

ORIGINAL

Decision No. 4288

DECISION NO. _____

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
 NEVADA-CALIFORNIA-OREGON RAILWAY, a
 corporation, for authority to sell
 and of THE WESTERN PACIFIC RAILROAD
 COMPANY, a corporation, for authority
 to purchase that portion of the lines
 of railroad of Nevada-California-
 Oregon Railway from Hackstaff, Lassen
 County, California, to Reno, Nevada, and
 also the line from Plumas Junction to a
 point opposite Blairsden Station, on
 the main line of The Western Pacific
 Railroad Company; and for permission to
 abandon that portion of the line of the
 Nevada-California-Oregon Railway between
 the stations of Hackstaff and Plumas
 Junction, and between Plumas Junction
 and a point opposite Blairsden on the
 main line of The Western Pacific Railroad
 Company.

APPLICATION NO. 2813

A. B. Roehl of Sanborn and Roehl for
 Applicant, Nevada-California-
 Oregon Railway Company.

A. R. Baldwin and Allan P. Matthew for
 Applicant, The Western Pacific
 Railroad Company.

GORDON, Commissioner.

O P I N I O N

This is a joint application by the Nevada-California-
 Oregon Railway Company and The Western Pacific Railroad Company in
 which an order of the Commission is asked approving the sale of
 a portion of the line of railroad of the Nevada-California-Oregon
 Railway to The Western Pacific Railroad Company, also authority for

abandonment of the portion of the line of the Nevada-California-Oregon Railway between Hackstaff and Plumas Junction in the County of Lassen, and between said Plumas Junction and a point opposite Blairsden on the main line of The Western Pacific Railroad in the County of Plumas, State of California. A public hearing was held at San Francisco on April 5, 1917, the matter was duly submitted and is now ready for decision.

The Nevada-California-Oregon Railway is a narrow gauge line extending from Reno, Nevada to Lakeview, Oregon and with a branch line extending from Plumas Junction, Lassen County, to Davies Mill in Plumas County in the State of California. The line crosses the main line of The Western Pacific Railroad at the joint station of Hackstaff in Lassen County.

The Western Pacific Railroad Company, being desirous of extending its standard gauge line from a point near the east portal of Chilcoot Tunnel to the city of Reno, Nevada, and of acquiring the rights of way and other physical property of the Nevada-California-Oregon Railway, especially the terminal property in the city of Reno which is advantageously located, has agreed with the applicant, Nevada-California-Oregon Railway, to purchase for the sum of Seven Hundred Thousand Dollars (\$700,000.00) the line of railroad extending from a point near Hackstaff in the County of Lassen, State of California, to the city of Reno, County of Washoe, State of Nevada; also the line of railroad extending from Plumas Junction in the County of Lassen to the station of Davies' Mill in the County of Plumas, all in the State of California; including all physical property, rights of way, terminal facilities, excepting, however, the rolling stock equipment and the residence of the

General Manager of the Nevada-California-Oregon Railway on Court Street in the city of Reno, Nevada.

Under the terms of the purchase agreement the Nevada-California-Oregon Railway is obligated to furnish service and to operate the line from Hackstaff, California to Reno, Nevada, and from Plumas Junction to Davies' Mill, until such time as The Western Pacific Railroad Company shall have completed a standard gauge line from a point on its main line to the city of Reno, and upon the completion of such line the operation of the narrow gauge line by the Nevada-California-Oregon Railway shall cease. The Nevada-California-Oregon Railway, pending the construction of a standard gauge line by the Western Pacific Railroad Company to serve the Davies Box and Lumber Company at Davies' Mill, is to carry out, for its own account, the terms of an existing contract between the Nevada-California-Oregon Railway and the Davies Box and Lumber Company.

The total mileage proposed to be transferred under the agreement of sale is one hundred four (104), of which seventy-six (76) are located in the State of California and twenty-eight (28) in the State of Nevada. This is divided as between main line and branch line as follows:

<u>Main Line.</u>	Reno, Nevada to Hackstaff, Lassen County, California, (including sidings, and yard tracks)	64.8 miles
<u>Branch Line.</u>	Plumas Junction, Lassen County, to Davies' Mill, Plumas County, California, (including sidings and yard tracks)	<u>39.2</u> "
Total		104. miles

It is proposed by the applicant, The Western Pacific Railroad Company, to take up and scrap the entire track purchased and to abandon entirely the portion of the main line between Hack-

staff and Plumas Junction (30.61 miles) and all of the branch line between Plumas Junction and Davies' Mill (39.2 miles). A connection with the standard gauge Western Pacific main line will be made at a point east of Chilcoot Tunnel and with the right of way acquired from the Nevada-California-Oregon Railway at or near the station of Plumas Junction. The main line of the Nevada-California-Oregon Railway between Plumas Junction, California, and Reno, Nevada, will be reconstructed, partly in a new location, as a standard gauge Western Pacific branch line.

The present narrow gauge line of the Nevada-California-Oregon Railway from Davies' Mill to Plumas Junction and from Plumas Junction to Hackett is closely paralleled by the standard gauge main line of The Western Pacific Railroad and the country is but sparsely settled. With the exception of lumber and forest products originating at the stations of Delliker, Clie and Davies' Mill, all on the branch line between Plumas Junction and Davies' Mill, there is no business of any volume handled and all stations proposed to be eliminated by the abandonment and reconstruction of a portion of the line transferred will be served by stations on the present main line of The Western Pacific Railroad Company or stations remaining on the portion of the line which will be reconstructed as a standard gauge branch line of that company.

The stations to be abandoned entirely are as follows:

MAIN LINE

Chat - non agency
Cameron - non agency
Red Canyon - non agency
Constantia - non agency
Doyle - agency.

BRANCE LINE.

Chilcoot - non agency
Granite - non agency
Vinton - non agency
Moffitt - non agency
Beckwith - agency
Gulling - non agency
Portola - agency
Delliker - non agency
Clairville - non agency
Spur to Totter Mill - non agency
Clio - agency
Davies' Mill - non agency.

A field investigation has been made by Mr. W. J. Handford, Railroad Service Inspector of the Commission, as to the effect of the abandonment of the above mentioned stations upon the public heretofore served by the line of the Nevada-California-Oregon Railway, in which all stations, both agency and non-agency were visited and shippers and receivers of freight were interviewed. No objection was made by any person interviewed against the proposed abandonment, and from such investigation it appears that all agency stations are at present equally served by the present main line of The Western Pacific Railroad Company, that many of the non-agency stations exist as passing tracks for operating purposes and have no station buildings or residents closely adjacent thereto. The non-agency stations of Constantia, Gulling and Delliker and the agency station of Doyle are at present served by the main line of The Western Pacific Railroad and the small communities served are located closely adjacent to the tracks of that company.

The principal shippers to be affected by the abandonment of the narrow gauge line of the Nevada-California-Oregon Railway are the Davies Box and Lumber Company, shipping from Davies' Mill, and the Feather River Lumber Company, shipping from Clio and Delliker. The officials of both companies have no objection to the proposed abandonment, arrangements having been made by The Western Pacific Railroad Company to furnish service that will be of greater

advantage when the broad gauging of spur tracks to their industrial plants will have been accomplished.

Mr. Chas. M. Levey, President of The Western Pacific Railroad Company, testified at the hearing on this application as to the desire on the part of his company to secure access to the city of Reno and as to the desirable terminal facilities of the Nevada-California-Oregon Railway therein located; also as to the service proposed to care for the needs of all shippers and receivers of freight formerly using the line of the Nevada-California-Oregon Railway. It was also developed at the hearing of this application that a traffic agreement was to be executed between the Nevada-California-Oregon Railway and The Western Pacific Railroad Company on terms mutually advantageous and having reference to the traffic originating on or destined to points on the Nevada-California-Oregon Railway north of the station of Hackstaff. The interests of shippers and receivers of freight between such northerly points and Reno and points intermediate on the portion of the line of the Nevada-California-Oregon Railway proposed to be abandoned will be served by such agreement in that reliable service by standard gauge equipment will be available with transfer from the narrow gauge cars at Hackstaff.

In view of the foregoing facts I am of the opinion that the public interest and the needs of the shippers and receivers of freight on the portion of the line of the Nevada-California-Oregon Railway proposed to be sold will be adequately served by the granting of this application and the approval of the annexed agreement, also by the abandonment of the portion of the line which is not necessary in connection with the broad-gauging to permit access to the southerly terminus at Reno, Nevada.

The duplication of service, especially in a sparsely settled territory and in view of the limited ability of a narrow gauge line to serve its patrons as efficiently as a standard gauge line having transcontinental connections, places an unnecessary burden upon the expense of operation of both lines and in turn upon the public in the communities served. The proposed arrangement and transfer as presented by this application appears after careful analysis and investigation to be of material advantage, not only to the applicants in this proceeding but to the general public.

I recommend that this application be granted and submit the following form of order.

O R D E R

Nevada-California-Oregon Railway, a corporation, and The Western Pacific Railroad Company, a corporation, having made application for an order authorizing the sale of the lines of railroad of the Nevada-California-Oregon Railway hereinafter more fully described, and the purchase of same by The Western Pacific Railroad Company, and for the authorization of abandonment of certain portions of the lines proposed to be transferred; a public hearing having been held, and the Commission being fully advised and of the opinion that the application should be granted,

IT IS HEREBY ORDERED, (1) That the Nevada-California-Oregon Railway be and the same hereby is authorized to sell and convey to The Western Pacific Railroad Company and The Western Pacific Railroad Company be and the same hereby is authorized to purchase from the Nevada-California-Oregon Railway, in accordance with the conditions of a proposed agreement attached to the appli-

cation in this matter and marked "Exhibit A", all the right, title and interest of the Nevada-California-Oregon Railway in and to the following described lines of railroad, terminals, lands, machinery, tools and other real and personal property now owned by the Nevada-California-Oregon Railway, to-wit:

(1) A line of railroad extending from a point not more than two thousand (2,000) feet south of the point where the line of the Nevada Company crosses the main line of the Pacific Company at Hackstaff Crossing, in the County of Lassen, in the State of California, and extending thence in a southeasterly direction through the Counties of Lassen and Sierra, in the State of California, and the County of Washoe, in the State of Nevada, to and into the City of Reno, in said County of Washoe.

(2) A line of railroad extending from a connection with the line of railroad hereinabove described in clause (1) of this paragraph at Plumas Junction, in the County of Lassen, in the State of California, and extending thence in a westerly direction through the County of Lassen and the County of Plumas, in the State of California, to a point opposite Blairsdien Station on the main line of the Pacific Company, in the said County of Plumas.

(3) All real estate, office buildings, passenger stations, freight houses, warehouses, coal-houses, car-houses, engine houses, storehouses, machine shops, repair shops, blacksmith shops and other structures; all turn-tables, water stations, water tanks, and water supplies; all spur tracks, side-tracks, turnouts, and switches; all superstructures, bridges, viaducts, stringers, ties, rails, frogs and bolts; all fences; such telegraph and telephone lines, poles, wires, signals, and instruments as may be now owned by the Nevada Company; and all machinery, apparatus, tools, implements, appliances, and furniture, appertaining to, or used or held for use as a part or parts of, or to facilitate or safeguard the maintenance and operation of, either of the above described lines of railroad or any terminals thereof, including all real and personal property, all leaseholds, and all rights, privileges, and franchises owned or held by the Nevada Company in the City of Reno, Nevada; EXCEPTING, however, the residence of the General Manager of the Nevada Company on Court Street in the City of Reno, Nevada.

(2) That suspension of service, abandonment and removal of track be and the same hereby is authorized over the following portions of the line of the Nevada-California-Oregon Railway hereinabove authorized to be sold and transferred to The Western Pacific Railroad Company:

Commencing at a point not more than two thousand (2,000) feet south of the point of crossing of the line of the Nevada-California-Oregon Railway with the line of The Western Pacific Railroad Company at the station of Hackstaff, County of Lassen, State of California, and extending thence in a southeasterly direction to a point at or near the station of Plumas Junction, County of Lassen, State of California, said point to be the point of connection with a proposed standard gauge track to be constructed from a point at or near the easterly portal of Chilcoot Tunnel to a point at or near said Plumas Junction.

Commencing at a point in the County of Plumas, State of California, at the station of Davies' Mill and extending thence in an easterly direction through the County of Plumas and the County of Lassen, State of California, to the station of Plumas Junction in the said County of Lassen.

The suspension of service, abandonment and removal of track hereby authorized shall not be effective until and upon the commencement of regular train service following completion of the construction of a standard gauge railroad by The Western Pacific Railroad Company, commencing at a point at or near the easterly portal of Chilcoot Tunnel on the main line of said Western Pacific Railroad to a connection with the line of the Nevada-California-Oregon Railway at or near Plumas Junction in the County of Lassen, State of California, and of a standard gauge line from such connection to the City of Reno, County of Washoe, State of Nevada, and of a standard gauge spur track from a point at or near Blairsdon on the main line of said Western Pacific Railroad serving the plant of the Davies Box and Lumber Company at Davies' Mill in the County of Plumas, State of California.

The authority herein granted for the sale of the property of the Nevada-California-Oregon Railway to The Western Pacific Railroad Company for the sum of Seven Hundred Thousand Dollars (\$700,000.00) is granted on condition that the price paid by The Western Pacific Railroad Company for said property of Nevada-Calif-

ernia-Oregon Railway shall not be binding upon this Commission or any court or other public body as a finding of value for said property.

The Commission reserves the right to make such other and further orders with respect to the transfer of property or the suspension of service, abandonment and removal of track as to it may appear right and proper or if in its judgment such are deemed necessary for the public interest.

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.

May
~~April~~, 1917. Dated at San Francisco, California, this 2nd day of

Max Heiler

H. S. K. ...

W. G. ...

Commissioners.