

Decision No. 78687

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of THE ATCHISON, TOPEKA)
AND SANTA FE RAILWAY COMPANY, a cor-)
poration, for authority to reduce)
to non-agency status its station at)
DEL REY, CALIFORNIA, County of Fresno,)
State of California.)

Application No. 52450
(Filed February 18, 1971)

R. D. Hayes, Attorney at Law, for applicant.
N. Azadian, for Central California Packing
Company, and E. R. Hicks, for T-C Division,
Brotherhood of Railway and Airline Clerks,
protestants.
Stephen Wong, Jr., for the Commission staff.

O P I N I O N

By this application, The Atchison, Topeka and Santa Fe
Railway Company requests authority to discontinue its agency service
at Del Rey, Fresno County.

A duly noticed public hearing was held before Commissioner
Holmes and Examiner Mooney at Fresno on April 2, 1971, on which date
the matter was submitted. Evidence in support of the proposed
discontinuance was presented by three witnesses for applicant.
Representatives of two shippers in Del Rey testified in opposition
to the application.

The evidence establishes that the station at Del Rey is
staffed by a single employee who is on duty from 8:00 a.m. to
5:00 p.m., five days a week. The station is closed one hour a day
for lunch.

Applicant's witnesses testified as follows: Under the
proposal to close the Del Rey agency, the services presently
available through the agent at said station will be available

through applicant's agency station at Fresno which has over 30 employees and is open 24 hours a day, seven days a week; the distance between the two stations is 10.4 miles; the Fresno station now covers an area to within one mile of Del Rey; toll-free telephone service will be afforded Del Rey patrons for the purpose of contacting the Fresno station; applicant will furnish at each shipper's loading dock a box with a lock in which the shipper can place bills of lading which will be signed by the conductor of the train picking up loaded freight cars; the shipper's copies will be left in his box for later pickup by him; as soon as a bill of lading is placed in the box, applicant will assume responsibility for the rail car; applicant will accept shipper's load and count; Western Union, passenger and Railway Express Agency service are not now provided by applicant at Del Rey; no less-than-carload shipments have been handled by the Del Rey station during 1971; Santa Fe Trail Transportation Company, a trucking subsidiary of applicant, presently provides pickup and delivery service of less-than-carload freight at Del Rey on Fridays; it is estimated that the savings that would result from the elimination of the agency at Del Rey would exceed \$10,000 annually.

According to applicant's Exhibit 5, the volume of business handled at the Del Rey station for the years 1969 and 1970 was as follows:

	<u>1969</u>	<u>1970</u>
Carload Shipments:		
Originated	515	378
Terminated	20	14
Less-than-Carload Shipments:		
Originated	0	1
Terminated	0	0

The protestant witnesses testified that Del Rey is an important shipping point and that dried fruit is the major commodity shipped. They asserted that applicant's service at said location would be impaired if the agent is eliminated. In this connection, they stated that the agent will go to the shipper's place of business and sign bills of lading when rail cars are loaded; that this makes it possible to mail bills of lading and invoices the same night; that with the proposed locked box arrangement, the bill of lading would most likely not be available until the following morning which would delay billing; and that it would not be convenient to go to the box to pick up bills of lading. One of the witnesses testified that the heaviest shipping season from Del Rey is from June through December and that, at a minimum, there should be an agent at the station during this period.

Based on a review of the record, it is apparent that no substantial inconvenience would be experienced by shippers at Del Rey should the sought authority be granted. Except for the signing of bills of lading, all services provided by the agent would be readily available from the agency station at Fresno. The method proposed by applicant for signing the bills of lading appears reasonable.

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 Del Rey, Fresno County, and concludes that the application should be granted.

The order which follows will require applicant to maintain its station at Del Rey in a nonagency status for the receipt or delivery of freight in carload quantities only. The evidence

establishes that during 1969 and 1970 and 1971 to date only one 100 pound less-than-carload shipment was handled by the station and that a subsidiary trucking company of applicant performs a weekly pickup and delivery service for less-than-carload shipments. In the circumstances, it is evident that there is no need for less-than-carload service by applicant at Del Rey.

O R D E R

IT IS ORDERED that:

1. The Atchison, Topeka and Santa Fe Railway Company is authorized to discontinue its agency at Del Rey, Fresno 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 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 Del Rey, 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, The Atchison, Topeka and Santa Fe Railway Company 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 18th day of MAY, 1971.

J. P. Brown
Chairman
William J. Brown
Simon L. Sturgeon
[Signature]
Commissioners