

ORIGINAL

Decision No. 76289

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 their station
at Sultana, County of Tulare,
State of California.

Application No. 51004
(Filed April 14, 1969)

John J. Schimmenti, for applicant.
E. R. Hicks, for Transportation-Communica-
tions Employees Union; Fred Batkin,
for County of Tulare, protestants.
Kenneth G. Soderlund, for the Commission
staff.

O P I N I O N

This application was heard before Examiner Fraser at Sultana on July 17, 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.

Applicant requests authorization to discontinue its agency at Sultana, Tulare County, California. The applicant produced five witnesses who testified that the agency suffered a loss of \$1,267.68 during 1968 and that it cost \$4,321.21 to operate the station; further, that the latter sum would be saved annually if the station is closed. It was emphasized that there are no passenger trains through Sultana since it is on a branch freight line and that the major shipper in the area always deals directly with the Fresno office, 34.5 miles away. The agency at Cutler is 6 miles away and Fresno has a toll free phone service in an office staffed by seven people on a seven-day-a-week basis.

Sultana operates only six months (June 1 - November 30) of the year on a five-day week. A representative of the Santa Fe Trail Transportation Co. advised that Santa Fe also serves Sultana by truck, at least once a week. A transportation inspector testified that a survey was completed on July 11 and 14, 1969, at Sultana; it showed the agent doing work at the station only 22 minutes on July 11 and for 20 minutes on July 14. All other work performed during the two days surveyed could have been done more efficiently in the Fresno office.

Only two protests were filed and one was withdrawn. The remaining protestant was the Transportation-Communications Employees Union. Applicant's witnesses testified that the Sultana agent would be employed elsewhere by applicant, although the agent is over 65 and has advised he will retire in September, 1969.

After hearing and consideration, the Commission finds that public convenience and necessity no longer require the maintenance by The Atchison, Topeka and Santa Fe Railway Company of an agency at Sultana and concludes that the application should be granted.

O R D E R

IT IS ORDERED that The Atchison, Topeka and Santa Fe Railway Company is authorized to discontinue its agency at Sultana, Tulare 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, 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 Sultana, 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, 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 Los Angeles, California, this 21st day of OCTOBER, 1969.

William J. Squors
President

Augusta

J. P. ...

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Verma L. ...
Commissioners

