

Decision No. 69849**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 SUNSET RAILWAY COMPANY, a corporation,)
 for authority to discontinue agency)
 service at its station at Taft,)
 County of Kern, State of California,)
 and to remove its station building)
 therefrom.)

Application No. 47588
 (Filed May 17, 1965)

John J. Balluff and Henry M. Moffat, for applicant.
Pete Gianopulos, for the City of Taft; Stephen K.
Kennedy, for the Taft Chamber of Commerce; Clyde
Peavyhouse, for the Taft Real Estate Board; Keith
A. Vose and Jack Panick, for Transportation
Communication Employees Union, protestants.
James R. Ritchie, for the Commission staff.

O P I N I O N

A duly noticed public hearing was held before Examiner Power at Taft on July 13, 1965 and the matter was submitted.

The Sunset Railway Company is operated jointly by The Atchison, Topeka and Santa Fe Railway Company and Southern Pacific Company. Each of these railroads takes over the operation for alternate periods of five years. The Railway is currently being operated by Santa Fe. On January 1, 1967, Southern Pacific will take over for the ensuing five years.

Taft is the only agency station on this railway. There are a number of other stations on it besides Taft but all of these are non-agency stations.

Applicant presented seven witnesses. Of these, three were Santa Fe employees and one each represented Southern Pacific, Pacific Motor Trucking and REA Express Company, with one public witness. A representative of the Taft Chamber of Commerce and the Mayor of that City testified in opposition. The evidence including the documentary evidence (15 exhibits) developed the facts recited below.

The Taft Station was opened in 1909. It is now open forty hours a week, eight hours a day, Monday through Friday. It is proposed to service Taft from the Bakersfield Santa Fe Agency. This station has an agent, an assistant agent and thirty employees. It is open twenty-four hours a day and seven days per week. Santa Fe will provide all interexchange telephone receiving service from Taft.

In times past, the applicant's witnesses stated, an agent had many functions that now are handled by other people or in other ways. Among these were the sale of passenger tickets, train orders, the handling of mail, express and less-than-carload freight and the servicing of carload freight. At present the Taft Agency provides only the carload service.

REA Express has its own office in Taft and express comes from Bakersfield on a bus line. Mail moves on the same line. Less-than-carload freight service is provided by Pacific Motor Trucking Company in substituted service. This company has a contract agent in Taft. Western Union Telegraph Co. has its own office in Taft.

This leaves carload freight and train orders. At the present time Taft is a train order station. However, applicant contends that this function is not really necessary because the Santa Fe (and Southern Pacific) locomotives are equipped with two-way radio and the dispatcher can communicate directly with the train crew for the issuance of instructions.

Carload freight in Taft arrives in a train that comes from Bakersfield three days a week. This train makes a round trip, beginning and ending at Bakersfield. There is never more than one train on the line at a time. The entire operation is within yard limits. As a result the train order function has lost its importance.

The carload traffic to and from Taft was developed in various exhibits. In 1963, eighteen carloads were forwarded; in 1964, the

figure was thirteen and in the first four months of 1965 it was six. Carloads received were much more numerous, reaching 520 cars in 1963, 574 in 1964 and 213 in the first four months of 1965. The monthly averages for the time periods were, forwarded, 1.5, 1.1 and 1.5, respectively; received, 43.3, 47.8 and 53.3, respectively. It will be noted that the Santa Fe exhibit which formed the basis of the preceding paragraph indicates a tendency of business to increase at Taft. However, the Commission finds no evidence that there will be enough business in the foreseeable future to justify an agency at Taft.

Santa Fe reports revenue assignable to Taft station of \$65,011.53 for 1963 and \$75,092.35 in 1964. Santa Fe also introduced an exhibit relating to the potential savings. It is not complete, however, and has little probative force.

Santa Fe proposes to serve Taft in various ways; the selection of a particular way being up to the shipper. One of these will be to provide a bill of lading box on the shipper's premises. Another one is to have the freight conductor sign shipping documents. Some shippers will be allowed to seal their own cars.

Southern Pacific's witness testified that, when they take over, the same services will be handled in the same way. The Southern Pacific's establishment at Bakersfield is slightly larger than Santa Fe's.

Protestants made two points. One of these was that the Taft area is growing and the prospects are for an increase of railroad business. Special reference was made to the construction of a pumping station for the State water plan which will probably require many carloads of inbound freight.

A second question was raised in connection with order bills of lading and damage inspections. There seems to be no question that these will be handled less expeditiously.

It is clear that there is not enough work to keep an agent busy even half time. There will be establishments in Taft to handle express and less-than-carload freight.

It is true that the Railway will, if the station is closed, be able to render an adequate service at Taft. It must be borne in mind also that the duty of a common carrier is to carry property promptly and safely. It does not include the necessity of rendering the service by any specific method or through certain specific classifications of employees.

The Commission finds that:

1. Public convenience and necessity no longer require the maintenance by Sunset Railway Company of an agency at Taft, Kern County.
2. After the termination of the agency at Taft, the station building there will not be needed in the public service.

The Commission concludes that the application should be granted.

O R D E R

IT IS ORDERED that:

1. Sunset Railway Company is authorized to discontinue its agency at Taft, Kern County, subject to the following conditions:
 - a. Sunset Railway Company shall maintain said station in a non-agency 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 Taft, Kern County, 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. After the authority granted by paragraph 1 of this order has been exercised and the conditions thereof have been complied with, Sunset Railway Company may remove its station building at Taft.

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

Dated at San Francisco, California, this 26th day of OCTOBER, 1965.

Fredrick B. Holczoff
 President

Peter E. Mitchell

George G. Grover

A. W. Gator

Commissioners

FREDERICK B. HOLCZOFF
 President
 PETER E. MITCHELL
 GEORGE G. GROVER
 A. W. GATOR
 Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.