

**ORIGINAL**Decision No. 56375

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 SOUTHERN PACIFIC COMPANY for authority )  
 to reduce agency service at Livingston, )  
 County of Merced, State of California, )  
 and to maintain said station as a ) Application No. 39626  
 seasonal agency station, and of RAILWAY )  
 EXPRESS AGENCY, INC., for authority to )  
 discontinue agency at Livingston, )  
 County of Merced, State of California. )

Harold S. Lentz, for applicants.

I. S. Wilson, for the Order of Railroad Telegraphers,  
 protestant.

W. B. Treadwell, for the County of Merced, protestant.

Gordon H. Winton, Jr., for the City of Livingston,  
 protestant.

O P I N I O N

By this application filed December 11, 1957, Railway Express Agency, Inc. requests authority to discontinue agency service at Livingston and Southern Pacific Company requests an order authorizing it to reduce its agency service to a seasonal agency to be open from approximately June 1 through November 15 of each year and to maintain said station during the remainder of each year as a Class A nonagency station.

Public hearing was held in Livingston on January 30, 1958 before Examiner Rowe at which time evidence both oral and documentary was adduced and the matter duly submitted for decision.

Due notice of the application and hearing was given the public. Such notice was posted at the station for more than ten

days before the hearing as directed by the Commission. By inadvertence applicants failed to publish the notice. However, the Commission notified the Livingston Chamber of Commerce, the City and the County officials and the Order of Railroad Telegraphers and one other interested person.

The representative of several newspapers circulated in the area stated that several news articles had appeared in said newspapers referring to the fact of the application and of the hearing stating generally its time and purpose. Also, the union representative stated that he had personally discussed this matter with several interested persons and had given them the necessary information. Consequently, the Commission's finding that adequate notice was given is adequately supported.

The Commission finds that by closing the station on a seasonal basis, Southern Pacific Company will save approximately \$2,500 annually. It is further found that public convenience and necessity no longer require agency service during the period Southern Pacific Company requests that its agency be closed, and that the volume of business annually handled by Railway Express Agency, Inc., at Livingston is so inconsequential that it is found that public convenience and necessity no longer require this service.

The evidence is conclusive that Southern Pacific service will not be adversely affected by the proposed seasonal closing. No passenger service is rendered to Livingston and no tickets have been sold there for over a year. Aside from a few shipments of

household goods which must be carried to the Merced station instead of the Livingston station and a few shipments by persons not living in the corporate limits of Livingston who now must pick up and deliver their few freight shipments at the station and who will be required to travel to Merced, service to the public will be the same. Their contacts with a freight agent can just as efficiently be made with the Merced agent. The telephone is presently the medium most frequently used and applicant will absorb any additional telephone charge. Pickup and delivery of LCL shipments are now made by Pacific Motor Trucking Company and this procedure will not be affected by the partial closing. The only real public need for the local agent is during the period when large shipments of perishable products are made from this area. Carload shipments will be handled as in the past except that the necessary local calls will be made by and to the agent in Merced.

O R D E R

A public hearing having been held and the above matter having been duly submitted,

IT IS ORDERED:

1. That Southern Pacific Company is authorized to discontinue its Livingston agency each year from November 16 through May 31, and during said period to maintain said station as a Class A non-agency station, and Railway Express Agency, Inc., is authorized to

discontinue its agency at Livingston, subject to the following conditions:

- a. During the period from June 1 through November 15 of each year, Southern Pacific Company shall maintain service as at present and during the remainder of each year as a Class A nonagency station.
- b. Within ninety days after the effective date hereof and on not less than ten days' notice to the Commission and to the public, applicants shall post a notice of such discontinuances at the station, and shall file in triplicate amendments to their tariffs showing the changes authorized herein, and shall make reference in such notice and tariffs to this decision as authority for the changes.
- c. Within thirty days after discontinuance of service as herein authorized, applicants shall notify the Commission thereof and of compliance with the above conditions.

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

Dated at San Francisco, California, this 17<sup>th</sup> day of MARCH, 1958.

*Edwin E. Haskin*  
 President

*Paul J. ...*

*...*

*J. Lee Fox*

Commissioners