

Division No. 1976

ORIGINAL

John Wall, Jesse Parman, S. W. Miller,  
J. B. Estes and Ira S. Cannon, con-  
stituting the Board of Supervisors of  
the County of Modoc, State of California.

Complainants,

vs

Case No. 536

Nevada-California-Oregon Railway,

Defendant.

.....

GORDON, Commissioner:

SUPPLEMENTARY OPINION AND ORDER ON APPLICATION

FOR RE-HEARING.

On May 16, 1914, this Commission rendered its decision in the above entitled case and upon the finding that the location of the present depot of the Nevada-California-Oregon Railway in the town of Alturas is inconvenient and unreasonable as to passenger traffic moving over defendant's main line to and from that point and that a convenient and reasonable site for its location would be on the west side of defendant's line at the intersection of Modoc Street, and that public convenience and necessity would be served by the construction of a depot at that point, an order was entered directing the defendant to construct a depot building in Alturas at the intersection of Modoc Street and defendant's line of railroad. Thereafter a petition was filed by certain residents of the town of Alturas asking that a rehearing of the matter be granted. On September 17th a hearing was held in Alturas on the application for rehearing and at that time it developed that there was considerable opposition to the location of the depot of the Nevada-California-Oregon Railway at the foot of Modoc Street. Two other sites were proposed by witnesses testifying at the hearing, - one at the intersection of Main Street and the other at the intersection of 4th Street and defendant's line

of railroad in Alturas. The objection to the location of the depot at the foot of Modoc Street was on the ground that it would be unsafe because Modoc Street is what is commonly known as a blind street and terminates at the railroad's tracks and because a train stopping at a depot located at that point would partly extend over and upon a trestle crossing the Pitt River just a short distance below Modoc Street.

It was also urged by the opponents of the Modoc Street site that Modoc Street is impassable during the winter season and for that reason it would be impracticable to locate the depot on that street. This objection, however, was met by the offer of the witnesses in favor of that site to put this street in good condition and make it passable throughout the year. It was also stated that the proposed site at the foot of Modoc Street is in the extreme south-east corner of the town of Alturas and is not as convenient to the majority of the people of Alturas as the proposed site at the intersection of the railroad and Fourth Street.

There is also a decided objection to the location of the depot at the intersection of Main Street and the railroad largely because of the condition of the north end of this street during the winter months and because it is not convenient, so it is alleged, to the majority of the people of Alturas.

The Fourth and East Street site, in the opinion of many of the witnesses, would more satisfactorily accommodate the majority of the people of Alturas than any of the other sites considered, and from a safety standpoint, be more suitable than any of the other sites proposed.

As the different opinions prevailing among the people of Alturas as to the safe and proper location of the depot seemed irreconcilable, an inspection of the sites proposed was made by representatives of the Commission, and after full consideration of the entire matter, I am of the opinion that the Fourth and East Streets site is more suitable than either the Modoc Street or Main Street sites for the location of the depot. The ground here is comparatively high and level and the railroad grade is practically on a level with the street grade and no bridge is adjacent to this site to add a hazard to its use for the location of

a depot. In addition there is sufficient ground available at this point to enable the carrier to move thereto its entire facilities, - that is, both its freight and passenger depots, within the town of Alturas, which it could not under the present conditions remove to the Modoc Street site. This site is but 600 feet more distant from the post office than is the Modoc Street site and approximately 3000 feet southeast of the present location of the depot and 2000 feet north-east of the proposed Modoc Street site. Further, the removal of the facilities to Fourth and East Streets would not inconvenience, to as great an extent as the removal of the facilities to Modoc Street, those people who have located in the vicinity of the carrier's present facilities, relying upon their continued maintenance.

Upon the entire record I am of the opinion and find that public convenience and necessity will be more adequately served by the location of the depot at the intersection of Fourth Street and defendant's line of railroad in Alturas, and I recommend that the former order of the Commission in this matter be modified and that from and after the date of this order that the Nevada-California-Oregon Railway be permitted to discontinue stopping its passenger trains at the intersection of Modoc Street and the line of said Nevada-California-Oregon Railway and be required to thereafter stop all of its trains carrying passengers at the site upon which the order directs that the depot be located, - that is, at the intersection of Fourth Street and the line of said Nevada-California-Oregon Railway.

I submit the following supplementary order:

SUPPLEMENTARY ORDER.

*the* An order having been entered in the above entitled proceedings on May 16, 1914, and thereafter an application for re-hearing having been filed, and a hearing thereon having been held, and based on the findings in <sup>an</sup> opinion preceeding the order, it appearing to this Commission that its former order in the above entitled matter should be modified;

IT IS HEREBY ORDERED that Nevada-California-Oregon Railway shall, within ten (10) days from the date of this order, present to

this Commission for its approval plans for a passenger depot to be built in the town of Alturas at the intersection of defendant's line of railroad and Fourth Street, known as Rice Crossing, and shall, within ninety (90) days from the approval of said plans by this Commission, build on said location a passenger depot of such type as shall be approved by this Commission.

IT IS FURTHER ORDERED that, from and after the date of this order, Nevada-California-Oregon Railway discontinue stopping its passenger trains at the intersection of Modoc Street and the line of Nevada-California-Oregon Railway in the town of Alturas, and thereafter stop all of its trains carrying passengers at the site upon which this order directs that Nevada-California-Oregon Railway construct a depot, that is, at the intersection of Fourth Street and the line of said Nevada-California-Oregon Railway, and

IT IS FURTHER ORDERED that the order of this Commission entered in this proceeding on May 16, 1914, insofar as it conflicts with, or is inconsistent with, this order of this Commission, be and the same is hereby superseded and annulled.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission.

Dated at San Francisco, California, this 30th day of November, 1914.

H. D. Loveland  
W. H. Gordon  
W. H. Shelton  
Edwin O. Edgerton  
Commissioners.