was duly submitted.

A brief review of the history of the Ceres Station agency discloses that the Southern Pacific Company filed notice on March 29, 1938, 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 Ceres Station effective May 1, 1938, and that thereafter it proposed to operate the station on a seasonal basis from approximately August 1 to January 31, and to maintain same as a non-agency station during the remaining months of the year.

A short time after the agency was closed the Commission ordered Southern Pacific Company to file a formal application for authority to make said change, in order to give certain protestants an opportunity to be heard. ⁽¹⁾ Application No. 21975 was therefore filed

(1) The Ceres Chamber of Commerce forwarded a petition to the Commission protesting the closing of the Ceres Station agency and requested that a public hearing be held in this matter. The petition contained 428 signatures and was received by the Commission on April 27, 1938.

by the company on May 25, 1938, requesting permission to close its agency at said station during the period from approximately February 1, to July 31, of each year. This request was granted by Decision No. 31703 dated January 30, 1939.

Applicant now contends that under present conditions the business handled at said Ceres Station does not warrant the maintenance of an agency during the remaining months of the year, namely, approximately August 1, to January 31, and therefore requests its discontinuance as a seasonal agency station.

A comparison of the rail traffic handled at Ceres Station during the six-month period from August, 1939, to January, 1940, inclusive, and August, 1938, to January, 1939, inclusive, is as follows:

	6-Months Aug. 1939 To Jan. 1940 Inclusive (a)	Average Per Month (b)	6-Months Aug. 1938 To Jan. 1939 Inclusive (c)	Average Per Month (d)
<u>FREIGHT RECEIVED AND FORWARDED</u>				
Carloads - Cars	69	12	18	3
Carload Revenue - Local*	\$1,497	\$ 250	\$ 457	\$ 76
Carload Revenue - Interline	\$1,203	\$ 201	\$1,183	\$ 197
Less-carload revenue - Local*	\$ 434	\$ 72	\$ 460	\$ 77
Less-carload revenue - Interline	\$ 34	\$ 6	\$ 220	\$ 37
<u>PASSENGERS AND REVENUE-(Estimated)</u>				
Agency reports - Passengers	(No record)		59	10
Agency reports - Revenue	(" ")		\$ 78	\$ 13

* 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 for less-carload traffic is derived from shipments handled to and from this point by the Pacific Motor Trucking Company.

The estimated cost to applicant of maintaining the agency at Ceres Station during the six-month period from August to January, inclusive, is \$1,023. This amount represents wage item only, based on an 8-hour day and a total of 154 working days during the six-month period.

The record discloses that in the event this application is granted the discontinuance of said agency will not involve the abandonment of any facilities. At the present time the key to the freight house is left in charge of a custodian at Ceres who provides access for patrons using this facility. The company maintains a free telephone at said station for patrons desiring to communicate with the existing agencies on either side, Turlock 8.8 miles south and Modesto 4.3 miles north. Patrons desiring to use passenger trains will be able to purchase their tickets from the train conductor without penalty on any one-way or round-trip fare.

All less-carload traffic to and from Ceres is handled by the Pacific Motor Trucking Company. Outbound less-carload shipments from this point during the six-month period from August, 1939, to January, 1940, inclusive, were picked up at store-door and averaged about one shipment per month. Less-carload inbound traffic during the same period amounted to 550 shipments, with 499 receiving store-door delivery and 51 shipments being left in the station freight house.

During the six-month period ending January 31, 1940, 44 cars were received and 25 cars forwarded. (2) All outbound cars con-

(2)

<u>Cars Received</u>		<u>Cars Forwarded</u>	
Cattle	8	Fertilizer	2
Cement	1	Lumber	6
Chemicals	1	Mill Feed	1
Coal	1	Rice Hulls	1
Egg Cases	1	Shingles	<u>2</u>
Empty Lug Boxes	16		
Sulph. of Ammonia	3	Total	44
Shorts & Middlings	1		
		Cannery Peaches	<u>25</u>
		Total	25

sisted of cannery peaches in lug boxes and in each instance the consignee and consignor were the same. Applicant contends that this business does not require the services of an agent at Ceres Station.

No one appeared at the hearing opposing the granting of this application. Therefore, upon consideration of all the facts of record in this matter and basing our conclusions on the preceding opinion, it appears that the application should be granted.

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 Ceres, Stanislaus 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-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 4th day
of June, 1940.

Ray L. Rice
Donald A. Miller
Robert J. [unclear]
M. B. [unclear]
Justice J. C. [unclear]