

ORIGINAL

Decision No. 81100

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
THE WESTERN PACIFIC RAILROAD COMPANY )  
for authority to reduce the Agency )  
at Tracy, County of San Joaquin, )  
State of California, to non-agency )  
status. )

Application No. 53356  
(Filed May 26, 1972)

Richard W. Bridges, Attorney at Law, for  
The Western Pacific Railroad Company, applicant.  
Oscar B. Kleinfeld, Attorney at Law, for Triple E  
Produce Corp. and Freshpict Foods Inc.;  
Douglas V. Hensley, for Rhodes Bean & Supply  
Co-op.; Willard L. Le Beouf, Jr., for Brotherhood  
of Railway, Airline Clerks; and John Frerichs,  
for Tracy District Chamber of Commerce;  
protestants.  
Robert Parker, for A. Teichert and Son; Fred Welch,  
for Lone Star Industries, Inc.; Elmer Williams,  
for P. L. Botsford Company; and Leo E. Zanussi,  
for Defense Depot Tracy; interested parties.  
Paul A. Burkett, for the Commission staff.

### O P I N I O N

By its application The Western Pacific Railroad Company requests authority to reduce its agency at Tracy to non-agency status. On June 20, 1972, Triple E Produce Corp. and Freshpict Foods Inc., both shippers located at Tracy, filed objections to the granting of the application and requested that a public hearing be held.

A public hearing on the application was held before Examiner Cline at Tracy on August 24, 1972. The matter was taken under submission on the filing of the transcript on September 15, 1972.

By its application applicant proposes to change the assignment of the present agent at Tracy to that of a mobile industrial clerk who will operate under the jurisdiction of the agency at Stockton. In doing so applicant intends to eliminate one of the clerk's jobs at Stockton and also to eliminate a considerable amount of overtime pay, thereby producing a gross savings of \$15,000 per year.

In the objection to the application filed by protestants Triple E Produce Corp. and Freshpict Foods Inc., these protestants contend that a mobile industrial clerk with a two-way automobile radio cannot adequately service the 780 cars originating from the Tracy area and still properly service, schedule, and attend the seven other areas which applicant intends such mobile clerk to service. These protestants further contend that if the application is granted that they will suffer serious delays, inconvenience, and possible damages by reason of such delays or disruption of service.

The witness for protestant Brotherhood of Railway, Airline Clerks testified that there is sufficient business at Tracy to justify a full-time agent. As the present agent is furnished housing by applicant at Tracy, he is available 24 hours a day. With the reduction of the agency at Tracy to non-agency status, this witness stated that the customers will not receive the service to which they are accustomed and that consequently the applicant will lose revenue and the union will lose one job.

Findings of Fact

1. Applicant proposes to change the assignment of the present agent at Tracy who resides in the Tracy depot to that of a mobile industrial clerk who will operate under the jurisdiction of the agency at Stockton. This mobile industrial clerk will be assigned an automobile with a two-way radio. Shippers who want to talk to the mobile industrial clerk can call the Stockton agency collect and they will then be put through to the mobile industrial clerk by means of the mobile telephone in his automobile.

2. The mobile unit will start at Tracy at 8:00 a.m. where he will check the yard and sign any bills of lading that are available. About 9:30 a.m. he will go to Lyoth to perform similar duties and at 10:00 a.m. he will go to Cochran to perform similar duties. Next he will go to Lathrop. During the onion season or when there is a need for him, he will go to French Camp at about 11:00 a.m. For livestock loading which takes place a few weeks each year he will go to Ortega at 11:15 a.m.

3. At 12:00 noon at Stockton the mobile industrial clerk will pick up all the bills of lading from the Stockton area which have been brought in by the outside industry clerks and by the conductors on the Tidewater Southern Railway and take them to Sacramento. When he leaves Sacramento after lunch he will return to Stockton via Thornton and Kingdom when necessary.

4. At Stockton the clerk will leave the waybills and other reports that have been made up for cars going out-line to Santa Fe and Southern Pacific from Stockton. He will then return to Tracy and be there until 5:30 p.m.

5. The fact that service is not required at all of the foregoing points every day will loosen the schedule of the mobile industrial clerk considerably.

6. During the perishable crops season an additional clerk with a second mobile unit is put on at the Stockton agency to handle the outside billing, industry work, sealing of cars, and so forth. This man will also go to Tracy and Lathrop, or wherever else he is required to go. The clerk who handles the second mobile unit won't have a mobile telephone but will have to call Stockton for messages.

7. The second clerk will come on duty at 3:00 p.m. and will work until midnight. He will have an hour for his meal period. The second clerk will call the first mobile industrial clerk who will be in the Tracy area for information as to which cars are being loaded, and for the approximate time the billing will be ready. The second clerk will be available in the Tracy and Cochran areas from 3:00 p.m. to 11:00 p.m.

8. The mobile industrial clerks will be allowed to work overtime at Tracy, if necessary.

9. A mobile unit of Fruit Growers Express is in the area at all times to make repairs to the mechanical reefers in which perishables are shipped.

10. In the Tracy area during the year 1969 a total of 1,493 cars were handled by applicant. During the year 1971 a total of 826 cars were handled, of which 780 were piggybacks. The agent at Tracy has never billed piggyback shipments, as those shipments are billed in Sacramento.

11. Freshpict Foods Inc., one of the protestant shippers at Tracy, on an average ships 120 to 135 cars of perishable fresh fruit and vegetables on The Western Pacific Railroad Company each year.

12. Freshpict Foods Inc., seals its own cars.

13. If the above plan is put into effect there will not be any deterioration in service to shippers in the area that the mobile industrial clerks will cover. The proposal will provide at least as good and perhaps even better service to the shippers involved than they are now receiving. The shippers will have service around the clock from 8:00 a.m. to 8:00 a.m. if they require it.

14. Under the proposal a considerable amount of overtime pay will be eliminated. The Saturday overtime especially will be reduced because instead of having an agent standby until he is told no customers are going to bill cars, the customers will call Stockton for a mobile clerk only if a car is actually being loaded. The proposal also provides for reducing one of the clerks' jobs in Stockton. A reasonable estimate of the gross savings per year is \$15,000 if the proposed plan is authorized.

15. It is not adverse to the public interest for applicant to reduce its agency at Tracy to non-agency status.

Conclusions of Law

1. Applicant should be authorized to reduce its agency at Tracy to non-agency status.

2. The application should be granted.

O R D E R

IT IS ORDERED that The Western Pacific Railroad Company is authorized to reduce its agency at Tracy to non-agency status, subject to the following conditions:

- (a) The Western Pacific Railroad Company shall maintain said station in a non-agency status for the receipt or delivery of freight in any quantity and shall make available toll-free telephone service between Tracy and Stockton.
- (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 Tracy, San Joaquin County, California, The Western Pacific Railroad 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 Western Pacific Railroad 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 notify this Commission in writing 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 6<sup>th</sup> day of MARCH, 1973.

Vernon L. Sturgeon  
President  
William J. Brown

[Signature]  
Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.