

ORIGINALDecision No. 60798

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 Southern Pacific Company and Railway
 Express Agency, Inc., for authority
 to discontinue agency and to remove
 the station buildings at San Miguel,
 County of San Luis Obispo, State of
 California, and to maintain said
 station as a Class "A" non-agency
 station.

Application No. 42205

Randolph Karr and Harold S. Lentz for applicants.
James J. Ashe, Jr., for the City of San Miguel,
Frederick F. Kinisky for Order of Railway
 Telegraphers, Herbert G. Comfort and
Francis A. Svehla, protestants.

O P I N I O N

By the above-entitled application, filed April 29, 1960, Southern Pacific Company and Railway Express Agency, Inc., seek authority to discontinue their agencies at San Miguel, and also Southern Pacific Company seeks to remove its station buildings and to maintain said station as a Class A nonagency station.

Public hearing was held before Examiner William E. Turpen at San Miguel on July 13, 1960. The parties were granted permission to file written statements within 15 days concerning one of applicant's exhibits. No such statements were filed, and the application was considered submitted on July 28, 1960.

San Miguel is located on the Southern Pacific main line on the coast route, approximately 9 miles north of Paso Robles, the nearest agency station.

The evidence of record shows that the station at San Miguel is staffed by a single employee and that he can accomplish all his necessary duties in less than an hour a day. San Miguel was

discontinued as a train order station about a year and a half ago. Inauguration of a system of centralized accounting has relieved the local station agent of most of his clerical duties. The agency is presently open from 7 AM to 4 PM, five days a week, with an hour out for lunch.

Under the proposal to close the San Miguel Agency, the present duties will be performed by the agent at Paso Robles. Shippers will be able to call that station toll-free collect, and it is open 24 hours a day. It appears that shippers in San Miguel will receive service comparable to that now received.

The record shows that during 1959, 1463 and 18 carload shipments, respectively, originated and terminated at San Miguel. However, of the cars originated all but 73 consisted of shipments of rock and gravel from one shipper. Applicant estimates that the sought agency elimination would result in a net saving to the company of approximately \$6,000 per year.

All less-than-carload shipments are handled by Pacific Motor Trucking Company, which will continue to make pick-ups and deliveries. Those shippers and receivers of less-than-carload freight located outside the pickup and delivery zone will have to pickup or deliver their shipments to Paso Robles instead of San Miguel. The number of such shipments is small.

The division supervisor of Railway Express Agency, Inc., testified that the railroad station agent acts as an agent for his company and that during 1959 the commission as agent averaged only \$12.55 per month. He stated that his company has found that it is impossible to secure the services of a local merchant to act as agent when the volume of business is as small as in this case. If allowed to discontinue the San Miguel agency all express business will be handled at Paso Robles.

The railroad's superintendent of the Coast Division testified that the station building at San Miguel was constructed in 1891, and if it is to be continued in use, will require repairs costing about \$5,000. He said that if this application is granted, the building will be offered for lease and if it cannot be leased will be removed or torn down.

The protests to the granting of the application were based mainly on the desire to maintain an agency in the community and the fear that local shippers would not receive as good service as they now do. The division superintendent stated that the railroad has found from experience that the removal of an agent does not stop or hinder the growth of a community. The few disadvantages that would result from the granting of this application are not of a magnitude to require the continued maintenance of an agent at San Miguel. As stated previously, the record shows that after the agency is closed the quality of service to be rendered by applicants in San Miguel will not differ materially from that now accorded.

Upon consideration of all the facts and circumstances of record, the Commission finds that public convenience and necessity no longer require the maintenance by Southern Pacific Company and Railway Express Agency, Inc. of an agency at San Miguel. It is also found that public convenience and necessity no longer require the maintenance of the station buildings.

O R D E R

A public hearing having been held and based upon the evidence therein adduced,

IT IS ORDERED:

1. That Southern Pacific Company and Railway Express Agency, Inc., are authorized to discontinue their agencies at San Miguel,

San Luis Obispo County, and that Southern Pacific Company is authorized to remove its station buildings at that location, subject to the following conditions:

- (a) Southern Pacific Company shall maintain said station in a nonagency status for the receipt or delivery of:

Freight in any quantity, carloads or less.

- (b) Within ninety days after the effective date hereof and on not less than ten days prior to the discontinuance of the agency at San Miguel, applicants shall post a notice of such discontinuance at the station, and within ninety days after the effective date hereof and on not less than ten days notice to the Commission and to the public, applicants shall file in duplicate amendments to its tariffs showing the change authorized herein and shall make reference in such notice and tariffs to this decision as authority for the changes. In no event shall the agent be removed pursuant to the authority hereinabove granted earlier than the effective date of the tariff filings required hereunder.

- (c) Within thirty days after discontinuance of service as herein authorized, applicants 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 29th day of September, 1960.

Cecil A. King
President

Walter B. ...

W. ...

Theodore ...
Commissioners