

Decision No. 20171

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
 Central Pacific Railway Company, a
 corporation, Southern Pacific Company,
 a corporation, and The Western Pacific
 Railroad Company, a corporation, for
 an order authorizing and approving an
 agreement between said Central Pacific
 Railway Company, Southern Pacific Com-
 pany and The Western Pacific Railroad
 Company, providing for the construc-
 tion, maintenance and operation of a
 joint drill track, with industrial
 spur and side tracks to diverge there-
 from, in the vicinity of Fitchburg
 Station, in the City of Oakland, Ala-
 ameda County, California.

Application No. 14729.

BY THE COMMISSION:

ORDER

Pursuant to Section 51-a of the Public Utilities Act, the Central Pacific Railway Company, Southern Pacific Company and The Western Pacific Railroad Company filed the above entitled application with this Commission on the 24th day of May, 1928, asking for authority to execute an agreement (entered into on February 1st, 1928, relating to the joint construction, maintenance and use of trackage in the vicinity of Fitchburg Station, in the City of Oakland, Alameda County, California. The trackage referred to is shown by the map (Western Division Drawing M-129, Sheet 1 Rev.) attached to the application. A copy of the said agreement is filed with the joint application and made a part thereof.

Section 51-a of the Public Utilities Act, among other things, provides for the approval by this Commission of agreements such as this proposed by the applicants herein, but does not pro-

vide for the approval of the actual construction, maintenance and use of the track, with respect to the crossing of public highways. Such approval of the actual construction, maintenance and use of the proposed track, in so far as it is necessary by this Commission, is therefore a matter to be taken up in another proceeding. It appears that this application, in so far as it refers to the approval of the proposed agreement, is not a matter in which a public hearing is necessary and that such agreement is just and reasonable and should be approved, therefore,

IT IS HEREBY ORDERED that the above named applicants be and they are hereby granted authority to enter into an agreement for the construction, maintenance and use of trackage in the vicinity of Fitchburg Station, in the City of Oakland, County of Alameda, State of California, as shown by the map (Western Division Drawing No.M-129, Sheet 1 Rev.) attached to the application, in accordance with that certain agreement, a copy of which is attached to the above entitled application, and which is hereby approved. The authority herein granted to applicants shall not be construed as an authorization by this Commission for the construction of said trackage across any public highway.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 29th day of August, 1928.

Chas. J. Seamy

Edmund Leota

Wm. D. Smith

Commissioners.