

ORIGINAL

Decision No. 65546

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Electric Railway Company for authority to discontinue its agency at Orange, County of Orange, State of California, and to maintain said station as a Class A non-agency.

Application No. 44925  
(Filed November 8, 1962)

E. D. Yeomans and Walt A. Steiger, by Walt A. Steiger, for applicant.  
C. D. Hileman, for Order of Railroad Telegraphers; and David Sidney Savage, for Certified Materials Company, protestants.  
John P. Ukleja, for the Commission staff.

O P I N I O N

By this application Pacific Electric Railway Company seeks authority to discontinue its agency in the City of Orange, Orange County, and thereafter maintain said station as a Class A nonagency station. Applicant contends that under present conditions both the business handled and the type of business conducted at said station do not warrant the continued maintenance of an agency at said station, and that the public can be adequately served from the agency at La Habra, California.

The application was protested by the Orange Chamber of Commerce, Robert E. Whitcomb, roofing contractor, David S. Savage, dry well contractor, and the Order of Railroad Telegraphers. Four letters of protest were received one of which was withdrawn; the writers of two of the others did not appear. All interested

parties were served with notice of the hearing in accordance with the Commission's procedural rules.

A public hearing was held in the City of Orange on March 7, 1963, before Examiner DeWolf. Oral and documentary evidence having been adduced, the matter was submitted for decision.

Notice of Intention to close the station was posted at the Orange station on September 14, 1962, and notice of hearing was posted at said station and published in a local newspaper.

The City of Orange is situated approximately 27 miles southeasterly of Los Angeles and has a population of approximately 93,000. The Pacific Electric Railway station is in the center of the city on a short branch line 1.8 miles long, and uses Southern Pacific lines to reach the other lines of the company. The trains are made up at Los Nietos south of Whittier and operate via Studebaker, Carmenita, Buena Park, Anaheim and Marlboro over Southern Pacific lines and then south to Orange.

The highway distance between Orange and La Habra is approximately 14 miles. One person, the agent, is employed at Orange, and there are an agent and a clerk at the La Habra station. The hours at both stations are 8 a.m. to 5 p.m. The La Habra station is open six days a week, and the Orange station five days a week. It was estimated that the actual working time of the Orange agent does not exceed 2½ hours per day and that his work could be performed by the La Habra agency without adding an employee or adversely affecting the present service at said station. No change is contemplated in the manner of handling carload shipments except that the clerical work, inspections, and inquiries

will be handled by the La Habra agent or clerk. Present track facilities will not be changed. A waybill box will be located at the Orange station for the convenience of customers, agent, and train crew. Free phone service will be made available. Less-than-carload shipments are now handled by a motor carrier affiliate and other carriers on a store-door pickup and delivery basis. No passenger tickets, railway express shipments, or mail are handled at the Orange station. The employees at La Habra will call on Garden Grove carload customers as often as necessary to assist them in handling their traffic.

Gross operating revenue associated with rail traffic originating and terminating at Orange for the twelve months ending October 31, 1961, and October 31, 1962, was as follows:

	<u>12 Months Ending October 31, 1961</u>	<u>12 Months Ending October 31, 1962</u>
Carload Freight	\$ 82,891	\$ 70,750
Less-than-Carload	1,707	1,827
Storage	4	-
Demurrage	<u>228</u>	<u>384</u>
Totals	\$ 84,830	\$ 72,961

Applicant, a subsidiary of the Southern Pacific Company, operates in the area known as the Los Angeles Basin. Expense associated with said traffic, except local station expense, was not available, nor was the division of said revenue with other railroads.

The volume of business handled at the Orange station for the twelve-month periods ending October 31, 1961, and October 31, 1962, was as follows:

	12 Months Ending October 31, 1961		12 Months Ending October 31, 1962	
	<u>Total</u>	<u>Average Per Day</u>	<u>Total</u>	<u>Average Per Day</u>
<b>Carload Freight:</b>				
Forwarded	414	1.63	215	.85
Received	384	1.51	559	2.20
<b>Less-than-Carload:</b>				
<b>Total Tons:</b>				
Forwarded	24	.09	13	.05
Received	90	.35	148	.58
Depot Shipments	324	1.28	360	1.42
Damaged Shipments Inspected	36	.14	56	.22
Order Bills of Lading	1	-	1	-
Car Orders Placed	268	1.06	140	.55
Stop-off Cars	37	.15	58	.23

Based upon 254 working days.

There were no tickets sold at this station, nor were any passenger traffic, baggage, express, telegrams, or milk handled.

Station operating expense for the twelve months ending October 31, 1962, was \$7,486.

Applicant estimates annual savings on the basis of a nonagency station at \$6,577, as follows:

Item	Amounts
<u>Gross Savings:</u>	
Wages - Agent	\$ 6,025
Railroad Retirement & Unemployment Insurance Taxes	492
Health & Welfare Benefits	<u>248</u>
Total Wages, Taxes & Health & Welfare Benefits	\$6,765
Automobile Mileage Allowance - Agent	304
Telephone	204
Electricity	72
Gas	36
Misc. Station Supplies & Expenses	<u>60</u>
Total other than Wages, Taxes & Health & Welfare Benefits	<u>676</u>
Grand Total Gross Savings	\$7,441
Less:	
Added Expenses at La Habra:	
Operation of Company Automobile	\$ 660
Telephone	204
Misc. Station Supplies & Expenses	<u>-</u>
Total Added Expenses	<u>864</u>
Estimated Net Annual Savings	\$6,577

Protesting shippers contend that closing the station would result in delays and inconvenience and would not be in the public interest; that inspections would not be prompt; and that merchandise might be taken from cars. The record shows that cars are spotted at midday and that consignees will be notified by phone or by card as at present. Carload consignees would have access to cars at all times, whether agent is present or not. Payment of

freight bills will be accepted by the La Habra agent who would go to Orange for that purpose. Car and merchandise inspections will be made on request.

The Chamber of Commerce presented evidence of the industrial and residential growth of Orange and surrounding areas, as well as city plans for the further development of several industrial sections. Its position, generally, is that there is a need for an agency station at Orange to properly take care of present and anticipated rail traffic. On the other hand, the record indicates that carload traffic can be adequately and satisfactorily handled through the La Habra agency, and that the less-than-carload freight is practically nonexistent due primarily to the many store-door truck pickup and delivery services which are available. Applicant's spur and team track facilities and service will not be changed except by the substitution of one agent for another.

It is the intention of applicant to abolish the position now held by the agent who, by reason of seniority, will be retained.

The Commission, having carefully considered the record, finds that an adequate and convenient service is available from applicant's facilities maintained at La Habra; that the general public interest would not be served by requiring applicant to sustain an unnecessary expense; and that public convenience and necessity no longer require the maintenance by the Pacific Electric Railway Company of an agency at Orange. Applicant will be required to continue the station in a Class A nonagency status at which freight in any quantity, carload or less, will be handled.

The application will be granted as hereinafter set forth.

O R D E R

IT IS ORDERED that:

Pacific Electric Railway Company is authorized to discontinue its agency at Orange, Orange County, California, subject to the following conditions:

- a. Pacific Electric Railway Company shall maintain said station in a nonagency status for the receipt or delivery of freight in any quantity, carload or less.
- 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 Orange, Pacific Electric 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, Pacific Electric 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.
- c. Within thirty days after discontinuance of service as herein authorized, applicant shall, in writing, 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 11<sup>th</sup> day of JUNE, 1963.

George A. Traver  
President

Edward J. [unclear]

Frederick B. Hohloff

William W. Berisford

Commissioners

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