

**ORIGINAL**

61105

Decision No. \_\_\_\_\_

## 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 Atascadero, )  
 County of San Luis Obispo, State of )  
 California, and to maintain said )  
 station as a Class "A" nonagency )  
 station. )

Application No. 42149

Randolph Karr, for applicant.

James J. Ashe, Jr., and John Ruskovich, for County  
 of San Luis Obispo; Donald J. Stinchfield, for  
 Atascadero Chamber of Commerce; Margaret Gee,  
 for Atascadero Real Estate Board; F. F. Kinisky, for  
 Order of Railroad Telegraphers; John L. Burkhardt,  
 for Burkhardt's shoe store; Joseph Grisanti, for  
 Grisanti Hardware; and C. L. Davis, protestants.

O P I N I O N

This application was filed on April 14, 1960. Public hearings were held before Examiner John Power at Atascadero on June 9 and July 20, 1960. At the first of these, a representative of Railway Express Agency testified that his company had secured a merchant agent in Atascadero. Counsel for applicants then moved for dismissal as to that applicant. This will be granted. The matter was submitted subject to the filing of briefs. These have been received and the matter is ready for decision.

Atascadero is in the northern portion of San Luis Obispo County. It is 10.6 miles railroad east of Paso Robles and 25.4 miles railroad west of San Luis Obispo (Exhibit No. 4, page 15).

It is proposed to service Atascadero from the station at Paso Robles about ten miles distant. The personnel at Paso Robles

will be instructed to accept collect telephone calls from Atascadero in connection with carload freight and passenger business. Less carload freight is now almost all handled by applicant's trucking subsidiary. Deliveries are made by drivers. If delivery cannot be made, shipments are left at Atascadero station now. If the proposal is granted they will be returned to San Luis Obispo or Paso Robles and an attempt will be made to get delivery instructions from the consignee. Mail will be handled by use of a station box to be provided by the applicant.

Applicant also desires to remove the Atascadero station building from its public utility accounts. Applicant alleges, in support of this phase of the application, that this building can be rented.

Gross revenue and gross (carload) revenue as shown by Exhibit 7, page 5 was: year ended December 31, 1958 - \$74,160 (\$66,660); year ended December 31, 1959 - \$86,935 (\$81,684); five months ended May 31, 1960 - \$31,869 (\$30,437). The cost of operating the station for the same three periods was: 1958, \$7,614; 1959, \$7,803; January-May, 1960, \$2,809 (Exhibit 7, page 6). On page 8 of the same exhibit it is estimated that a saving of \$6,711 could have been realized if the station had operated on a nonagency basis in 1959.

Protestants cross-examined applicant and filed a brief herein. No witnesses were presented on their behalf. The principal ground of protest was a fear that service would be downgraded. Reference was made to Application No. 42205 by which applicant sought permission to remove its agency at San Miguel. That station would also be put under the jurisdiction of the Paso Robles agent.

The authority requested in that application was granted on September 27, 1960, by Decision No. 60798. The result of granting both applications will be a substantial increase in carload freight handled by Paso Robles. However, less carload freight, express, and passenger service have fallen off to a point far below what they once were. An additional consideration to be noted is that Paso Robles is a twenty-four hour station while Atascadero is only open forty hours per week. This may have a tendency to upgrade the service in some respects especially in the case of transactions by telephone.

It appears that further maintenance of an agency at Atascadero is no longer economically sound. Applicant's witnesses stated that two hours or less per day were required to do the station work. The rest of the agent's time, they said, was wasted. It also appears that any inconveniences resulting from removing the agency would be minor and would not constitute a substantial reduction of railroad service in Atascadero. It further appears that if the agency is removed there will be no necessity for maintaining the station building in the utility accounts of Southern Pacific Company.

The Commission accordingly finds that public convenience and necessity no longer require the maintenance of an agency at applicant's Atascadero station. The Commission further finds that public convenience and necessity no longer require the inclusion of applicant's Atascadero station building in its accounts listing property necessary or useful in the performance of applicant's duties to the public.

O R D E R

Public hearings having been held and the Commission basing its order upon the findings and conclusions set forth in the foregoing opinion,

IT IS ORDERED that:

1. The application of Railway Express Agency, Inc., be and it is, dismissed without prejudice.

2. Southern Pacific Company is authorized to discontinue its agency at Atascadero, San Luis Obispo County, 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 Atascadero, Southern Pacific Company 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, Southern Pacific Company 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. 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.

3. Southern Pacific Company is authorized to exclude its station building at Atascadero from its accounts of property necessary or useful in the performance of its duties to the public.

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

Dated at San Francisco, California, this 22nd day of November, 1960.

Geoffrey B. Page  
President  
John E. ...  
...  
E. ...  
Theodore ...  
Commissioners