

ORIGINALDecision No. 55520

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of THE WESTERN PACIFIC)
 RAILROAD COMPANY for authority to) Application No. 38606
 cancel certain one-way fares.)

Otis J. Gibson, for applicant.
A. R. Linn, for Western Pacific Division 98,
 The Order of Railroad Telegraphers,
 interested party.
C. J. Astrue and E. G. McLane, for the
 Commission's staff.

O P I N I O N

Applicant is a common carrier of passengers by railroad. By this application it seeks authority to cancel and discontinue all one-way fares from and to 49 specified stations ^{1/} named in its Local, Interdivision and Joint Passenger Tariff No. 655, Cal. P.U.C. No. 1569. ^{2/}

According to the application, the indicated relief is sought because: (1) daily trains are not scheduled to stop at these stations; (2) none of the points are "agency" stations; (3) there are no facilities for handling passengers or their baggage at these stations; (4) the majority of the points are sidings or mileposts that have been designated as stations for a use other than passenger service; (5) the stations have been eliminated from tariffs applicable to interstate traffic; (6) discontinuance of these fares will in no way affect public convenience since no use has been made of them for a number of years; and (7) cancellation will simplify the

1/ The stations sought to be eliminated are set forth in the application.

2/ Effective July 1, 1957 the abovementioned Tariff No. 655 was cancelled by applicant's California Intrastate Local Passenger Tariff No. 669. The latter tariff incorporates fare increases authorized by Decision No. 54914 of April 30, 1957. The instant application will be construed as seeking the above-indicated relief in connection with Tariff No. 669.

passenger tariff in which the stations are named. The record fails to establish the validity of some of the foregoing allegations.

Public hearing of the application was held before Examiner Carter R. Bishop at San Francisco on April 24, 1957.

Evidence in support of the application was adduced through applicant's general passenger agent. His testimony brought out the following facts: Authority is sought herein actually to cancel the 49 specified points from the tariff, in the interest of tariff simplification through the elimination of unnecessary matter. No change in train service is proposed and passenger fares would still be in effect from and to the stations in question by intermediate application of fares published from or to more distant points. The proposed tariff changes would, therefore, result in fare increases.

It is true, as stated in the application, that daily trains are not scheduled to stop at any of the 49 stations. However, the record discloses that applicant, in addition to its daily service, operates over the length of its main line in California a train scheduled on a frequency of three times per week in each direction.^{3/} This latter train will stop on flag at any station, including those involved in this proceeding.

The testimony of the witness further discloses that, to some degree, passengers have, within the recent past, boarded or left trains at stations here in issue. During the six months period ending December 31, 1956, 55 California intrastate tickets were sold under the provisions of Tariff No. 655, as to which the origin or destination was, or both origin and destination were, included in the points sought herein to be eliminated. 14 of the points here in issue were thus involved.^{4/} Some sales were made in each of the six months included in the test period.

^{3/} The eastbound train, No. 2, leaves Oakland Pier on Sundays, Wednesdays and Fridays; the westbound schedule, No. 1, arrives at Oakland Pier on Mondays, Thursdays and Saturdays.

^{4/} In Appendix "A", attached hereto, is a list of the stations from and to which tickets were sold, together with the number of passengers boarding and leaving trains at each point.

According to the witness, the total revenue received by applicant from the ticket sales described in the preceding paragraph amounted to \$61.41. Had the tariff changes sought herein been in effect during the test period the revenue, he said, would have amounted to \$77.09, reflecting an increase of 26 per cent. The proposed increase in individual fares, however, would cover a wide range. Thus, the fare from Sacramento to Omira, near the Nevada state line, would be increased merely from \$5.50 to \$5.61.^{5/} On the other hand, the fare of 15 cents from Sacramento to Del Paso would be increased to \$1.01. This latter situation is an extreme case, which would result from the proposed elimination from the tariff of all stations located between Sacramento and Marysville, a distance of 40 miles. This would require the Sacramento to Marysville fare of \$1.01 to be assessed, under intermediate application, on a ticket from Sacramento to Del Paso, a distance of five miles. The examples here cited are trips for which tickets were sold during the test period. The witness was of the opinion that the fare increases proposed herein would not result in an appreciable loss of patronage. The purpose, he said, was merely to eliminate fares which were not being used.

As previously stated, it is alleged in the application that there are no facilities at the stations here in issue for the handling of passengers or their baggage. The general passenger agent explained that by "facilities" is meant a station building with a waiting room, with the attendant personnel to issue tickets and handle baggage. He stated, however, that at some of the points under consideration up-to-date platforms are maintained. In some cases it appears that the station area is not graded up to track level for convenient passenger loading.

^{5/} All fares and revenue figures shown in this opinion are as stated in the record. They do not include the increases authorized by Decision No. 54914, supra, which increases became effective July 1, 1957.

A representative of the Order of Railroad Telegraphers and a transportation engineer from the Commission's staff assisted in developing the record. No one opposed the granting of the application.

While the application herein is ostensibly one in which authority is sought to eliminate certain stations from a passenger tariff, it is evident that applicant is before the Commission for authority, under Section 454 of the Public Utilities Code, to make the increases in fares which will result from the proposed elimination of stations. The present modified service will continue, the stations in question will continue as points at which passengers may be received or discharged from trains, and to the extent that passengers use applicant's service from and to said stations, fares will be assessed in accordance with the provisions of the applicable tariff.

It is clear from the record that the stations in question are used to only a slight degree for passenger purposes. During the six months test period no tickets were sold from or to 35 of the points involved. The maximum number of passengers on and off at any of the remaining 14 stations during the specified period totaled 11. The 49 stations involved in this proceeding have been designated for many years as locations from and to which applicant has held, and continues to hold, itself out to transport passengers. In those instances where there is evidence of continuing use of stations by passengers, it does not appear proper, on the record herein, to permit the sought fare increases. On the other hand, the elimination from the tariff of stations the use of which has been discontinued by passengers will result in fare increases which are only technical, will promote tariff simplification, and will not place an undue burden on the travelling public. This latter statement is subject to the qualifications set forth below.

In the light of the foregoing, the following principles should govern in the determination of the issue in this proceeding:

(a) Points from or to which tickets were sold in the test period, except Clio and Omira (both in Plumas County, and to which one ticket each was sold), should not be eliminated from the tariff; (b) stations, such as Sunol, which serve a town (as contrasted with a country siding), and which are applicant's only passenger stations in those communities, should not be eliminated; (c) in order to avoid other than minor fare increases, elimination of stations should not cause unduly large gaps between the stations remaining in the tariff; and (d) the last stations on applicant's lines in California, before the Nevada state line is crossed, should be retained for intermediate application of rates. These stations are Calneva and Peavine, located on the main line and the Reno Branch, respectively.

Upon consideration of all the facts and circumstances of record, the Commission is of the opinion and finds as a fact that the increases in fares which will result from elimination from Western Pacific Railroad Company Local Passenger Tariff No. 669 of the stations set forth in Appendix "B" of this decision have been justified. In all other respects the application will be denied. Since the tariff contains no rule for the application of fares at unnamed intermediate points applicant will be directed, in the order which follows, to establish such a rule therein concurrently with cancellation of stations as authorized herein.

O R D E R

Based upon the evidence of record, and upon the conclusions and findings set forth in the preceding opinion,

IT IS ORDERED that The Western Pacific Railroad Company be and it is hereby authorized to cancel from its California intrastate Local Passenger Tariff No. 669, Cal. P.U.C. No. 1666, the stations, together with fares shown in connection therewith, set forth in Appendix "B", attached hereto and by reference made a part hereof.

IT IS FURTHER ORDERED that, effective concurrently with the publication to be made pursuant to the first ordering paragraph hereof The Western Pacific Railroad Company shall publish in the aforesaid Tariff No. 669 a rule to the following general effect:

"From a point from which a fare is not named herein apply the fare from the next more distant point from which a fare is named herein.

"To a point to which a fare is not named herein apply the fare to the next more distant point to which a fare is named herein."

IT IS FURTHER ORDERED that in all other respects Application No. 38606 is hereby denied.

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

Dated at San Francisco, California, this 3rd day of SEPTEMBER, 1957.

[Signature]
President
[Signature]
[Signature]
[Signature]

Commissioners

Commissioner Matthew J. Dooley being necessarily absent. did not participate in the disposition of this proceeding.

Appendix "A"

California Points Involved In This Application From
or To Which Tickets Were Sold To or From California
Points Under the Provisions of Western Pacific Rail-
road Company Tariff No. 655 During the Six Months
Period Ending December 31, 1956.

| <u>Station</u> | <u>No. of Tickets</u> |
|----------------|-----------------------|
| Franklin | 2 |
| Del Paso | 3 |
| Counsman | 4 |
| Pleasant Grove | 6 |
| Trowbridge | 3 |
| East Arboga | 5 |
| Craig | 2 |
| Palermo | 4 |
| Bloomer | 11 |
| Blinzig | 7 |
| Rock Creek | 3 |
| Twain | 6 |
| Clio | 1 |
| Omira | <u>1</u> |
| Total | 58 |

Appendix "B"

Points Herein Authorized to be Eliminated From
Western Pacific Railroad Company Local Passenger.
Tariff No. 668, Cal. P.U.C. No. 1666.

| | |
|------------------|--------------|
| Melrose | Merlin |
| Elmhurst | Camp Rodgers |
| Decoto | Howells |
| Lyoth | Grays Flat |
| Nilegarden | Massack |
| Ortega | Cromberg |
| Glannvale | Clio |
| Runyon | Delleker |
| South Sacramento | Calpine Jct. |
| Tambo | Beckwourth |
| Quartz | Hindoo |
| Poe | Scotts |
| Cresta | Omira |
| | Plumas |