

ORIGINAL

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA.

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In the Matter of the Application
of the BOCA AND LOYALTON RAILROAD
COMPANY for an order exempting it
from complying with the provisions
of Chapter 284, Statutes of California,
1913, entitled "An Act Regulating
Headlights on all Locomotives and
Providing a Penalty for violation of
the Provisions of this Act".

Application No. 841.

Allan P. Matthew for applicant.

EISENMAN, Commissioner.

O P I N I O N

The applicant operates a line of railway 45.2 miles in length traversing sparsely settled territory, and the evidence shows that the traffic is meager and declining. The line was originally constructed as a lumber road and on the failure of the supply of forest products operating expenses are not being paid.

All of the trains of this line, except one, are exempted from the provisions of the Act inasmuch as such trains operate exclusively between sun up and sun down. One train, however, operating daily from Loyalton to Portola, a distance of 19.1 miles, leaves Loyalton at 5 P.M. and arrives at Portola at 6:20 P.M., and during the winter season operates for a portion of each trip after sun down; and it is with reference to this train that the applicant desires the Commission to exercise its authority conferred in the Act to exempt engines used on short lines or local lines from the provisions of the Act.

I am plainly of the opinion that the application should be granted and that safety does not require the equipment of the engine used on this one train with the standard headlight prescribed in the law.

I recommend the following order:

O R D E R .

BOCA AND LOYALTON RAILROAD COMPANY, a common carrier, having applied to this Commission for an order exempting such railroad from the provisions of Chapter 284 of the Statutes of 1913, requiring the installation of standard headlights prescribed in the law, and a hearing having been held and being fully apprised in the premises,

THE COMMISSION HEREBY FINDS AS A FACT that the Boca and Loyaltan Railroad is a short local line, and that the headlight provided in the Act referred to is not necessary for the preservation of public safety.

And basing this order on the foregoing finding of fact,

IT IS HEREBY ORDERED that the Boca and Loyaltan Railroad Company shall be exempt from the provisions of the said Act until the further order of this Commission.

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 13th day of December, 1913.

John M. Eukleman

H. J. Lovelace

Max Gordon

Max Thelton

Edwin O. Edgerton

Commissioners.