

Decision No. 55743

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application }
of TIDEWATER SOUTHERN RAILWAY }
COMPANY for authority to cancel }
passenger tariffs. }

Application No. 39401

OPINION AND ORDER

Applicant is a common carrier by railroad between points within California, generally between Stockton and Modesto. It transports property in both intrastate and interstate commerce, and passengers in California intrastate commerce only. It operates no passenger trains, and transports passengers in the caboose of freight trains when and if they desire. By this application, authority is sought to cancel all intrastate passenger tariffs. Interstate passenger tariffs were canceled effective December 15, 1937.

The application states that in 1953, 1954, 1956 and 1957 to date, no passengers were carried on the railroad. In 1952, one passenger was carried with a revenue of 83 cents. In 1955, three passengers were carried with a total revenue of \$2.49.

By Decision No. 24729 of May 2, 1932, in Application No. 17983 (37 C.R.C. 456), Tidewater Southern Railway Company was authorized to abandon and discontinue all passenger service and to cancel all passenger fares, tariffs and time schedules, "unless and until the Commission shall find, after hearing, that public convenience and necessity require the restoration of passenger service upon said railroad line." The authorization was to become void if not exercised within one year. Applicant did not exercise this prior granted authority, apparently because similar authority was not granted by the Interstate Commerce Commission until 1937.

In the circumstances, it appears, and the Commission finds, that public convenience and necessity no longer require the operation of passenger service by the Tidewater Southern Railway Company. Applicant will be authorized to discontinue service and cancel, in conformity with the rules of this Commission, its passenger tariffs; provided that should the Commission, upon sufficient evidence, subsequently find that public convenience and necessity require the restoration of passenger service upon said railroad line applicant shall again supply it. A public hearing is not necessary.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Tidewater Southern Railway Company be, and it hereby is, authorized to discontinue all passenger service on its line of railroad and, on not less than five days' notice to the Commission and to the public, to cancel all passenger fares, tariffs and time schedules on file with this Commission subject to the condition that if public convenience and necessity subsequently require restoration of passenger service upon said railroad line, upon appropriate order by this Commission, applicant shall again render such service.

IT IS HEREBY FURTHER ORDERED that the authority herein granted shall expire unless exercised within ninety days after the effective date of this order.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 24th day of October, 1957.

Walter D. ...
 _____ President
R. ...

Commissioners