

Decision No. _____

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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THE MODESTO & EMPIRE
TRACTION COMPANY, A Cor-
poration,
Complainant,

-vs-

SOUTHERN PACIFIC COMPANY,
A Corporation,
Defendant.

Case
No. 953

L. L. Dennett, For Complainant

Frank B. Austin
George D. Squires For Defendant

BY THE COMMISSION.

OPINION

This case is brought under Section 36 of the Public Utilities Act by the Modesto & Empire Traction Company, a corporation, operating a railroad of some five or six miles in length between Empire and Modesto in Stanislaus County, for the purpose of obtaining an order requiring and providing for the installation and maintenance of a physical connection in the City of Modesto between the railroad tracks of the complainant and those of the Southern Pacific Company.

A public hearing was held in Modesto on August 17th, 1916. From the evidence it appears that the railroad lines of the Southern Pacific Company and of the Atchison, Topeka & Santa Fe Railway Company almost parallel each other in their course through the San Joaquin Valley from Stockton

to Fresno. The latter Company's line does not run through Modesto, but it has a physical connection at Empire, some five or six miles from Modesto, with the tracks of the complainant.

It further appears that the complainant's tracks extend to defendant's right-of-way in Modesto, and that there would be no physical obstacles against installing such a connection as is asked for by complainant.

Defendant, however, has expressly denied that public convenience or necessity, or any convenience or necessity, demands a physical connection between the two companies' tracks. This was the main issue at the hearing and considerable testimony was introduced on each side of this question.

After a careful consideration of all the evidence and of the briefs filed by counsel, we find that the evidence fails to show sufficient public convenience and necessity for the proposed physical connection to justify this Commission in ordering its installation. •

ORDER

A public hearing having been held in the above entitled case and the same having thereafter been duly submitted upon briefs of the respective parties, and being now ready for decision, and it appearing to this Commission

for the reasons set forth in the foregoing opinion that
the complaint should be dismissed.

IT IS HEREBY ORDERED that the above entitled
proceeding be and the same is hereby dismissed.

Dated this 9th day of January, 1917.

Max Thelen
H. O. Loveland
W. E. Gordon

Francis R. Deane

Commissioners.