

ORIGINAL

Decision No. 59745

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, and
 RAILWAY EXPRESS AGENCY, INC., a corpo-
 ration, for authority to discontinue
 agency service at its station at
 Carlsbad, County of San Diego, State
 of California.

Application No. 40838

Robert W. Walker and Henry M. Moffat, for The Atchison,
 Topeka & Santa Fe Railway Company, and Railway
 Express Agency, Inc., applicants.
Barbara Lang Hayes, City Attorney, for the City of
 Carlsbad; K. A. Vose, for the Order of Railroad
 Telegraphers; and Albert E. Carne, for Carlsbad
 Chamber of Commerce; protestants.
Fred W. Maerkle, for Carlsbad Building Materials,
 interested party.
William F. Hibbard, for the Commission's staff.

O P I N I O N

Applicants request authority to discontinue agency service
 at Carlsbad, San Diego County.

A public hearing was held in Carlsbad on December 2, 1959,
 before Examiner Mark V. Chiesa. Oral and documentary evidence
 having been adduced, the matter was submitted for decision.

The evidence of record shows and we find facts as herein-
 after set forth.

The Carlsbad station was established in 1907. It consists
 of a small frame building with office, freight, and express facili-
 ties. There is one employee designated as agent-telegrapher whose
 hours are from 7 a.m. to 4 p.m. For the past several years there
 has been no passenger or Western Union service at this station. The

nearest station agency to the north is at Oceanside, a distance of 3.1 miles. To the south the nearest present station agency is at Encinitas, a distance of 8.8 miles. However, applicant railroad is also applying to discontinue its agency service at Encinitas. The next agency station south of Encinitas is at Del Mar which is 14.8 miles distant from Carlsbad. Facilities and services superior to those now available at Carlsbad are available at Oceanside and Del Mar, and those at Encinitas are comparable.

The Atchison, Topeka and Santa Fe Railway Company proposes to serve the Carlsbad community from its Oceanside station but will also make available its facilities at Encinitas and/or Del Mar if the latter stations are more convenient for shippers or consignees. The agent at Carlsbad now handles the express shipments although the Railway Express Agency has its own office at Oceanside. There is no express pickup and delivery at Carlsbad so this service will differ only in the distance required to be traveled between Carlsbad and Oceanside.

Less carload shipments will continue to be delivered and picked up at store door by the railway company's subsidiary, Santa Fe Transportation Company. Carload shipments will be handled by a conductor through the use of a so-called waybill box instead of the local agent. Cars now arrive at Oceanside and are switched to Carlsbad. There will be no change in the spotting and handling of cars at the team track or spur tracks. The Oceanside agent will perform whatever services are required at Carlsbad.

For the years 1956, through 1958 and for 9 months in 1959, carloads forwarded and received at Carlsbad were as follows:

	<u>1956</u>	<u>1957</u>	<u>1958</u>	<u>1959</u> (9 mos.)
Carloads Forwarded	0	0	2	1
Average per month	0	0	.17	.11
Carloads Received	200	320	202	188
Average per month	17	27	17	21

Railway Express shipments forwarded and received for a like period were as follows:

	<u>1956</u>	<u>1957</u>	<u>1958</u>	<u>1959</u> (9 mos.)
Forwarded	1636	1472	769	422
Average per month	136	123	64	46.9
Received	1021	991	912	553
Average per month	85	83	76	61.4

The railway company's estimated savings based on the years 1957, 1958 and the first 6 months of 1959 are as follows:

	<u>1957</u>	<u>1958</u>	<u>1959</u> (6 mos.)
Wages	\$6,662.92	\$ 8,851.11	\$5,021.16
Payroll tax	698.94	928.48	526.72
Telephone	139.83	135.82	57.62
Electric Current	253.71	216.72	159.99
Water	79.05	70.91	24.84
Total Annual Savings	\$7,834.45	\$10,203.04	\$5,790.33
*Estimated Annual Savings	5,795.84	6,516.25	3,811.58 (6 mos.)
Average of 1957-1958 Annual Savings	6,156.04	6,156.04	

* Exclusive of apprentice telegraphers wages not deemed necessary to the operation of the Carlsbad station as follows:

	<u>1957</u>	<u>1958</u>	<u>1959</u> (6 mos.)
	\$2,038.61	\$3,686.79	\$1,978.75

Railway Express Agency commissions paid to applicant railroad in said periods were as follows:

<u>1957</u>	<u>1958</u>	<u>1959</u> (6 mos.)
\$1,514.61	\$1,058.34	\$489.27

Commissions are based on 10 percent of the express charges. A saving will result for this applicant as it operates its own office in Oceanside.

Protestants' position is that it is not in the local public interest to discontinue the said agencies in view of the present and anticipated volume of business and that the closing would inconvenience persons requiring applicants' services.

Having considered the matter, the Commission is of the opinion and finds that the general public interest would not be served by requiring applicants to incur an expense which can be eliminated without materially inconveniencing the public; that adequately convenient service is available from applicants' facilities maintained at Oceanside; and that public convenience and necessity no longer require that The Atchison, Topeka and Santa Fe Railway Company or Railway Express Agency maintain an agent at Carlsbad. Applicant railroad will be required to continue the Carlsbad station in a Class A nonagency status.

O R D E R

A public hearing having been held in the above-entitled matter, the Commission being fully informed in the premises and having found facts as hereinabove set forth,

IT IS ORDERED that The Atchison, Topeka and Santa Fe Railway Company and Railway Express Agency, Inc., are authorized

to discontinue their agencies at Carlsbad, County of San Diego,
subject to the following conditions:

- a. The Atchison, Topeka and Santa Fe Railway Company shall continue to maintain said station as a nonagency station at which freight in any quantity, carload or less, will be handled.
- b. Applicants shall give not less than ten days' notice to the public of discontinuance of agency service by posting notice thereof at the station.
- c. Within ninety days after the effective date hereof, applicants, upon not less than ten days' notice to this Commission and the public, shall file in duplicate, amendments to their tariffs showing the changes herein authorized and shall make reference in such tariff amendments to this decision as authority therefor.
- d. The authorization herein granted shall expire if not exercised within ninety days after the effective date hereof.
- e. Within thirty days after discontinuance of service as herein authorized, applicants shall notify this Commission thereof and of compliance with the above conditions.
- f. In no event shall the agent be removed earlier than the effective date of tariff filings required under paragraph c hereof.

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

Dated at San Francisco, California, this 29th
day of FEBRUARY, 1960.

President

Edith E. Atchison

E. Lynn Fox

Theodore Jensen
Commissioners

-5- Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.