

ORIGINAL

Decision No. 73326

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 THE WESTERN PACIFIC RAILROAD COMPANY
 and SOUTHERN PACIFIC COMPANY for
 authority to reduce hours of service
 at agency station of Westwood, County
 of Lassen, State of California.

Application No. 49272
 (Filed April 10, 1967)

O P I N I O N

The Western Pacific Railroad Company (Western) and Southern Pacific Company (Southern) maintain a joint agency station at Westwood, Lassen County. By this application they seek authority to reduce the hours of service at the station to "normal" agency hours of eight hours per day, five days per week (Monday through Friday).

The application states that said station is presently open between the hours of 7:30 a.m. and 11:30 p.m., seven days per week. Assertedly, present operating methods and practices do not require the agency to be open on weekends or other than normal business hours. The application further alleges that, under current conditions, both the volume and type of business handled at the Westwood station do not warrant continued maintenance of agency service at other than normal business hours or on Saturday or Sunday, that the general public can be adequately served with normal agency hours of eight hours per day, five days per week, and that public convenience and necessity can best be served by reducing the present hours of agency service at Westwood.

Under the provisions of the Commission's General Order No. 36-B applicants, by letter dated September 21, 1966, filed notice of proposed reduction of hours of service at Westwood. On October 17, 1966 the Commission informed applicants that protests had been received and that applicants should not place into effect the proposed reduction in hours of service without filing a formal application. On April 10, 1967 the application herein was filed.

The protests were made by Eagle Lake Lumber Company (Eagle), located at Susanville, and by the Transportation-Communication Employees Union. The basis for both protests was that Eagle had filed an application (Finance Docket No. 24254) with the Interstate Commerce Commission (I.C.C.) for authority to purchase from Southern a portion of a branch line extending from Susanville to Mason, four miles north of Westwood.^{1/} Eagle proposed to operate its own trains between Susanville and Westwood via Mason. It asserted that the proposed reduction in Westwood agency hours would adversely affect its interests. Both protestants urged that no action be taken on the subject proposal while Eagle's application to the I.C.C. was pending.^{2/}

Subsequent to the date of filing of the application herein it came to the Commission's attention that Southern had requested the I.C.C. to dismiss its application, hereinbefore mentioned, to abandon the Susanville-Mason segment. We then inquired of Eagle whether, in

^{1/} The line between Mason and Westwood is used jointly by Southern and Western.

^{2/} Under Finance Docket No. 23732, Southern had previously been authorized by the I.C.C. to abandon the Susanville-Mason segment; action on that authorization was held in abeyance by the I.C.C. at the request of Eagle.

view of this development, its protest still remained. In response, Eagle stated that Finance Docket No. 25254, above, was scheduled for public hearing before the I.C.C. at Washington, D.C. on July 18, 1967. Eagle requested that no action be taken with respect to Application No. 49272 until after that hearing.

After repeated inquiries, this Commission was informed by the I.C.C., by letter dated September 7, 1967, that, by its order dated July 17, 1967, issued at the request of applicant Eagle, Finance Docket No. 24254 had been dismissed and that the scheduled hearing had been cancelled.^{3/}

By letters dated September 13, 1967, we directed the attention of Eagle and of the Union to the information which we had received from the I.C.C. and stated that unless the Commission was advised to the contrary not later than October 1, 1967, it would be assumed that their protests against Application No. 49272 had been withdrawn. No responses to those communications have been received.

We find that:

1. Southern Pacific Company and The Western Pacific Railroad maintain a joint agency at Westwood, Lassen County, the hours of service being from 7:30 a.m. to 11:30 p.m., seven days per week.
2. In the 24-month period ended June 30, 1966 the total numbers of shipments forwarded from and received at Westwood by the two applicants were as follows: carloads forwarded, 4, received, 11; less-than-carloads forwarded, 1, received, 13.
3. Present operating methods and practices of applicants do not require the Westwood agency to be open on weekends or other than customary daytime hours.

^{3/} Two other related applications, scheduled for hearing before the I.C.C. on the same date, were also dismissed and their hearings cancelled.

4. Public convenience and necessity do not require the agency to be open for business for periods in excess of eight hours per day, Monday through Friday, said eight-hour period to begin at 9:00 a.m. and terminate at 6:00 p.m., including a one-hour lunch period.

We conclude that the application should be granted. A public hearing is not necessary.

O R D E R

IT IS ORDERED that applicants are authorized to reduce the hours of service at their joint agency at Westwood, Lassen County, to eight hours per day, Monday through Friday, said eight-hour period to begin at 9:00 a.m. and terminate at 6:00 p.m. including a one-hour lunch period.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 12th day of NOVEMBER, 1967.

[Signature]
President

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Commissioners