

Decision No. 76274

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of TIDEWATER SOUTHERN RAILWAY)
COMPANY for authority to reduce)
its agency station at Escalon in)
San Joaquin County to non-agency)
status.)

Application No. 51093
(Filed May 21, 1969)

Richard W. Bridges, for Tidewater Southern
Railway Company, applicant.
Darwin O. Lange, for H & N Development Co.,
Inc., U.S. By-Products, Inc., protestant.
Allen J. Duke, for Pet Incorporated; Ernest
J. Kaiser, for Manteca Bean Co.; and Sam
Loduca, for San Joaquin Tomato Co., Inc.,
interested parties.
Kenneth G. Soderlund, for the Commission
staff.

O P I N I O N

This application was heard before Examiner Fraser at Escalon on July 16, 1969, on which date it was submitted. Copies of the application and the notice of hearing were served in accordance with the Commission's procedural rules.

The superintendent of the Tidewater Southern Railway Company testified as follows: The agency at Escalon can be more effectively served by a mobile agent operating out of a van-type truck with a two-way radio and office built into the vehicle; the agent would operate out of Modesto and service Manteca and Escalon; prospective shippers will call the Modesto office, which is open seven days of the week, and the agent will be dispatched in his vehicle; the agent is now operating out of an old box car which serves as an office; it has no facilities and the agent cannot be contacted when he is out; also the Escalon office only

operates on an 8 to 5 basis on five days of the week; if the mobile agent is authorized, the local shippers will receive more efficient service from the same agent and it will be easier to communicate with him by radio than it is now by telephone; the closing of the Escalon office will result in the elimination of one of the two sets of records (at Modesto and Escalon) now kept on Escalon transactions; will save the cost of the utility services now provided at the Escalon office; and will eliminate some of the expense involved when the agent was required to use his own vehicle.

All of the shippers appeared as interested parties with one exception. The latter was a protestant. He stated it was his understanding that business out of Escalon was expanding and it would be improper for the applicant to either eliminate or reduce any of its present service. Applicant's witness replied that the same agent will be working in Escalon and providing the same services. He will be working out of a radio-equipped van instead of an office, and his efficiency should be improved thereby.

The Commission finds that all agency functions can be performed by the agency at Modesto without any increase in personnel and that public convenience and necessity no longer require the maintenance by Tidewater Southern Railway Company of an agency at Escalon, and therefore it concludes that the application should be granted.

O R D E R

IT IS ORDERED that Tidewater Southern Railway Company is authorized to discontinue its agency at Escalon, San Joaquin County, subject to the following conditions:

- (a) Tidewater Southern Railway Company shall maintain said station in a nonagency status for the receipt or delivery of freight in any quantity, carloads 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 Escalon, Tidewater Southern 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, 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.

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

Dated at San Francisco, California, this
OCTOBER
day of , 1969.

William Lyons, Jr.
President

Augustus
J. P. [unclear]

[Signature]

Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.