

ORIGINALDecision No. 70129

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, and)
 RAILWAY EXPRESS AGENCY, INC., a)
 corporation, for authority to dis-)
 continue agency service at their)
 station at Le Grand, County of)
 Merced, State of California, and to)
 remove their station building)
 therefrom.)

Application No. 47589
 Filed May 17, 1965

John J. Balluff and Henry M. Moffatt, for applicants.

Ralph O. Norton, for Transportation Communi-
 cations Employees Union; and Andy Olsen,
 for himself and other livestock feeders,
 protestants.

Dudley J. Goul, for Giampaoli and Marchini,
 interested party.

Kenneth G. Soderlund, for the Commission staff.

O P I N I O N

A duly noticed public hearing was held before Examiner John Power at Merced on July 28, 1965 and the matter was submitted.

The original application sought authority to terminate the agency and remove the station building at Le Grand. At the hearing Santa Fe amended the application to delete the request for station removal, and to provide for maintaining the Santa Fe agency each year during the tomato season.

Applicants presented four witnesses. These included an operating and a financial witness of Santa Fe, a witness from Santa Fe Trail Transportation Company, Santa Fe's trucking affiliate, and a witness from REA. A shipper of tomatoes and a receiver of livestock testified in opposition to the application. Sixteen exhibits

were received. The Board of Supervisors of Merced County transmitted to the Commission a resolution protesting the reduction of Le Grand and Planada Stations to nonagency status.

Since 1963, Le Grand station has sold no passenger tickets. Since 1962, it has not handled any Western Union messages, baggage, mail or milk. Less carload shipments handled at the station amounted to 14 in 1963, 11 in 1964 and 9 in the first six months of 1965. Carload traffic reached 298 cars in 1963, 186 in 1964 and 19 in the first half of 1965. The last figure indicates that business tends to be very light in the first half of the year.

The heaviest month for forwarding cars was July with 67 cars in 1963, and 79 in 1964. This is the tomato season. The heaviest month for receiving was November 1963 with 105 cars but in November 1964 no cars were received.

A witness for the livestock feeders testified in opposition to the application. His main interest was in getting notice of the arrival of stock cars at Le Grand. In his own case he liked about 45 minutes notice so as to arrange for his trucker to meet the train and Santa Fe agreed to continue this notice. When it is considered that other service is available in the same area, it appears that the livestock shippers have protection against any noticeable diminution of their service by Santa Fe.

The witness from Santa Fe Trail Transportation Company testified respecting its service. This company presently handles less carload traffic to and from Le Grand in trucks based at Fresno.

The REA witness testified that the Company will discontinue service at Le Grand if the application is granted. This company's business at this place is so small that it would not pay the company to train a merchant agent for Le Grand even in the remote possibility that a merchant could be found who would accept the appointment.

If the application is granted Santa Fe proposes to provide an interexchange telephone receiving service from Le Grand to Merced.

It appears that the further maintenance of an agency at Le Grand has become uneconomic and therefore a burden on commerce, except during the tomato season. The application as amended will be granted.

The Commission finds that public convenience and necessity no longer require the maintenance by The Atchison, Topeka and Santa Fe Railway Company and Railway Express Agency of an agency at Le Grand, Merced County, except during the tomato season in that area.

The Commission concludes that the application, as amended, should be granted.

O R D E R

IT IS ORDERED that:

1. Except as provided in Ordering Paragraph 2 hereof, The Atchison, Topeka and Santa Fe Railway Company and Railway Express Agency, Inc., are authorized to discontinue their joint agency at Le Grand, Merced County, subject to the following conditions:

- a. The Atchison, Topeka and Santa Fe Railway Company 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 Le Grand, Merced County, The Atchison, Topeka and Santa Fe Railway Company 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 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, applicants shall, in writing, notify this Commission thereof and of compliance with the above conditions.

2. The Atchison, Topeka and Santa Fe Railway Company shall not remove its station building at Le Grand and shall maintain an agency therein each year for the duration of the tomato season.

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

Dated at San Francisco, California, this 21st day of December, 1965.

Fredrick B. Holcomb
President

George A. Crover
Assistant

William L. Donald
Commissioners