

**ORIGINAL**

Decision No. 69779

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
THE ATCHISON, TOPEKA AND SANTA FE  
RAILWAY COMPANY, a corporation, for  
authority to discontinue agency service  
at its station at Middle River, County  
of San Joaquin, State of California,  
and to remove its station building  
therefrom.

Application No. 47595  
(Filed May 17, 1965)

John J. Balluff and Henry M. Moffat, for  
applicant.  
Ralph D. Norton, for Transportation-Communication  
Employees Union, protestant.  
Kenneth G. Soderlund, for the Commission staff.

O P I N I O N

The Atchison, Topeka and Santa Fe Railway Company  
(hereinafter called Santa Fe) seeks herein authority to discontinue  
agency service at its Middle River station in San Joaquin County,  
and to remove its station building therefrom.

A duly noticed public hearing was held in this matter  
before Examiner Jarvis at Stockton on August 26, 1965, and the  
matter was submitted on that date. The Transportation Communica-  
tion Employees Union appeared in protest of the application.  
However, it offered no evidence, and its participation consisted  
of cross-examining witnesses produced by Santa Fe. No witnesses  
appeared in opposition to the application.

Middle River is presently operated as a seasonal agency.  
This Commission, in Decision No. 44915 (Application No. 31679),  
entered on October 17, 1960, authorized Santa Fe to discontinue

agency service during the months of March through June. The record herein indicates that no passenger, express or telegraph service is provided at Middle River. Less-than-carload shipments are not presently handled by rail, but by a Santa Fe subsidiary, Santa Fe Trail Transportation Company. If the application is granted, there would be no change in the present handling of less-than-carload shipments.

The evidence indicates that no carload shipments were received at Middle River during the years 1963 and 1964. In 1963, 226 carload shipments were forwarded during the period when the agency was open and 240 were forwarded during the similar period in 1964. If agency service is discontinued at Middle River, Santa Fe proposes to orient the business presently handled there to Stockton, which is 13.4 miles east or to Holt, which is 5.5 miles east. The closest agency to the west is Knightsen, which is 8.2 miles distant. The Middle River agency has one agent and operates five days a week from 9 a.m. to 6 p.m. and is closed one hour for the agent to have lunch. The Stockton agency has 25 employees and is open 24 hours a day, seven days a week, including holidays. During June of 1965, when no agent was on duty, Santa Fe forwarded 65 loaded cars from Middle River in a manner satisfactory to the shippers.

The Commission makes the following finding and conclusions.

Finding of Fact

Public convenience and necessity no longer require the maintenance by Santa Fe of an agency at Middle River, San Joaquin County, California.

Conclusions of Law

1. Santa Fe should be authorized to discontinue its agency at Middle River.
2. Santa Fe should be authorized to remove its station building from Middle River.

O R D E R

IT IS ORDERED that:

1. The Atchison, Topeka and Santa Fe Railway Company is authorized to discontinue its agency at Middle River, San Joaquin County, California, subject to the following conditions:

- (a) Applicant 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 Middle River, 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.

2. The Atchison, Topeka and Santa Fe Railway Company may remove its station building at Middle River, San Joaquin County, California, after it has exercised the authority granted by paragraph 1 of this order and has complied with the conditions thereof.

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

Dated at San Francisco, California, this 13<sup>th</sup> day of OCTOBER, 1965.

Frederick B. Hallock  
President  
George J. Hoover  
August  
William C. Brown

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Commissioners

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