

ORIGINAL

Decision No. 59498

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
THE ATCHISON, TOPEKA AND SANTA FE
RAILWAY COMPANY, a corporation,
for authority to discontinue agency
service at its station at Miramar,
County of San Diego, State of Cal-
ifornia.

Application No. 40836

Robert W. Walker and Henry M. Moffat, for applicant.
K. A. Vose for Order of Railroad Telegraphers,
protestant.

O P I N I O N

By this application authority is sought to discontinue agency service at the Miramar station in San Diego County.

A public hearing was held in San Diego, California, before Examiner Mark V. Chiesa. Evidence having been adduced, the matter was submitted for decision. Notice of hearing was published and posted as required, and all interested parties, including two protestants, were mailed a notice of hearing. Only one party other than the applicant appeared at the hearing, the protestant, the Order of Railroad Telegraphers.

The Commission finds as follows:

Miramar station is situated 8.9 miles east of Del Mar and 14.5 miles north of San Diego. At present there is no passenger, Western Union or Railway Express service available at Miramar. Less-carload shipments for the years 1956 to 1958, inclusive, were negligible, totaling thirty shipments for the three years. For

the first nine months of 1959 there were only three less-carload shipments.

Carload shipments received and forwarded for the said three years and the first nine months of 1959 were as follows:

	<u>Received</u>	<u>Forwarded</u>
1956	545	38
1957	442	48
1958	392	21
1959 (9 mos.)	900 ⁽¹⁾	39
Average per month for entire period	50.6	3.2

Station expense for the years 1957, 1958 and 1959 was as follows: ⁽²⁾

	<u>Station expense</u>
1957	\$ 5,945.50
1958	6,130.83*
1959 (6 mos.)	2,994.15

* includes \$349.64 in wages paid to apprentice telegrapher.

Estimated annual savings if agency is discontinued is \$5,663.34 (apprentice telegrapher wages and station supplies item of \$150 not included, Exhibits Nos. 12 and 13).

The facilities at Miramar consist of a small station building and team track. One agent-telegrapher is employed from 7:30 a.m.

(1) Monolith Portland Cement Company was applicant's principal shipper and consignee, accounting for 563 cars of cement received in this period. This company is not a protestant.

(2) Exhibit No. 16, Item No. 10. Based on one-half of freight revenue as station expenses occur at both ends of every revenue traffic movement.

to 4:30 p.m. There is no public telephone at this station, therefore a large portion of applicant's present Miramar business is transacted through the San Diego station as nearly all of the consignees are situated at San Diego or have branch offices there.

Miramar is a small unincorporated community where the Naval Supply Depot and a Naval Air Station are located. The principal present activities are an occasional public project, construction of homes, and the operation of said government facilities.

The evidence shows that inbound carload business is now handled through the agent when arrival is in the daytime, and, when arrival is at night, by use of a waybill box, the agent picking up the documents when he comes to work and then notifying the consignee by card or in person. The proposed method is to have the conductor handle the waybills at the San Diego station and the agent there would notify the consignee at its San Diego or Miramar office. As nearly all of the consignees are located in San Diego and have telephone connections with these facilities at Miramar, the proposed service compares favorably with that now rendered. Shippers and consignees could also avail themselves of the Del Mar station facilities which include passenger, freight, Western Union and Railway Express services. The Del Mar station is open seven days per week between 6 a.m. and 10:30 p.m. The San Diego station is open 24 hours a day seven days per week and employs seventy persons.

The representative of the Order of Railroad Telegraphers helped develop the record on cross-examination. The position of the protestant is that the public interest, based on present general

business conditions, justifies retention of the agency service.

The Commission having considered the record, is of the opinion and finds that an adequate and convenient service is available to carload shippers and consignees from either the Del Mar or San Diego agency stations; that it is not in the general public interest to require that applicant continue to incur the expense of maintaining an agent at Miramar; and that public convenience and necessity does not require the continuance of said agency. Applicant will be required to maintain a Class A nonagency station at Miramar.

O R D E R

A public hearing having been held, the Commission being fully advised in the premises, having found facts as hereinabove set forth, and good cause appearing,

IT IS ORDERED that The Atchison, Topeka and Santa Fe Railway Company is authorized to discontinue its agency at Miramar, San Diego County, California, subject to the following conditions:

- a. The Atchison, Topeka and Santa Fe Railway Company shall maintain a Class A nonagency station at Miramar.
- b. Within ninety days after the effective date hereof, and on not less than ten days' notice to the Commission and to the public, The Atchison, Topeka and Santa Fe Railway 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. In no event shall the agent be removed earlier than the effective date of tariff filings required under paragraph b. hereof.
- d. Within thirty days after discontinuance of service as herein authorized, The Atchison, Topeka and Santa Fe Railway Company shall notify this 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 12th day of January, 1960.

George Allen Bagg
President
W. H. B. Bagg
W. H. B. Bagg
W. H. B. Bagg
Theodore J. Bagg
Commissioners