

**ORIGINAL**Decision No. 66961

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 NORTHWESTERN PACIFIC RAILROAD COMPANY )  
 and RAILWAY EXPRESS AGENCY, INC., for )  
 authority to discontinue agency at )  
 South Fork, County of Humboldt, State )  
 of California, and to maintain said )  
 station as a Class "A" non-agency )  
 station. )

Application No. 45817  
 (Filed September 27, 1963).

Randolph Karr and Harold S. Lentz, for applicants.

Warren E. Fisher and Eugene L. Ely, Jr. and Leonard M. Wickliffe, for the Order of Railroad Telegraphers, protestant.

Leonard M. Wickliffe also appeared for the Order of Railway Conductors and Brakemen, and Railroad Brotherhoods California Legislative Association, protestants.

Harry Paul Cochran, for the Commission staff.

O P I N I O N

Northwestern Pacific Railroad Company and Railway Express Agency, Inc. request an order authorizing them to discontinue their respective agencies at South Fork, and applicant railroad to thereafter maintain its station at that point as a Class "A" nonagency station for the receipt or delivery of freight in any quantity, carload or less.

Public hearing was held at Weott before Examiner Rowe on January 15, 1964, at which time evidence was received and both matters were submitted for decision.

According to applicant railroad's evidence practically all of the business handled by this agency consisted of carload freight, mostly lumber. During 1962, 1,223 carloads originated and 84

carloads terminated there. Less-than-carload freight has been and will continue to be picked up and delivered in this area by Callison Truck Lines, Inc., even though the agency is discontinued. The railroad agent also acts as agent for Railway Express Agency, and during said year 366 express shipments were handled.

The shippers in the area were duly notified of the application and of the hearing but none appeared to protest. One wool grower testified that his association had originally objected but that after the proposal had been explained to them they had withdrawn their objections. Several shippers testified that they were convinced that they would not be adversely affected by the granting of the application.

The evidence of Northwestern Pacific shows that an industrial clerk from Eureka can and will adequately perform all required work in the area; that no addition to the Eureka agency will be required; and that the net annual savings will be approximately \$6,500. Accordingly, the Commission finds that the transportation service at South Fork will not be adversely affected by the proposed discontinuance of the agency.

The evidence of Railway Express Agency shows that without utilization of the railroad's agent at South Fork it is not feasible to employ a merchant agent and that any attempt to maintain its own office with a full time agent would result in prohibitive losses and would serve public convenience and necessity only in a very small measure. The revenue of Railway Express Agency at South Fork during 1963 amounted to an average of \$86.58 per month. The usual commission to a merchant agent of 10 percent would mean that the agent could expect payment of only \$8.65 per month. It claimed that no local merchant would, for that sum, be willing to assume the

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responsibility and spend the time to become cognizant of the express company's complicated rates. The nearest remaining Railway Express Agency service is at Scotia, 18 miles to the north.

Counsel for applicants objected to the appearance on behalf of the unions who were protesting the loss of the agent's job. The objection was overruled by the Examiner.

The Commission finds that public convenience and necessity no longer require the maintenance by applicants of their respective agencies at South Fork. The application should be granted.

O R D E R

IT IS ORDERED that:

1. Applicants are authorized to discontinue their agencies at South Fork, Humboldt County. The authorization of the railroad applicant is subject to the following conditions:

- (a) Northwestern Pacific Railroad Company shall maintain said station in a Class "A" nonagency status for the receipt or delivery of freight in any quantity, carloads 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 South Fork, Northwestern Pacific Railroad Company and Railway Express Agency, Inc. 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, applicants shall file in duplicate amendments to their respective 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.

(c) Within thirty days after discontinuance of service as herein authorized, applicants 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 17th day of March, 1964.

William W. Bennett  
President

George L. Crow

Fredrick B. Hallock

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Commissioners

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