

ORIGINALDecision No. 65042

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of THE ATCHISON,)
 TOPEKA AND SANTA FE RAILWAY)
 COMPANY, a corporation, for)
 authority to discontinue)
 agency service at its station)
 at Buena Park, Orange County,)
 State of California.)

Application No. 44771

Filed September 5, 1962
Amended October 15, 1962

Matthew H. Witteman, for applicant.
J. W. Fitzgerald, for Order of Railroad Telegraphers,
 and Pete R. Struckman, protestants.
John P. Urleja, for the Commission staff.

O P I N I O N

Applicant seeks authority to discontinue its agency service at Buena Park, County of Orange, State of California, and to remove the station building, alleging that the primary needs of that portion of the public which utilizes the transportation services of applicant at said station can be adequately and efficiently served by its agency station located at Fullerton which is 4.5 miles east from Buena Park.

Protestants contend that shipments of cattle and livestock in carloads to Buena Park, to be unloaded at the stockyards there, require the services of a local agent at time of delivery and that the volume of business at said station justifies retention of the local agent.

A public hearing duly noticed by publication, posting, and service by mail was held in Buena Park, California, on December 19, 1962, before Examiner DeWolf. The Commission having

considered the matter and being fully advised in the premises now makes the following findings of fact, conclusions, and order thereon.

Buena Park is an incorporated city of about 40,000 persons located just east of the boundary of Los Angeles and Orange Counties and on the Santa Ana Freeway. The main line of the Santa Fe Railway to San Diego passes on the north boundary of Buena Park in an easterly direction, continues east 4.5 miles to Fullerton, and then turns southerly to Anaheim, Orange, Santa Ana, and San Diego. The main line to the east continues on from Fullerton through Riverside, San Bernardino and Barstow to eastern points.

At present, the station agent is on duty at Buena Park at night from 9:00 p.m. to 5:00 a.m., five days a week, and can be reached for daytime appointments on call for which he receives overtime pay. The small station building was built in 1905. State Highway 39 goes through an underpass easterly of the station. Further east and across the railroad track are the stockyards with loading and unloading docks and scale used by carload shippers of livestock.

The Santa Fe agency office at Fullerton is open 24 hours a day, seven days a week (except between the hours of 12:01 a.m. and 7:00 a.m. on Sunday, unless trains are scheduled). During this time agents are on duty for service of customers. Telephone service is available for collect-toll-free calls.

Applicant requested an amendment of its application to include therein request for authority for the physical removal of the station building. Applicant's request for the amendment was granted.

Several of applicant's officials and employees testified that the tracks, stockyards, loading docks, and scale at Buena Park would continue to be maintained in their present location and

condition for the service of carload shippers; that such customers would be serviced by the agency at Fullerton; and that an agent from Fullerton would be present at Buena Park when necessary. Said witnesses also testified that the requested change in service and discontinuance of station agency service at Buena Park would have no effect on rates.

Exhibits 1, 2, 3 and 4, introduced in evidence by applicant, show the amount of business handled at Buena Park, the cost of operations, and other material. Exhibit 4 covers the period from January 1961 to June 1962, and shows that no passenger tickets were sold during that time. Two hundred and sixty-four less-than-carload shipments were received during this 12-month period and 23 forwarded. There were 13 carload shipments forwarded and 633 received during this time. Other statistics in these exhibits show monetary savings, estimated to be approximately \$2,900 annually, to be made by discontinuing the agency, but it is not proposed to discontinue the present handling of any shipments at this point.

Protestants submitted testimony of two witnesses representing shippers of livestock to Buena Park. Another witness was the livestock inspector for Orange County who checks all cattle coming into the county for possible diseases. It was the testimony of these witnesses that their primary interest was in maintaining the stockyard facility at the Buena Park station and that agency service at Buena Park would be more helpful and convenient than service from Fullerton. But two of these witnesses testified that if the stockyards, scales and loading docks are not removed, it

would be possible to give equivalent agency service from Fullerton. Only carload shippers appeared to protest.

A large part of the business transacted at Buena Park consists of the unloading of livestock. These shipments do not occur every day. Their arrival time is irregular and can be met by appointment and can be adequately handled at the stockyards and scales by an agent from Fullerton.

The Commission finds that the Santa Fe Railway should not be required to continue the Buena Park station agency; that under the circumstances public convenience and necessity no longer require the maintenance of the agency at Buena Park; and that it may be closed and the station building physically removed therefrom.

O R D E R

IT IS ORDERED that:

1. The Atchison, Topeka and Santa Fe Railway Company, a corporation, is authorized to discontinue its station agency at Buena Park, Orange County, subject to the following conditions:
 - a. The Atchison, Topeka and Santa Fe Railway Company shall maintain said station in a nonagency status for the receipt or delivery of freight and the keys to the scales and stockyards shall be made available from the station agent at Fullerton, California.
 - b. Within one hundred twenty days after the effective date hereof and not less than ten days prior to the discontinuance of the agency at Buena Park, California, The Atchison, Topeka and Santa Fe Railway Company, shall post a notice of such discontinuance at the station; and, within one hundred twenty 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 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.

2. Within thirty days after discontinuance of service as herein authorized, applicant shall, in writing, notify this Commission thereof and of its 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 6th day of MARCH, 1963.

George G. Thayer
 President

Frederick B. Haloboff

Dellwood W. Bennett

 Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.