

ORIGINALDecision No. 56277

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)
 at Vacaville, County of Solano, State)
 of California, and to maintain said)
 station as a nonagency.)

Application No. 39662

Harold S. Lentz and Randolph Karr,
 for applicants.

Walter Weir, for the City of Vacaville;

H. D. Smith, W. E. Fisher and

I. S. Wilson, for The Order of Railroad
Telegraphers; and A. L. Russell, for
Sears Roebuck and Company, protestants.

O P I N I O N

By this application filed December 23, 1957, Southern Pacific Company and Railway Express Agency, Incorporated, request an order authorizing them to discontinue their agencies at Vacaville and to maintain the station as a nonagency station. At the hearing the application was amended to include a request that the Southern Pacific Company be permitted to remove its station building with the exception of a loading platform which is to remain.

Public hearing was held in Vacaville on March 4 and 18, 1958, before Examiner Rowe, at which time evidence, both oral and documentary was adduced and the matters duly submitted for decision.

From the evidence of record, it appears and the Commission finds that public convenience and necessity no longer require the station building and service as an agency at Vacaville by Southern

Pacific Company, except that said applicant should continue to maintain a loading platform at said location. However, there was no evidence to justify granting any relief to applicant Railway Express Agency, Incorporated. The witness representing this company testified that it intended to arrange for some local business man to act as its agent in Vacaville and would continue to render the same service to the public at this point.

Several members of the public who have been using the Southern Pacific Company service testified that in their opinion they would not be adequately served by an agent located in Suisun. They were of the opinion that a local agent would have more concern for and give greater attention to the interests of local shippers and receivers of freight. The representative of a chain store system having an outlet in Vacaville testified that his employer would sell merchandise from its local display and make deliveries from warehouses in other localities using the service and facilities of Pacific Motor Trucking Company, a Southern Pacific subsidiary corporation. This witness asserted ~~not~~ ~~having~~ ~~a~~ ~~local~~ ~~agency~~ would lessen service to his company because if the customers should happen not to be at home at the time of delivery the freight would be returned to Suisun, instead of to the local agency in Vacaville. The evidence justifies a finding that other truckers who are competitors of Southern Pacific Company do not have local agents in Vacaville. Southern Pacific Company should not be required to provide a service which is greater and more expensive than that required of its competitors.

The witnesses who represented automobile dealers testified that they received delivery of new automobiles for sale both in freight cars and through the trucking facilities of Pacific Motor Trucking Company. These witnesses feared that they would be required to wait for unreasonable periods of time before an agent could come from Suisun to inspect for possible damage to automobiles before they could be unloaded from freight cars. It appears that arrangements can be made whereby the Suisun agent will be available at the time such cars are unloaded. The witnesses for Southern Pacific Company testified that this could and would be done. This has been successfully effected in other areas without complaint by shippers and receivers of freight. The Commission finds that such service will be satisfactory as proposed. The policy of one manufacturer not to permit unloading at points where a railroad agent is not available to inspect for damage does not appear to preclude the unloading at a nonagency station where an agent from a nearby agency is actually on hand to perform this service. For a shipper to insist that a local agent make such inspection is an unreasonable demand and the Commission will not force compliance therewith upon the carrier. The same must be said as to the insistence of a local tailor that a local agent be on hand after the daily pickup time of Pacific Motor Trucking Company. This witness stated that when rented suits are returned to him after about 3:00 p.m. he should be permitted to take the suits to the station in Vacaville and save himself an additional daily charge for rental.

The Vacaville Chamber of Commerce introduced into evidence a resolution which provides as follows:

"The Board of Directors of the Vacaville Chamber of Commerce has unanimously agreed that the closing of the S.P. Depot is not in the best interest of Vacaville, and the Vacaville area. This governing body feels that on the eve of the announcement of a large industry settling in the Vacaville area, and the constant industrial inquiries being received in Vacaville, being in the pattern of the largest industrial growth in this county, the loss of said station and services as now rendered, would effect (sic) this community moraly, (sic) hinder the progress for years to come and render a great loss of prestige."

Another witness expressed the view that a railroad, provided it has tracks running through the town, is under an obligation to maintain in that town a station building and a local agent for the purpose of prestige even though there is no need for the station or the agent in connection with the actual transportation of freight. The Commission cannot agree with such views. The duty of the railroad is to render adequate transportation service.

The railroad applicant has rendered no passenger service in this area for several years and no tickets have been sold there. By closing this agency this applicant will annually save approximately \$5,000. Exhibit No. 9 shows an estimated saving of approximately \$3,652. This estimate, however, was made upon the assumption that approximately \$1,500 of revenue would each year be lost by reason of the abandonment of service by Railway Express

Agency. This service will continue and, consequently, also this revenue. Also, by removing the station building, valuable land will be made available for other necessary uses.

O R D E R

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

IT IS ORDERED:

1. That Southern Pacific Company is authorized to discontinue its agency at Vacaville, Solano County and to remove its station building, except a loading platform shall be maintained, such changes to be subject to the following conditions:

- (a) Southern Pacific Company shall continue to maintain said station in a nonagency status.
- (b) Within ninety days after the effective date hereof, and on not less than ten days' notice to the Commission and to the public, applicant Southern Pacific Company shall post a notice of such discontinuance at the station, shall file in duplicate amendments to its 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, Southern Pacific Company shall notify this Commission thereof and of compliance with the above conditions.

2. That Application No. 39662, insofar as it constitutes a request by Railway Express Agency, Incorporated, is denied.

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

Dated at San Francisco, California, this 27th day of May, 1958.

John E. Mitchell
President
Walter L. ...
Walter L. ...
Theodore J. ...
Commissioners

Commissioner C. Lyn Fox, being necessarily absent, did not participate in the disposition of this proceeding.