

line track at Keddie, through Plumas and Lassen Counties connecting with a new line of railroad of the Great Northern Railway at Bieber, Lassen County. Applicant's line passes through Indian Valley and the Town of Crescent Mills. A certificate of public convenience and necessity for construction was granted by the Interstate Commerce Commission by Finance Docket No. 7440, 166 I.C.C. 3.

Indian Valley Railroad Company operates a line of railroad from a connection with the Western Pacific railroad at Paxton in an easterly direction to and through Indian Valley and serving Crescent Mills and Engle Mine, all in Plumas County.

To the south of Crescent Mills the new line of The Western Pacific Railroad Company runs to the east and approximately parallel to the Indian Valley Railroad Company, while to the north the Western Pacific line bears to the west and the Indian Valley to the east, thus it becomes necessary for the Western Pacific to cross the Indian Valley at or near Crescent Mills. The location chosen for the Western Pacific's new line will cross not only the main line and a spur of Indian Valley Railroad at Crescent Mills, but also the wye tracks approximately seven-tenths of a mile south of Crescent Mills. It appears from the record that the locations for the proposed crossings are reasonably well chosen.

At the points of proposed crossing the view of approaching trains of either railroad is fairly clear. When the new railroad is completed the Western Pacific proposes to operate one passenger train, one passenger gas motor, and two freight trains each way per day of twenty-four hours.

Although no count was taken, the record shows that the Indian Valley Railroad operates approximately one train each way

per day over its main line track at the proposed crossings and uses its wye tracks once a day to turn engines.

It appears that the amount of traffic anticipated does not at this time justify the expense of the installation of either crossing at separated grades or interlocking plants. To permit of reasonably safe operation at these crossings at grade, it appears reasonable to provide for the stopping of trains of each carrier before entering upon the crossing and require the train crews to ascertain if the opposing track is clear before crossing over.

The Indian Valley Railroad Company did not present testimony opposing the granting of these applications but suggested that this Commission withhold its decision until a proceeding before the Federal Court, attacking the decision of Interstate Commerce Commission (Finance Docket 7440, 166 I.C.C. 3) is disposed of. It appears that there is no reason for this Commission to delay its decision, as it will be of a permissive nature.

The following form of order is recommended:

O R D E R

A public hearing having been held and the matter having been submitted,

IT IS HEREBY ORDERED that The Western Pacific Railroad Company is hereby authorized to construct its main line track at grade across the main line and a spur track of Indian Valley Railroad Company in the Town of Crescent Mills, and also to construct this track at grade across the wye tracks of Indian Valley Railroad at a location approximately seven-tenths (.7) of a mile south of the town of Crescent Mills, all within the County of

Plumas, State of California, at the locations more particularly described in the applications and as shown by the maps (Exhibit B in Application No. 17168 and Exhibits B and D in Application No. 17169) attached thereto, subject to the following conditions:

1. The entire expense of constructing the crossings and thereafter maintaining the crossings in good and first-class condition for safe and convenient railway use shall be borne by applicant.
2. All trains, motors, engines and cars operated over either the track of applicant or Indian Valley Railroad Company shall stop before proceeding across said crossings and shall not pass thereover until it is ascertained that it is safe so to do.
3. The installation of any signs and rules and regulations governing the operation over the said two crossings shall have the approval of this Commission before being made effective.
4. Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings and of its compliance with the conditions hereof.
5. The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof, unless further time is granted by subsequent order.
6. The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings, as to it may seem right and proper and to revoke its permission if, in its judgment, public convenience and necessity demand such action.

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

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 9th day of March, 1931.

O. L. Scamper

Leon W. Kelly

W. J. Carr

W. B. Harris

Frederic G. Stewart

Commissioners.