

**ORIGINAL**Decision No. 69819

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 Oakley,  
 County of Contra Costa, State of  
 California, except during the grape  
 shipping season.

Application No. 47592  
 (Filed May 17, 1965)

John J. Balluff and Henry M. Moffat, for applicant.  
Ralph O. Norton, for Transportation-Communication  
 Employees Union, protestant.  
Richard M. Roma, in propria persona, interested  
 party.  
Kenneth G. Soderlund, for the Commission staff.

O P I N I O N

This application, as originally filed by The Atchison, Topeka and Santa Fe Railway Company (hereinafter referred to as Santa Fe), requested authority to discontinue agency service at Oakley and to remove the station building therefrom. However, at the public hearing the presiding examiner permitted Santa Fe to amend the application. The application, as amended, now requests authority to discontinue agency service at Oakley, except during the grape shipping season. The request for authority to remove the station building was withdrawn.

A duly noticed public hearing was held in this proceeding before Examiner Jarvis at Oakley on August 25, 1965, and the matter was submitted on that date.

The Oakley agency is operated with one agent, Monday through Friday, from 8 a.m. to 5 p.m. It is closed one hour each of these days for the agent to have lunch. If the application is

granted, Santa Fe proposes to orient its Oakley business primarily to Antioch, which is 6 miles west, or secondarily to Knightsen, which is 3.1 miles east of Oakley. The Knightsen agency has business hours similar to Oakley. The Antioch agency is open from 6:30 a.m. to 3 a.m., seven days a week, including holidays.

The record indicates the following activity at Oakley:

Carload Shipments

	<u>Received</u>	<u>Forwarded</u>
1963	44	66
Average per month, 1963	3.67	5.5
1964	48	21
Average per month, 1964	4	1.75
First 6 months, 1965	24	1
Average per month, first 6 months, 1965	4	.17

Less-Than-Carload Shipments

	<u>Received</u>	<u>Forwarded</u>
1963	70	36
Average per month, 1963	6	3
1964	35	27
Average per month, 1964	3	2.25
First 6 months, 1965	5	1
Average per month, first 6 months, 1965	.84	.17

Except for an occasional shipment under a stop-in-transit privilege, 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 handling of less-than-carload shipments. Pickups would be arranged by telephoning Antioch rather than Oakley.

The only passenger service provided at Oakley is a flag stop designation for Train No. 7, which runs from Chicago to San Francisco and passes through Oakley at 1:10 a.m. Santa Fe does not propose to discontinue the flag stop. If the application is granted, a person desiring to use Train No. 7 could do so by calling the Santa Fe agency at Antioch or Pittsburg. The total revenues for all passenger tickets sold at Oakley was \$99.06 for 1963 and \$8.44 for 1964. Western Union service is presently provided at Oakley when the agency is open. Santa Fe's earnings from the telegraph service were \$52.12 in 1963 and \$65.80 in 1964. In 1964 the daily average of Western Union messages was 1.44. If the application is granted, Western Union service would be discontinued at Oakley. The nearest Western Union office would be in Pittsburg, which is approximately 15 miles distant.

The Transportation-Communication Employees Union appeared in protest of the application. One witness, a local merchant, testified on behalf of protestant. The witness testified that he was a truck and tractor dealer; that he received some shipments or partial shipments by rail; that the Oakley agent gave him assistance with respect to such shipments and he believed that, if the agent were removed, his business would suffer.

Examination of the record indicates that the primary commodity received at Oakley in carload shipments is feed-grain. The primary commodity shipped from Oakley in carloads is grapes. As indicated, Santa Fe proposes to give seasonal agency service during the grape season which is generally during the months of September and October. Less-than-carload service would not be affected by a change in agency service. None of the receivers of feed-grain protested against the reduction in agency service. At

the hearing, Santa Fe stipulated that if the application were granted, it would provide toll-free telephone service from Oakley to its Antioch agency. In the circumstances, the Commission is of the opinion that granting the application would not cause appreciable inconvenience to the public.

The Commission makes the following findings and conclusions:

Findings of Fact

1. Public convenience and necessity require the maintenance by Santa Fe of an agency at Oakley only during the grape shipping season. Public convenience and necessity no longer require the maintenance of said agency during other times of the year.

2. During the times of the year when agency service is not furnished at Oakley, public convenience and necessity require Santa Fe to provide toll-free telephone service to patrons who presently are able to transact business with Santa Fe on a local call basis.

Conclusions of Law

1. Santa Fe should be authorized to discontinue agency service at Oakley at all times during the year, except during the grape shipping season.

2. Santa Fe should be required to provide toll-free telephone service to its Oakley patrons during the times of the year when the agency service is not furnished at Oakley.

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 Oakley, Contra Costa County,

during all parts of the year, except during the grape shipping season, 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, during the period of the year when agency service is not furnished.
- (b) Within one hundred twenty days after the effective date hereof and not less than ten days prior to the first discontinuance of agency service at Oakley, 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 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 presently employed full time 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. During the periods of time when no agency service is provided at Oakley, applicant shall make proper arrangements to provide that all patrons who are or would have been able to transact telephone business with applicant at Oakley on a local rather than toll-call basis shall be able to do business with applicant on a non-toll-call basis.

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

Dated at San Francisco, California, this 19th day of OCTOBER, 1965.

Fredrick B. Haloboff President  
George L. Hoover  
Augustine  
William B. Brown