

MM

Decision No. 13576.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of  
 SOUTHERN PACIFIC RAILROAD COMPANY,  
 SOUTHERN PACIFIC COMPANY and MINARETS  
 AND WESTERN RAILWAY COMPANY for an  
 order authorizing the granting by the  
 Southern Pacific Railroad Company and  
 Southern Pacific Company to the Minarets  
 and Western Railway Company of the  
 right and privilege to connect its  
 railroad with the railroad of the  
 Southern Pacific Railroad Company at  
 Friant and at Pinedale Junction, Fresno  
 County, California, and to use the said  
 railroad of the Southern Pacific Railroad  
 Company between said points for operation  
 of freight, passenger, baggage, mail,  
 express trains and other equipment of  
 Minarets and Western Railway Company  
 thereon.

Application No. 9836

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 W. M. Singer for Applicants, Southern Pacific  
 Railroad Company and Southern  
 Pacific Company.

Goudge, Robinson & Hughes, by S. B. Robinson,  
 for Applicant, Minarets and Western  
 Railway Company.

MARTIN, Commissioner.

O P I N I O N

Southern Pacific Railroad Company, a corporation,  
 Southern Pacific Company, a corporation, and Minarets and  
 Western Railway Company, a corporation, have jointly petitioned  
 the Railroad Commission for an order approving the joint use  
 of the railroad between Friant and Pinedale Junction, Fresno  
 County, as owned by applicant, Southern Pacific Railroad Company,  
 and operated under lease by applicant, Southern Pacific

Company, and applicant, Minarets and Western Railway Company, said joint operation to extend over a portion of the line, approximately 9.893 miles in length. Also for approval of the construction, maintenance and operation of a proposed wye track connecting a spur track of the Minarets and Western Railway Company with a track owned by the Southern Pacific Railroad Company and operated by the Southern Pacific Company, about four miles south of the Southern Pacific Company's station of Friant.

The proposed joint operation of main line tracks and the construction, maintenance and operation of the proposed wye tracks are to be in accordance with the provisions of agreements attached to and forming a portion of the application herein, and the approval of the Commission is requested authorizing the execution of said proposed agreements.

A public hearing was held at San Francisco on April 29, 1924, at which time the matter was duly submitted for decision.

Applicant, Southern Pacific Railroad Company, owns and applicant, Southern Pacific Company, as lessee, operates and maintains a standard gauge railroad, from Pinedale Junction to Friant, all in Fresno County, a distance of 9.893 miles.

Applicant, Minarets and Western Railway Company, has constructed a railroad from Friant, in Fresno County, to Wishon, in Madera County, a distance of approximately 39 miles, and also a line of railroad from Pinedale Junction to Pinedale, all in Fresno County, a distance of approximately 4½ miles.

The line of the Southern Pacific Railroad Company, as operated under lease by Southern Pacific Company, forms a convenient connecting link between the two lines of railroad

now owned by the Minarets and Western Railroad, and the proposed joint use of the Southern Pacific line between Friant and Pinedale Junction will eliminate the duplication of facilities necessary to form a through line by the Minarets and Western Railway Company in the connection of the two separate lines of railroad which have been constructed by said applicant.

Applicant, Minarets and Western Railway Company, desires to construct, maintain and hereafter operate wye track connections between a proposed spur track serving a gravel pit or rock quarry and the track owned by the Southern Pacific Railroad Company and operated under lease by Southern Pacific Company at a point about four (4) miles south of Friant, said proposed tracks being more fully shown on a blue print map dated June 30, 1923 attached to and forming a part of the proposed agreement for which approval is herein requested.

No protest against the granting of the application was made and it appears that the joint operation herein proposed is in the public interest in that unnecessary duplication of facilities will be avoided. The proposed joint operating agreements have been reviewed and I find nothing therein against public policy.

I recommend that the application be granted subject to the conditions as appearing in the following form of Order:-

#### ORDER

A public hearing having been held in the above entitled proceeding, the matter having been duly submitted and the Commission being now fully advised and of the opinion that this application should be granted,

IT IS HEREBY ORDERED that this application be and the same hereby is granted, subject to the following conditions:-

1.-The items of value as appearing on page two of the application and in the agreement for the operation of joint trackage as herein authorized approved shall never be claimed by applicants herein or any of them, as values approved by this Commission in any rate-fixing or other proceeding before this Commission or any other authorized regulatory body, the values therein expressed being considered by the Commission as agreed amounts satisfactory to applicants as a basis for rental and other charges and applicable only for the purpose of the agreement herein authorized.

2.-The order herein will be effective when the agreements herein proposed will have been duly executed and certified copies of such executed agreements will have been filed with this Commission.

The Commission reserves the right to make such other and further orders in this proceeding as to it may appear just and proper or as in its opinion the public convenience and necessity may require.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 5<sup>th</sup> day of May, 1924.

C. L. Deaver  
H. M. Brounig  
Irving Nathan

J. T. Whitley