

ORIGINAL

Decision No. 24040

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 Company), and RAILWAY)
 EXPRESS AGENCY, INCORPORATED, a corpora-) Application No. 24040
 tion (hereinafter called Express Agency))
 for authority to discontinue their)
 agency at Vidal, California, and to)
 operate the same as a non-agency station.)

ROBERT BRENNAN and M. W. REED, by M. W. REED, for The Atchison, Topeka and Santa Fe Railway Company, and for Railway Express Agency, Inc., Applicants.

ALBERT E. WELLER, Chief Deputy District Attorney, for San Bernardino County, Protestant.

ARTHUR L. DORAN, Supervisor First District of San Bernardino County, Protestant.

HAL OXNEVAD, for Chamber of Commerce of Vidal, Protestant.

C. V. NORTHUP, for Order of Railroad Telegraphers, Protestant.

BY THE COMMISSION:

O P I N I O N

In this application The Atchison, Topeka and Santa Fe Railway Company and Railway Express Agency, Inc., request permission to withdraw their agent from the station at Vidal and operate it thereafter as a non-agency station.

A public hearing was held in this matter before Examiner Hall at Vidal on April 3, 1941, at which time the matter was submitted.

Vidal is located on the Parker Branch of The Atchison, Topeka and Santa Fe Railway Company 1 1/4 miles west of Parker and 70 miles east of Cadiz, the junction point of the Parker Branch with the main line. The nearest agencies to Vidal are Parker, to the east, and Rice, 20 miles to the west.

At the Vidal Station is located a pumping plant of the Santa Fe, which is used to supply water for both the railroad and the residents of Vidal. The agent takes care of the pumping of this water at an extra remuneration of about \$11 per month.

About a year ago applicant filed a similar application, and at the hearing in that proceeding applicant concluded to withdraw its application on the showing of the community that sufficient business was in sight to warrant the continued maintenance of the agency. It was shown at that time that a considerable amount of ore was expected to be shipped from Vidal.

In the instant proceeding applicant showed that very little improvement had been made in the amount of business performed at Vidal and that the ore shipments had not as yet materialized.

A statement of the results of operation of this agency is shown on the following tabulation:

REVENUES DERIVED FROM BUSINESS
HANDLED THROUGH VIDAL STATION

: Year :	Total Passengers and Freight :	Railway Express Agency :	Western Union Telegraph :	Water Sold :	Expenses Agent's Salary :
1936	\$18,268	-	-	-	-
1937	2,154	-	-	-	-
1938	1,819	-	-	-	-
1939	741	-	-	-	-
1940	1,000	\$93	\$28	\$110	\$2,091*
Jan. and Feb. 1941	67	24	21	67	340*

* Exclusive of stationery, supplies, fuel, etc.

Upon this showing applicants believe there is no necessity for continuing this agency but stated that in the event this application is granted and business improves sufficiently at Vidal in the future, the agency will be immediately reestablished.

In the event the agent is withdrawn, arrangements would be made by The Atchison, Topeka and Santa Fe Railway Company to have the water pumping taken care of in some other manner.

The granting of this application was opposed by the Vidal Chamber of Commerce and the County of San Bernardino for the following reasons:

1. That the station has shown some improvement in revenue.
2. That the ore shipments will actually start to move within the next few months.
3. That to maintain someone to pump water at Vidal would eliminate any saving due to abandonment of the agency.
4. That if the agency is abandoned the community will be left without any outside communication, as the only method of communication is by Western Union Telegraph located at the station.

Protestants contended and produced witnesses to show that ore shipments could be expected within the next few months, although definite assurance could not be given. They maintained that if the agency is removed, communication service of Western Union Telegraph will be withdrawn and consequently the Sheriff's substation at Vidal will have to be closed as its existence is dependent upon the telegraph as a means of communication with the county seat or any other point. It was alleged that the Sheriff's substation at this location is absolutely necessary for the protection of the facilities of the Metropolitan Water District, the railroad, and other valuable properties as Vidal is so far removed from the county seat.

It is appreciated that the continued maintenance of the Vidal agency would be a convenience to the citizens thereof, particularly with respect to the Western Union Telegraph service. It is clear, however, that the railroad company can hardly be expected to maintain an agent for the amount of Western Union Telegraph business transacted. In order to maintain permanent communication with the

county seat and other points, it would appear that those in public authority should make arrangements for such a permanent communication system, without expecting the railroad to bear the burden. The amount of railroad business handled at this station, although improved somewhat from a year ago, is insufficient to warrant the cost of maintaining an agent.

From this record it is clear that neither applicant can be expected to continue the maintenance of an agent, but in the event the agency is closed and business improves in the future, the agency should immediately be reestablished.

A review of the entire record in this proceeding leads to the conclusion that public convenience and necessity do not at this time require the continued maintenance of this agency and the application should be granted.

O R D E R

A public hearing having been held, and the matter having been duly submitted and being now ready for determination

IT IS HEREBY ORDERED that The Atchison, Topeka and Santa Fe Railway Company and Railway Express Agency, Inc., are hereby authorized to abandon their agencies at the Station of Vidal, located on the Parker Branch of The Atchison, Topeka and Santa Fe Railway Company in San Bernardino County, and to change their records and tariffs accordingly, provided that said station be continued as a non-agency station, subject to the following conditions:

- (1) Applicants shall give not less than ten (10) days' notice to the public of said agency abandonment by posting notice at said station.

- (2) Applicants shall, within thirty (30) days thereafter, notify this Commission in writing of the abandonment of facilities authorized herein, and of their compliance with the conditions hereof.
- (3) 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 effective date of this Order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 6th day of May, 1941.

Commissioners