

ORIGINAL

Decision No. 39719

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
THE ATCHISON, TOPEKA AND SANTA FE )  
RAILWAY COMPANY, a corporation (here- )  
inafter called the Atchison Company) )  
and Railway Express Agency, Inc., a )  
corporation (hereinafter called the )  
Express Agency) for authority to close )  
the station at El Toro, California. )

Application No. 27842

J. H. CUMMINS for applicants.

J. F. ANDERSON by H. J. HEANY for the Order  
of Railway Telegraphers, protestant.

O P I N I O N

In this proceeding the applicants request permission to close  
the agency at El Toro, Orange County, California.

A public hearing was held in this matter before Examiner Hall  
in Santa Ana on October 24, 1946, at which time the matter was sub-  
mitted for determination.

El Toro station is situated on the Los Angeles-San Diego main  
line. Said station is located about five miles south of Irvine and  
about nine miles north of San Juan Capistrano, the nearest agency  
stations.

By Decision No. 25131, dated August 29, 1932, the Commission  
authorized the discontinuance of the agency at this location. During  
1942 this agency was re-established due to the existence of a large  
army post in the immediate vicinity. The reason for re-establishing  
the agency was because of the increase in business transacted with  
the military base which was in operation from 1941 to 1945.

Since the close of the war the activities of the post have  
almost entirely ceased which, in turn, has affected the business of  
applicants at El Toro station.

The following table shows statistics of business handled at El  
Toro station for the twelve-month period ending July 31, 1946:

Number of carload shipment received	1
Number of carload shipments forwarded	56
Number of l.c.l. shipments received	5
Number of l.c.l. shipments forwarded	6
Number of passenger tickets sold	40
Total amount of express revenue	\$224.
Total amount of passenger revenue	\$70.
The amount of system freight revenue received.	\$23,745.

This latter amount is almost all carload freight revenue.

During the war years, however, the freight and passenger revenue reached a maximum of approximately \$52,000 for the year 1942 and then started to decline.

Applicants state that the amount of business now handled at El Toro station does not justify the maintenance of an agency and that the withdrawal of the agency would not cause an undue hardship on the shippers in the El Toro area.

Abandonment of this agency was protested by a considerable number of residents in and around El Toro. The shippers' opposition was based on the contention that they would have difficulty in getting cars for loading and railroad information if an agent is not at that location and furthermore that civic pride of the community requires the presence of a railroad agent.

There are about twenty houses in the town of El Toro and approximately one hundred voters within the voting district. The record shows that relatively few of them actually use the railroad's facilities.

A review of the entire record of this proceeding leads us to the conclusion that the amount of present or prospective passengers, l.c.l. freight or express business at El Toro is of insufficient amount to justify the continued maintenance of an agency. The relatively small amount of railroad business can readily be handled by the adjacent agency stations. Therefore, the application will be granted provided El Toro will be continued as a non-agency station.

O R D E R

A hearing having been held and the matter being under submission IT IS HEREBY ORDERED that The Atchison, Topeka and Santa Fe Railway Company is hereby authorized to abandon its agency station of El Toro on its Los Angeles Division in Orange County and to change its station records and tariffs accordingly; provided that said station be continued as a non-agency subject to the following conditions:

1. Applicants shall give not less than ten days' notice to the public of said agency abandonment by posting notices at said station.
2. Applicants shall within thirty days thereafter notify this Commission in writing of the abandonment of the facility authorized herein and of its compliance with the conditions hereof.
3. 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 days from the date hereof.

Dated at San Francisco, California, this 16<sup>th</sup> day of December, 1946.

Harold P. Kuhl  
Justus F. Casper  
Thomas C. ...  
Earl ...  
A. I. ...  
COMMISSIONERS