

Decision No. 85516

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of THE ATCHISON,
TOPEKA AND SANTA FE RAILWAY
COMPANY for Authority to
Discontinue Agency Service
at Pomona, California. }

Application No. 55664
(Filed May 2, 1975)

Frederick G. Pfrommer, Attorney at
Law, for The Atchison, Topeka
and Santa Fe Railway Company,
applicant.

Herb F. Whitley and Jan J. Peterson,
for Levitz Furniture Corporation,
interested party.

Edward D. Stewart, for the Commission
staff.

O P I N I O N

The Atchison, Topeka and Santa Fe Railway Company (Santa Fe), a Delaware corporation, seeks authority to discontinue agency service at its station at Pomona, California.

After due notice, public hearings were held before Examiner Johnson in Pomona on November 3, 1975 and the matter was submitted on January 12, 1976 upon receipt of transcript.

Testimony was presented on behalf of Santa Fe by one of its transportation supervisors, by its station supervisor for Santa Fe's coast lines, and by one of its assistant managers of traffic. Testimony was presented on behalf of Levitz Furniture Corporation by its traffic manager and by Santa Fe's Pomona agent appearing in response to a subpoena. Other parties to the proceeding participated through cross-examination of the various witnesses.

Present Operations

The Pomona agency is located at 2701 North Garey Avenue in the Santa Fe freight office building jointly occupied with the National Railway Passenger Corporation (Amtrak). The record shows that the operations and functions of Amtrak will be unaffected if the requested authorization to discontinue agency service at Pomona is granted.

The agent occupies a ten-foot by ten-foot office located to the rear of the freight office. The agent's assigned hours are 8:45 a.m. to 5:45 p.m. with a one hour meal period. The agent is paid on a daily basis and receives a full day's compensation irrespective of the time required to complete his assigned duties. The agent's duties include making a daily yard check, signing bills of lading to outbound shipments, receiving telephone calls for ordering equipment for outbound loading, making claim inspections, and keeping demurrage records. The Pomona agent testified that it takes him approximately one hour a day to complete these assigned duties.

It was noted on the record that prior to 1972, there were ten people working at the Pomona agency. These personnel were involved with passenger train operations that have been assumed by Amtrak, the handling of less than carload lots (LCL) that has since been discontinued, and assessing and collecting tariff charges that is presently being done by Santa Fe's centralized accounting bureau. In addition, the record shows that on June 1, 1975 the agent's duties relating to the receipt of telephone calls from Levitz Furniture Corporation (Levitz) and the San Dimas Lumber Company (San Dimas) were transferred from the agent at Pomona to the agent at Azusa.

Proposed Operations

The record discloses that if the requested authority to discontinue agency service at the station of Pomona is granted the duties of the Pomona agency will be transferred to other departments and/or agencies.

Conductor's blind siding reports will be used instead of the data resulting from the present yard check of the track in the immediate vicinity of Pomona station.

Bills of lading, which can be signed by any authorized Santa Fe agent, will be signed by the agent at Upland rather than the agent at Pomona.

As previously noted, telephone communications with Levitz and San Dimas have already been transferred from Pomona to Azusa. The record shows that if the Pomona agency is closed the remaining telephone communications will be transferred to the Upland agency. There are no toll charges for telephone calls from Pomona to either Upland or Azusa.

The solicitation of traffic and the handling of customer problems and complaints is presently handled by personnel operating from Santa Fe's San Bernardino office. Closing the Pomona agency will have no effect on this operation.

It is noted that both the Pomona agency and the Azusa agency are one-man agencies. The record discloses that during the necessary absences of the agents, the telephones at these agency offices remain unanswered. Apparently this unattended telephone was the basis for some customer dissatisfaction. The record shows that an answering device was installed at Azusa to alleviate this problem. This answering device is turned on during normal working hours when the Azusa agent was necessarily absent and turned off when the agent is

present or when the working day is over. The record shows no valid reason why the device should not be in operation at all times the agency is unattended and that such operation would be desirable to some of Santa Fe's customers. The order that follows will provide for such service.

Public Convenience and Necessity

The record clearly demonstrates that during the past few years the personnel and duties of the Pomona agency have dwindled to the point that, although the agency is open eight hours a day five days a week, the responsibilities and duties can be performed by one individual working approximately one hour a day. The record also shows that the closing of the agency and transferring the remaining duties to the Upland agency as proposed by Santa Fe will not be adverse to the public interest. Under these circumstances, it is apparent the public convenience and necessity do not require the Pomona agency to remain in operation. In this respect, it will be noted that the only appearance entered at the hearing other than Santa Fe and the Commission staff was Levitz who is presently, and has been since June 1, 1975, served out of the Azusa rather than the Pomona agency.

Findings

1. The present Santa Fe agency is open from 8:45 a.m. to 5:45 p.m. five days a week except when the agent is necessarily absent and during a one hour meal period.
2. The duties of the Pomona agent are to make daily yard checks, sign bills of lading for outbound shipments, receive telephone calls for ordering equipment for outbound loading, to make claims inspections, and record time and date that cars are placed and released.
3. It takes the agent at Pomona approximately one hour a day to complete the above listed duties.

4. Blind siding reports can be substituted for the daily yard checks and the remaining agent's duties can be transferred to another agency without any adverse effect to the general public.

5. Public convenience and necessity no longer require Santa Fe to maintain an agency at Pomona. ✓

6. A recording device should be operated at the Azusa agency at all times the agency is unattended.

The Commission concludes that the application should be granted as provided in the order which follows.

O R D E R

IT IS ORDERED that:

1. The Atchison Topeka and Santa Fe Railway Company is authorized to discontinue its agency and remove its station building and appurtenances at Pomona, Los Angeles County, subject to the following conditions:

- (a) Within one hundred twenty days after the effective date of this order and not less than ten days prior to the discontinuance of the agency at Pomona, applicant shall post a notice of such discontinuance at the station and within one hundred twenty days after the effective date of this order 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 and shall make reference in such notice and tariffs to this decision as authority for the change. In no event shall the agent be removed earlier than the effective date of the tariff filings.
- (b) Within thirty days after discontinuance of service applicant shall give written notice to the Commission that it has complied with this order.

2. Santa Fe shall operate the telephone answering device located at its Azusa agency during all hours the agency is unattended.

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

Dated at San Francisco, California, this 2nd day of MARCH, 1976.

[Signature] President
William J. Quinn
Vernon L. Stulgen
[Signature]
[Signature] Commissioners