

Decision No. 19394.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

<p>In the Matter of the Application of          THE WESTERN PACIFIC RAILROAD COMPANY          and SOUTHERN PACIFIC COMPANY for          approval of agreement providing for          joint use of certain tracks at          Ortega in the County of San Joaquin,          State of California.</p>	)
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ORIGINAL

Application No. 14376.

BY THE COMMISSION:

ORDER

The Western Pacific Railroad Company and Southern Pacific Company filed the above entitled application January 27, 1928, in which approval is sought of a proposed agreement entered into on November 28, 1927, between these applicants covering the granting to Southern Pacific Company by The Western Pacific Railroad Company of certain trackage rights in certain tracks at Ortega, San Joaquin County, California, all as shown on the map (C.E. 93-2) attached to the agreement, a copy of which is filed with the joint application, made a part thereof, and marked "Exhibit A", and it appearing to the Commission that this is not a case in which a public hearing is necessary; that the proposed agreement is just and reasonable and not against the public interest, and that the application should be granted, therefore

IT IS HEREBY ORDERED that the above named applicants be and they are hereby granted authority to carry into effect on or before March 1, 1928, the agreement hereinbefore mentioned, and which is hereby approved subject to the following conditions:

1. Applicant, The Western Pacific Railroad Company, shall within sixty (60) days from the date of this order file with this Commission a certified copy of said agreement duly executed.

2. The authority herein granted shall not be construed as a determination by this Commission of the value of the property for any other purpose than the one herein authorized.

3. The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said joint tracks as to it may seem right and proper and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

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 20<sup>th</sup> day of February, 1928.

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*Ch. Seaver*  
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*Ernest C. ...*  
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*Thos. S. ...*  
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*M. J. ...*  
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 Commissioners.