

ORIGINAL

Decision No. 76871

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 permanently reduce)
agency service to nonagency status)
at their station at Le Grand, County)
of Merced, State of California.)

Application No. 51395
(Filed September 29, 1969)

John J. Schimmenti, for The Atchison,
Topeka and Santa Fe Railway Company,
applicant.
E. G. Nordman, for Merced County,
protestant.
M. E. Getchel, for the Commission staff.

O P I N I O N

Applicant seeks to discontinue its agency station in
Le Grand in Merced County.

Because the Merced County Board of Supervisors had by
resolution opposed the discontinuance, hearing was set. Public
hearing was held before Examiner Gilman in Le Grand on February 8,
1969.

At the hearing, a special accountant, a trainmaster whose
area of responsibility includes the station in question, the Fresno
station agent, and the divisional superintendent (all employees of
applicant) testified in support of the application. In addition,
applicant called an employee of Santa Fe Trail Transportation Com-
pany, applicant's highway transportation subsidiary.

The applicant's testimony indicates that the agency is
operated for approximately one month each year for outgoing shipments
of tomatoes for a single shipper.

The station building has been removed and during the one-month period, the agent who is temporarily assigned here occupies a trailer-type structure shipped to Le Grand and emplaced on the station property. Temporary telephone and utility connections to the trailer are made.

This temporary assignment is unpopular with the clerks with the result that the job is usually filled by the junior man available. The shipper has expressed, to applicant, dissatisfaction with the problems caused by the inexperience of the men assigned.

If the station is closed, applicant will make arrangements for furnishing cars from Merced where the cars are marshalled and billing will be accomplished at Fresno. A toll-free telephone number to Merced is available.

The total workload at Le Grand is estimated at approximately 30 minutes per car or approximately 52 man-hours during 1969. However, the operation of the agency actually requires that the assigned agent be paid for at least eight hours per day five or six days a week during the tomato season.

In the past the agent also performed inspections on Santa Fe Trail trucks. That function is now performed in Merced; whether or not the agency is continued that function will remain in Merced.

Certain shipments of cattle are received during the year. However, the shipments do not coincide with the period within which the station is now open and permanent closing would have no effect on the shipments.

The county supervisor whose district includes Le Grand testified in opposition to the closing. He indicated that Le Grand had developed in large measure, because of its location on the

railroad. He stated that closing of the agency would accentuate the community's loss of a sense of identity and hence its deterioration.

Findings

We find that:

1. The station now serves only one shipper.
2. The functions performed for this shipper can be performed, at less cost, at the railroad's facilities at Fresno and Merced.
3. The shipper was notified of application and hearing and did not protest.
4. The station is open approximately one month each year.
5. The agents employed are temporarily assigned and are not residents of Le Grand.

Conclusions

1. We conclude that public convenience and necessity no longer require the maintenance of an agency station at Le Grand.
2. After termination of the agency, the station lot will no longer be required in the public service.

O R D E R

IT IS ORDERED that The Atchison, Topeka and Santa Fe Railway Company is authorized to discontinue its agency at Le Grand, Merced County, subject to the following conditions:

- a. Applicant shall maintain said station in a nonagency status for the receipt or delivery of freight in carload lots only.
- 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, 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.

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

Dated at San Francisco, California, this 5th day of MARCH, 1970.

William Sproull, Jr.
President

August

[Signature]

Vernon L. Sturgeon
Commissioners