

ORIGINAL

Decision No. 57497

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
SOUTHERN PACIFIC COMPANY for)
authority to discontinue agency at)
Morgan Hill, County of Santa Clara,)
State of California, and to maintain)
said station as a Class A nonagency)
station.)

Application No. 40329

Randolph Karr and Harold S. Lentz, for applicant.
Ernest Rusconi, for the City of Morgan Hill,
protestant.

O P I N I O N

This application, filed August 8, 1958, requests an order of this Commission authorizing Southern Pacific Company to discontinue its agency at Morgan Hill in Santa Clara County, and to maintain said station as a Class A nonagency station.

A public hearing was held in Morgan Hill on September 23, 1958, before Examiner Rowe, at which time evidence both oral and documentary was adduced and the matter duly submitted for decision.

This station is located on the Coast Main Line. Passenger trains Numbers 90 and 91 are the only passenger trains stopping there. It is not needed as a train order station. At present, train orders are issued only for a local freight train originating at Morgan Hill. It will be as convenient and more economical for this local to originate at San Jose. No other train movements will be affected by discontinuing this agency.

The accounting functions are presently not handled by the local agent. No changes will be involved in the service of Pacific Motor Trucking Company, except that depot deliveries will, in the future, be effected at Gilroy. The truck drivers at present have authority to make damage inspections. The movement of carload freight and the handling of the United States mail will not be adversely modified. For some time no stocks of passenger tickets have been carried at the Morgan Hill station for the reason that the demand has not justified it. Approximately \$5,400 will be saved annually by discontinuing this agency.

The protestant city contended that a false impression as to the lack of need for the local agent has been created by reason of the fact that several functions of the Morgan Hill agency have already been transferred to other points. These functions such as accounting and the issuance of train orders to a local freight train, have very little direct effect on service to the local people. If certain functions can better be performed by experts at other points this is a matter which should be left to the company management to decide.

It was also contended that the company's savings would be small compared to the inconvenience to local residents. The evidence does not support this position. Judging by past experience, the Gilroy agent will be required to make only about fifteen trips per year for damage inspections. The conductor on the local freight will be in a position to perform many functions now handled by the agent, if agency service is discontinued. The testimony of applicant was persuasive to the effect that service to the public will not be

adversely affected by this change. The doubts as to sufficiency of service expressed by the few Southern Pacific customers who appeared as witnesses can not be considered determinative in view of the satisfactory experience of the company in other localities where agency service is handled through nearby stations.

The Commission finds that public convenience and necessity no longer require the maintenance by Southern Pacific Company of an agency at Morgan Hill, California.

O R D E R

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

IT IS ORDERED:

1. That Southern Pacific Company is authorized to discontinue its agency at Morgan Hill, Santa Clara County, subject to the following conditions:

- (a) Southern Pacific Company shall maintain said station in a Class 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, Southern Pacific Company shall post a notice of such discontinuance at the station and 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 in writing thereof and of compliance with the above conditions.

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

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

E. Lynn Fox
President

[Signature]

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Commissioners