

ORIGINALDecision No. 68433

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 SOUTHERN PACIFIC COMPANY for author-)
 ity to discontinue agency and to)
 remove station building and appurte-)
 nances at Tipton, County of Tulare,)
 State of California, and to maintain)
 said station as a Class A nonagency)
 station.)

Application No. 46855

Harold S. Lentz, for applicant.
Guy Purinton and Cyril Faury, for
 cattle shippers and A. C. Wright,
 for E. W. Merritt Packing Co.,
 protestants.
Kenneth G. Soderlund, for the
 Commission staff.

O P I N I O N

This matter was heard at Tulare, on September 29, 1964
 before Examiner Power and submitted.

The applicant proposes to discontinue its agency at Tipton,
 Tulare County and to physically remove the station building. It
 proposes to serve Tipton as a Class A nonagency station. The prin-
 cipal responsibility for service at Tipton would rest on applicant's
 agent at Earlimart, a station about 12 miles southeast of Tipton.

Applicant produced six witnesses and six exhibits in sup-
 port of its request.

Tipton is in a centralized traffic control area. It is not
 a train order station. No passenger train stops there either regu-
 larly or on flag. The Tipton agent has no function in the operation
 of trains.

The station is old and in a state of disrepair. It will
 need repainting in two or three years.

Total traffic handled at Tipton station in recent years has been as follows:

<u>Year</u>	<u>Cars Originated</u>	<u>Cars Terminated</u>	<u>Total</u>
1962	362 ⁽¹⁾	57	419
1963	1 ⁽¹⁾	43	44
1964 (1st 6 mos.)	0	5	5

(1) The chief difference was from 355 cars of melons in 1962 to none in 1963.

Revenues on traffic originated or terminated at Tipton were: in 1962, \$106,227; in 1963, \$12,788; in the first six months of 1964, \$1,967. Net savings by closing the Tipton station were estimated at \$6,636 per year.

Tipton does not handle express shipments. Less truckload and less carload shipments are handled by Pacific Motor Trucking Company, an affiliate of applicant over a route that originates in Bakersfield.

An Enterprise telephone number is proposed for Tipton. A call made from Tipton would go to Earlimart and if Earlimart does not answer then it will ring applicant's PBX at Bakersfield.

The Assistant Division Superintendent pointed out that the functions performed by agents have been disappearing one by one, for some time. A recent example, in 1962, was the installation of centralized traffic control in the territory, which eliminates train orders.

A witness, who represented a packer of melons at Tipton and a cattleman testified in protest.

The packer witness pointed out that the falling off in melon shipments in 1963 was due to a plant disease. He testified that, in 1964, some 89 cars had been shipped. He anticipated more in

the future, feeling that the disease situation was in course of solution.

This witness would accept a situation in which a seasonal agent was maintained at Tipton for about two months in the third quarter of the year.

The cattleman witness spoke for a group of about 27 who had signed a protest. He testified that most of the cattle are inbound. They come chiefly from Arizona, New Mexico and Texas. Two things determine the volume of cattle business. The first is the amount of grass on the ranches which is largely a product of the rainfall. The other factor is the price of cattle in the three Southwestern States mentioned. The witness testified that both factors had been unfavorable in the three years reported in Southern Pacific's exhibit. Rainfall had been deficient and prices high in those years. This would account for the limited amount of cattle shipped in.

To sum up, protestants liked the service they had and were opposed to a change.

The duty of a common carrier is to render reasonable service. The means for rendering such service in the instant case will be available notwithstanding the granting of the application herein. It appeared that, to some extent, the protests to the application seem to have been inspired by what the protestants thought, or had heard, was a failure of applicant to keep promises made in another case in the same county.

The Commission will grant the application. Applicant is reminded, however, that it will be expected to maintain service at the level that now exists.

The Commission finds that:

1. Public convenience and necessity no longer require the maintenance by Southern Pacific Company of its agency and station building at Tipton, Tulare County.

2. Public convenience and necessity do require that a station be maintained at Tipton for receipt and delivery of freight in any quantity, carloads or less.

The Commission concludes that the application should be granted.

O R D E R

IT IS ORDERED that Southern Pacific Company is authorized to discontinue its agency and to remove the station building at Tipton, Tulare 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 one hundred twenty days after the effective date hereof and not less than ten days prior to the discontinuance of the agency at Tipton, applicant 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, applicant 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 5th day of JANUARY, 1965.

Frederick B. Hollis
President

George E. Hoover

William B. Bennett

Commissioners