

ORIGINAL

Decision No. 55017

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 THE WESTERN PACIFIC RAILROAD COMPANY)
 for authority to abandon and remove)
 its existing station buildings at)
 Fruitvale Avenue and East 12th Street,) Application No. 38735
 Oakland and at Davis Street and San)
 Leandro Boulevard, San Leandro, all)
 in the State of California.)

Otis J. Gibson, for applicant;
E. A. McMillan and Frank James, for the
 Brotherhood of Railway and Steamship
 Clerks, Freight Handlers, Express and
 Station Employees; A. R. Linn and
E. P. Murphy, for The Order of Rail-
 road Telegraphers System Division 98
 Western Pacific Railroad, protestants.

O P I N I O N

By its application as amended The Western Pacific Railroad Company requests authority to abandon and remove its existing station buildings at Fruitvale Avenue and East 12th Street, Oakland.

A public hearing was held before Examiner Thomas E. Daly at Oakland on June 3, 1957. The matter was submitted upon the receipt of protestants' brief since filed and considered.

Approximately 92 shippers and receivers of freight served from the Fruitvale Station were notified of the hearing by mail. No appearance in protest was made by any of the parties so notified.

According to the record the Fruitvale Station was built in 1910 and is in such condition that it should be demolished. A superior service would assertedly be provided from the Oakland Freight Station at 3rd and Harrison Streets by the use of electronic methods. A base radio station would be constructed at the Oakland

Freight Station and the automobiles of claim and industry clerks serving the Fruitvale area will be equipped with two-way radio equipment.

It was stated that there would be no change to the shipping public with respect to carload or less-than-carload shipments. Whereas the public telephoned the Fruitvale Station for the purpose of requesting the placing of cars and the services of a claim and industry clerk, telephone calls will now be made to the Oakland Freight Station. Passenger tickets have not been sold at the Fruitvale Station in the past, therefore the proposed abandonment will will not result in discontinuance of any passenger service at that point.

The protest was directed toward the elimination of three positions if the abandonment is authorized. It was stated that no specific provision has been made for the employees that would be displaced. However, it was stated that depending upon their seniority they would have the right to other positions with applicant through the process of "bumping" other employees with less seniority.

It appears that the shipping public will continue to be served adequately. After full consideration the Commission is of the opinion and so finds that the authority sought would not be adverse to the public interest and should be granted.

O R D E R

Application having been filed and the Commission being informed in the premises,

IT IS ORDERED:

1. That Western Pacific Railroad Company is hereby authorized to abandon and remove its existing station buildings at Fruitvale Avenue and East 12th Street, Oakland, California, and is further authorized to discontinue the use of an agent at said location.

2. That applicant is hereby directed to post and maintain on the premises at Fruitvale Station a notice of the authority herein granted. Such notice shall be given not less than five days prior to the effective date of this order and shall be continued for a period of not less than thirty days.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 20th day of August, 1957.

[Signature]
resident
[Signature]
[Signature]
[Signature]

Commissioners

Commissioner Ray E. Untereiner, being necessarily absent, did not participate in the disposition of this proceeding.