

Decision No. 56127

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of SOUTHERN PACIFIC COMPANY and of)	
RAILWAY EXPRESS AGENCY, INCORPORATED,)	
for authority to discontinue agency)	Application No. 39395
at Pinole, County of Contra Costa,)	
State of California, and to maintain)	
said station as a non-agency.)	

Harold S. Lentz for Southern Pacific Company and
Railway Express Agency, Incorporated, applicants.

Guy T. Savage for City of Pinole, interested party.

Edward G. McLane for the Commission staff.

O P I N I O N

Southern Pacific Company and Railway Express Agency operate a joint agency at Pinole, California. Southern Pacific requests authority to discontinue its agency, remove the existing station buildings, and substitute in place of the agency a Class "A" non-agency. Railway Express seeks authority to discontinue its Pinole Agency if the similar request by Southern Pacific is granted.

A public hearing was held at Pinole on November 26, 1957 before Examiner Donald B. Jarvis. Due notice of the application and hearing was given to the public.

The uncontradicted evidence adduced by Southern Pacific indicates that during the past few years there has been a steady decline in carload traffic at Pinole. For example, in 1955, gross revenue from carload traffic was \$16,504; but for the first six

months of 1957 it was \$3,046. No baggage, mail, milk or Western Union messages were handled at the Pinole agency during 1955, 1956 and the first six months of 1957. Passenger business recently handled through the agency has been negligible.

It further appears that many facets of the operation of the Pinole agency are currently handled by personnel from the Southern Pacific Rodeo Agency. Pickup and delivery service of less-than-carload shipments are now handled by Pacific Motor Trucking Company. If the permission herein sought to discontinue the Pinole agency is granted, Southern Pacific proposes to handle Pinole business through the Rodeo agency, which is approximately 3 miles from Pinole. Evidence was presented to show that, under this proposal, Pinole patrons would be afforded the same type of service which they now receive.

At the hearing, counsel for Southern Pacific informed the Commission that, if the application were granted, Southern Pacific would provide toll-free telephone service to the Rodeo agency for the present patrons of the Pinole joint agency.

Evidence was produced to show that the Southern Pacific station buildings at Pinole were constructed in 1901 and are in need of extensive repairs. It would appear that, under the circumstances, expenditures for such repairs are not warranted and the buildings should be removed. Southern Pacific does not propose to remove its Pinole corrals.

Upon consideration of all the facts and circumstances of record, we are of the opinion and hereby find and conclude that

public convenience and necessity no longer require the maintenance of a Southern Pacific agency at Pinole and that there is no longer a need for Southern Pacific station buildings at Pinole.

The evidence produced by Railway Express demonstrated that its Pinole agency forwards approximately 45 shipments per month which produces an average gross revenue of \$379 per month. Clayton P. Schute, Railway Express Division Supervisor, testified that it is the general company policy to pay its agents a ten per cent commission; that if the Southern Pacific Pinole agency is discontinued, it would, because of the small amount of business involved, be impossible for Railway Express to obtain a local agent under its usual type of agreement; and that removal of the Railway Express agency from Pinole would in no way inconvenience local patrons because they would be afforded adequate service from the Railway Express Rodeo agency.

Guy T. Savage, a member of the Pinole City Council, appeared for the City of Pinole, interested party. He made a sworn statement in which he did not dispute the testimony presented by Railway Express, but he expressed the opinion that Pinole was a growing city and that, in the future, the community might have need for an express agency. Representatives of Railway Express replied to Councilman Savage and stated that the company would seek to reopen the agency if prospective business warranted the step.

Upon consideration of all the facts and circumstances of record, we are of the opinion and hereby find and conclude that public convenience and necessity no longer require the maintenance

of a Railway Express agency at Pinole. It should, however, be noted in passing that questions concerning possible future resumption of agency service are not solely within the fiat of the express company. (Public Utilities Code, Sections 761 et seq; In the Matter of the Application of the City of Oakland, et al, 39 C. R. C. 308.) Resumption of service can be ordered by this Commission in a proper proceeding.

O R D E R

Based upon the evidence of record and the findings and conclusions hereinbefore set forth,

IT IS ORDERED that:

(1) Southern Pacific Company is hereby authorized to discontinue its Pinole agency and substitute in its stead a Class "A" non-agency subject to the conditions hereinafter set forth.

(2) Before discontinuing its Pinole agency and substituting in its stead a Class "A" non-agency, Southern Pacific Company shall give to the public at least ten days' notice. Said notice may be posted at the Pinole station.

(3) Prior to discontinuing its Pinole agency and substituting in its stead a Class "A" non-agency, Southern Pacific Company shall make proper arrangements to provide that all patrons who at the date of this decision are able to transact telephone business with said company and Railway Express Agency, Incorporated, at Pinole on a local rather than a toll-call basis shall in the future be

able to transact telephone business with said companies on a non-toll-call basis.

(4) The authorization herein granted to Southern Pacific Company to abandon its Pinole agency and substitute a Class "A" non-agency shall expire if not exercised within ninety days from the effective date hereof.

(5) Southern Pacific Company is hereby authorized to remove its Pinole station buildings, excepting corrals, upon not less than ten days' notice to the Commission and the public. This authority shall expire if not exercised within six months from the effective date hereof.

(6) Southern Pacific shall correct its tariffs and time schedules to reflect the changes in service made pursuant to this order on not less than five days' notice to the Commission and the public. Any tariff changes shall quote this decision number as the requisite authority. This order shall not be construed as an authorization to increase rates or charges.

(7) Railway Express Agency, Incorporated, is hereby authorized to discontinue its Pinole agency on not less than ten days' notice to the public. Said notice may be posted at the Pinole agency. This authority shall expire if not exercised within ninety days from the effective date hereof.

(8) Applicants shall, in writing, notify the Commission of any action taken pursuant to the terms of this order. Said report

shall be made to the Commission within thirty days after the taking of said action and show compliance with the terms of this order.

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

Dated at San Francisco, California, this 21st day of January, 1958.

John E. Mitchell
President
Paul L. ...
William ...
R. Hardy
E. Lyn Fox
Commissioners