

Decision No. 32323

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 agency at Ward Street, Berkeley, )  
Alameda County, California, and to discontinue ) Application  
the handling of less-than-carload freight at ) No. 22718  
such station. )

ORIGINAL

R. S. MYERS, for Applicant.

N. D. PRITCHETT and D. W. DEAN, for Order of  
Railroad Telegraphers, Protestants.

FRED C. HUTCHINSON and CHESTER C. FISK, for the  
City of Berkeley, Protestants.

BY THE COMMISSION:

O P I N I O N

In this proceeding Southern Pacific Company asks for authority to close its agency at Ward Street in Berkeley, Alameda County, and to discontinue the handling of less-than-carload freight at that location.

A public hearing was held in this matter before Examiner Hall on Monday, July 10, 1939, at Berkeley, at which time the matter was submitted upon the filing of briefs. Briefs have now been received and the matter is now ready for determination.

The Ward Street station of Southern Pacific Company is located on the Shattuck Avenue line of the Interurban Electric Railway Company near the intersection of Oregon Street and Shattuck Avenue in Berkeley.

In order for trains of Southern Pacific Company to reach the Ward Street station they use the tracks of the Interurban Electric Railway Company. This station is used only for the receipt and delivery of freight, both carload and less-than-carload freight. No passengers, express, or telegraph business is handled at this location.

Southern Pacific Company also maintains another agency station in Berkeley at the foot of University Avenue (hereinafter called Berkeley Station) on its main line, where both freight and passenger business is conducted. The record shows that these two stations are about 3-1/2 miles distant from each other but both are located within the corporate limits of Berkeley.

It is the contention of applicant that there is sufficient business conducted at the Ward Street station to justify the maintenance of an agent and that the agency at Berkeley Station can take care of its business in that city. With the removal of the agent from Ward Street, carload business will continue to be handled at that location to serve both team tracks and industry thereat. All less-than-carload freight business is proposed to be discontinued.

Applicant contends that, from the public standpoint, by handling all less-than-carload freight business at one location, to wit Berkeley Station, they would be better served in that the business would be concentrated at one location rather than divided between the two.

It was shown that the cost of maintaining the Ward Street agency amounts to about \$2,407 per year, which could be saved by the closing of that agency, without any offsetting expense.

The following is a summation of the revenue and business handled at this station, as shown by Exhibit No. 1:

<u>ITEM</u>	<u>Year Ended 3-31-39</u>	<u>Average Per Mo.</u>
<u>STATION DATA:</u>		
Baggage handled - pieces	-	-
Number of waybills made - outbound	46	4
Number of freight bills made - inbound	121	10
Western Union Messages	-	-

(Continued on next page)

Cont'd

<u>ITEM</u>	<u>Year Ended 3-31-39</u>	<u>Average Per Mo.</u>
<u>FREIGHT RECEIVED AND FORWARDED:</u>		
Carloads - cars	491	47
Carload revenue - Local*	\$7,248	\$ 604
Carload revenue - Interline	\$22,439	\$1,870
Less-than-carload revenue - Local*	\$ 1,025	\$ 85
Less-than-carload revenue - Interline	\$ 6,117	\$ 510
<u>PASSENGERS AND REVENUE:</u>	N o n e	

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

The handling of carload business at Ward Street station would be done through industrial clerks at either the Berkeley Station or the 5th and Kirkland Streets station in Oakland, a practice which has been in effect in the East Bay territory and found satisfactory to both shippers and receivers of carload freight.

With the abandonment of the agency the less-than-carload freight which now moves through the Ward Street station would move through Berkeley Station or by Pacific Motor Transport truck, which would involve no extra cost to the shipper except in the case of household goods, and in that case in some parts of Berkeley the cost might be increased and in other parts the cost might be decreased, depending upon its location with respect to the two stations.

The granting of this application was approved by the Berkeley Chamber of Commerce. It was its opinion that the citizens of Berkeley could be served as well by concentrating the less-than-carload freight business at Berkeley Station instead of maintaining both Berkeley Station and the Ward Street station.

The City of Berkeley protested the granting of this application only on the grounds that it did not want the station building to be boarded up and be made an eyesore in the community, or have it used for industrial purposes as the City is opposed to any extension

of industries in that area. In so far as service to the public is concerned, the City did not oppose the granting of the application.

The granting of the application was also opposed by the Brotherhood of Railroad Telegraphers on the grounds that the amount of business transacted at that location did not warrant the discontinuance of the agency and expressed the belief that if the gross receipts at a station exceeded the cost of maintenance of the agency, the service should be continued.

The only other witnesses who opposed the granting of the application were three local draymen in the City of Berkeley who contended that the removal of the agent at Ward Street would be detrimental to the conduct of their business. It appears from their testimony that there is no difference in the cost of drayage to the actual shipper or consignee for the handling of shipments through Berkeley Station instead of Ward Street, except with respect to the handling of household goods. The charges to and from the station are based on a minimum of a 3-mile haul and therefore in some cases where the movement is within three miles of Ward Street it would be in excess of three miles to Berkeley Station, and conversely, in other cases the movement would be less than three miles to Berkeley Station and greater than three miles to Ward Street station.

It is to be noted that no actual shippers or consignees of freight appeared either in favor of or in protest to the granting of this application.

A review of the entire record in this proceeding leads us to the conclusion that although the gross revenue at Ward Street exceeds the cost of maintaining the agency, the record shows that the relationship of station expense to the balance of rail operating expense is approximately 6.8 per cent (Exhibit No. 1). Therefore, if the revenues at this location, particularly the less-than-carload revenues, were allocated to the various transportation accounts, the

amount allocated to station expense would nowhere equal the cost of maintaining the agency.

There are two agencies maintained in Berkeley at the present time within about 3-1/2 miles of each other and it appears that the community can be as well served by the agency at Berkeley Station as by maintaining an agency at both locations. It is therefore found as a fact that public convenience and necessity do not justify the continued maintenance of the agency at Ward Street and the application will therefore be granted.

#### O R D E R

A public hearing having been held, briefs having been filed, and the matter being under submission

IT IS HEREBY ORDERED that Southern Pacific Company is authorized to abandon its agency at the Ward Street station in Berkeley, Alameda County; to discontinue the handling of less-than-carload freight at said station; and to change its station records and tariffs accordingly in conformity with the rules of this Commission, provided that said station be continued as a non-agency station for the handling of carload business, subject, however, to the following conditions:

- (1) Applicant shall give not less than twenty (20) days' notice to the public of said agency abandonment by posting notice at said station.
- (2) 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.
- (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 authority herein granted shall become effective  
twenty (20) days from the date hereof.

Dated at San Francisco, California, this 19<sup>th</sup> day  
of September, 1939.

Robert W. ...  
Frank ...  
Ray ...  
M. ...  
Justus F. ...  
Commissioners