

ORIGINALDecision No. 59122

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of THE WESTERN PACIFIC)
 RAILROAD COMPANY for authority to)
 cancel certain passenger tariffs.)

Application No. 40983

Walter G. Treanor, for applicant.
William V. Ellis, for California State Legislative
 Board - Brotherhood of Locomotive Firemen and
 Enginemen; Leonard M. Wickliffe, for California
 State Legislative Committee - Order of Railway
 Conductors and Brakemen, protestants.

O P I N I O N

By this application The Western Pacific Railroad Company seeks authority to discontinue the transportation of passengers in cabooses of freight trains operating between Keddie (Plumas County), Bieber (Lassen County) and points intermediate thereto. It also seeks authority to cancel its Local Passenger Tariff No. 600, which names the fares applicable between the points in question. The effect of the proposals herein would be to discontinue passenger service on applicant's line between Bieber and Keddie.

Public hearing of the application was held before Examiner Carter R. Bishop at Quincy on August 12, 1959.

The record discloses that the portion of applicant's system here in issue is commonly known as the Northern California Extension or the "high line".¹ It connects with applicant's San Francisco - Salt Lake City line at Keddie and with the Great Northern Railway Company's California extension at Bieber. The distance between Keddie and Bieber is 112 miles. The only community between these termini which might reasonably be called a town is Westwood.

¹ Hereinafter referred to as the "Extension".

The record shows also that no regular passenger train service has been provided over the Extension since its construction in 1931. The aforementioned Tariff 600 has been in effect continuously, without change, since 1932 and such passengers as have utilized applicant's services between points on the Extension have been accommodated in cabooses on certain of the carrier's freight trains. Two scheduled freight trains operate daily over the Extension in each direction. However, passengers are carried on only two of the trains, designated as No. 156 (northbound) and No. 153 (southbound).² The average length of these trains is from 77 to 80 cars.

As justification for the granting of the sought relief applicant's assistant division superintendent testified as follows: (1) handling of passengers in cabooses involves various hazards, such as those involved in the boarding of trains at points other than where station platforms are located and those arising from the slack action which accompanies the starting and stopping of long freight trains; (2) the stopping of such trains to pick up or discharge passengers and the subsequent starting are costly and interfere with efficient freight train operation; (3) the carriage of passengers in cabooses tends to interfere with the proper discharge of duties by the train employees; and (4) the service is so infrequently used by passengers that the small amount of revenue received from the latter would not begin to cover the cost of claims which might arise in the event of passenger injuries.

² On Tuesdays, Wednesdays and Thursdays another train, the "Expediter" operates northbound in lieu of Train No. 156. The "Expediter" is a high speed train carrying freight forwarder traffic between Southern California and the northwest. This train will carry passengers between the termini of Keddle and Bieber, but not from or to points intermediate thereto.

An exhibit introduced by applicant's auditor of revenue shows the passengers carried over the Extension for several years past, together with the amounts of revenue received therefrom. This information is summarized in the following table:

<u>Table</u>		
<u>Year</u>	<u>No. of Passengers</u>	<u>Western Pacific Revenue</u>
1953	22	\$ 49.69
1954	20	52.15
1955	14	44.44
1956	#51	62.39
1957	20	94.84
1958	18	77.38
1959 (first 6 months)	<u>0</u>	<u>--</u>
Total	145	\$380.89

#36 of the passengers carried in 1956 comprised a single special movement between Keddie and Greenville, which was made in a business car, but at the fares published in Tariff No. 600.

It will be noted from the foregoing table that the average number of passengers transported in cabooses between points on the Extension during the years 1953 to 1958 amounted to 18 per year and that during the first six months of 1959 no passengers were so transported.³

Granting of the application herein was opposed by the state senator for Modoc, Lassen and Plumas Counties, on behalf of certain of his constituents. The senator testified that a large portion of the region traversed by the Extension is served by poor roads, which are closed during the winter months, and that improvements in said roads will not be made for several years. He urged, therefore, that the passenger service here in issue be retained. He expressed the view, also, that if applicant were to advertise said service more passengers would utilize it.

³ The figures shown in the table do not include passengers utilizing special movements over the Extension, as in "railfan" excursions. It appears that charges for such transportation are covered by special excursion tariffs.

Granting of the sought relief was also opposed by the state legislative committees of two of the railroad operating brotherhoods. They confined their participation to examination of applicant's witnesses and to argument at the close of the hearing.

Upon careful consideration of all the facts and circumstances of record, the Commission is of the opinion and hereby finds that (1) public convenience and necessity no longer require that applicant transport passengers in its freight train cabooses from, to and between Keddle, Bieber and points intermediate thereto, and (2) the proposed cancellation of applicant's Local Passenger Tariff No. 600 has been justified. The application will be granted.

O R D E R

Based upon the evidence of record and upon the findings and conclusions set forth in the preceding opinion,

IT IS ORDERED that:

1. The Western Pacific Railroad Company be and it is hereby authorized to discontinue the transportation of passengers on its freight trains from, to and between Keddle, Bieber and points intermediate thereto.

2. Applicant be and it is hereby authorized to cancel, in conformity with the rules of the Commission, its Local Passenger Tariff No. 600 and to make appropriate changes in its timetable applicable over its line between Bieber and Keddle.

3. Applicant shall give not less than ten days' notice to the public of said discontinuance by posting notice at each agency station affected, and in the cabooses of all its freight trains affected.

4. The authority herein granted shall expire unless exercised within ninety days after the date hereof.

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

Dated at San Francisco, California, this 6th day of October, 1959.

Robert L. Mitchell President
E. Lyn Fox
Theodore H. J. J. J.
Commissioners

Exerett C. McKeage
Commissioner Matthew J. Dooley, being
necessarily absent, did not participate
in the disposition of this proceeding.