

Decision No. 17959

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 THE IRON MOUNTAIN RAILWAY COMPANY
 to discontinue service as a common
 carrier.

Application No. 13400

C. W. Durbrow, for Applicant.

BY THE COMMISSION -

OPINION

The Iron Mountain Railway Company, a corporation, has herein petitioned the Railroad Commission for an order authorizing the discontinuance of operation as a common carrier.

A public hearing on this application was conducted by Examiner Handford at San Francisco, the matter was duly submitted and is now ready for decision.

Applicant, as justification for the granting of the application, submits the following alleged facts: that applicant's railway was promoted and constructed for the purpose of transporting the copper ores of The Mountain Copper Company, Ltd., at Iron Mountain in Shasta County; that such ores have been practically exhausted for several years or are of such low grade as to preclude their economical extraction; that no other freight of any other kind is available in sufficient quantity to justify maintaining the railroad or continuing its operation; that the Mountain Copper Company, Ltd., by whom the applicant's railroad was built for the specific purpose of transporting its ores, no longer needs said railroad and cannot offer an adequate tonnage to meet the operating expenses of said railroad; that there are no parties, other than the said Mountain Copper Company, Ltd., interested in the continuation of the operation of the applicant; that for many years over ninety-nine percent of the traffic of the applicant

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originated with The Mountain Copper Company, Ltd., and that for the past three years no freight of any kind has been offered by or transported for the public nor for any other interests, except the said Mountain Copper Company, Ltd.

Applicant's line of railroad extends from Keswick to Iron Mountain, a distance of 11 miles, all in Shasta County. The applicant company is a corporation organized July 17, 1895, under the laws of the State of California.

The railroad commenced its operation on or about September 1, 1896.

Mr. Wm. S. Kett, President of applicant corporation, testified that the railroad had handled practically no freight, other than ore, for the past five years, and that no tonnage for the public had been handled since the year 1922, during which year a small tonnage was handled for employees of The Mountain Copper Company, Ltd., and for the Pittsburgh-Mt. Shasta Mining Company, which company has now suspended operations and now has no employees. The principal business of the line has been the transportation of ore for the Mountain Copper Company, Ltd., but this tonnage no longer is available due to the low grade ore and the present price of copper being adverse to production. The Mountain Copper Company, Ltd., has constructed an aerial tramway which is used for the transportation of material between its Hornet Mine and the station of Matheson on the Southern Pacific Company, and this tramway is now used for the transportation required by this company.

The following statement (abstracted from an exhibit filed at the hearing), shows the tonnage transported by this applicant over its railroad for the years indicated and the division between the freight carried for the Mountain Copper Company, Ltd.,

and the general public:

<u>YEAR</u>	<u>Mountain Copper Company, Ltd.</u>	<u>Other Patrons</u>	<u>Total Tonnages</u>
1922	42,675 tons	8 tons	42,683 tons
1923	18,128 "	0	18,128 "
1924	0	0	0
1925	10,143 "	0	10,143 "
1926	1,464 "	0	1,464 "

Although due notice of the hearing was given the public by advertising in a newspaper of general circulation in Shasta County and by posting notice of hearing at all stations on the line of applicant, there was no protest or appearance against the granting of the application.

After full consideration of the evidence and record herein we are of the opinion and hereby find as a fact that public convenience and necessity do not require the continued maintenance and operation of applicant's railroad as a common carrier and that the application should be granted.

O R D E R

The Iron Mountain Railway Company, a corporation, having applied to the Railroad Commission for an order authorizing the discontinuance of service of its line of railroad as a common carrier, a public hearing having been held, the matter having been duly submitted, the Commission being now fully advised and basing its order on the finding of fact as appearing in the opinion which precedes this order,

IT IS HEREBY ORDERED that applicant, The Iron Mountain Railway Company, a corporation, be and the same hereby is authorized to discontinue the maintenance and operation of its lines of railroad between Keswick and Iron Mountain, in the County of Shasta, as a common carrier, said discontinuance of service to become effective when said applicant will have canceled all

tariffs and time schedules now lawfully filed with this Commission and will have given ten (10) days notice of the date of cessation of service, as herein authorized, to the shipping public by posting notices of discontinuance of service at its stations of Keswick and Iron Mountain, in Shasta County.

For all other purposes, the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 5th day
February
of January, 1927.

Ernest
H. B. ...
...
Leon ...
...

Commissioners.