

Decision No. 6278

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SOUTHERN PACIFIC RAILROAD COMPANY, et al., for the approval of a certain agreement between said corporations relating to the sale and conveyance by the Visalia Electric Railroad Company to the Minkler Southern Railway Company of a line of railway and real property extending south from the City of Porterville, the reconstruction of said railway by the Minkler Southern Railway Company and the joint operation thereof, and of a line of railway between Ducor and Oil Junction by said companies.

ORIGINAL

Application No. 3571.

Guy V. Shoup for Southern Pacific Railroad Company, Southern Pacific Company and Visalia Electric Railroad Company.

F. H. Heid, Jr., for Minkler Southern Railway Company, and The Atchison, Topeka and Santa Fe Railway Company.

By the Commission.

O P I N I O N

SOUTHERN PACIFIC RAILROAD COMPANY, a corporation, SOUTHERN PACIFIC COMPANY, a corporation, VISALIA ELECTRIC RAILROAD COMPANY, a corporation, MINKLER SOUTHERN RAILWAY COMPANY, a corporation, and THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, a corporation, filed an application on March 5, 1918, in which they ask the approval by the Commission of a certain agreement between said corpora-

tions, a draft of which is attached to the application and marked "Exhibit 1." The agreement by its terms provides that Visalia Electric Railroad Company shall sell and convey to Minkler Southern Railway Company that portion of the first named company's constructed and unconstructed railroad south from the City of Porterville, (the location thereof being shown upon the blue print attached to said agreement) and that Minkler Southern Railway Company shall reconstruct the same making it suitable for operation by steam motive power as well as by electricity and shall complete the construction thereof to a connection with the Southern Pacific Railroad Company's railroad at Ducor, Talare County, California. The agreement further provides for the joint operation and use by all of said companies of the railroad so constructed and to be constructed by Minkler Southern Railway Company and of the Southern Pacific Railroad Company's railroad between Ducor and station of Oil Junction, Kern County, California, under terms and conditions set forth in Exhibits "B" and "C" attached to said agreement and marked "Exhibit 1."

On May 3, 1918, a public hearing was held at which all interested parties were represented. The testimony showed that the Director General of Railroads had recommended that this work be postponed until the war emergency had passed. The Commission therefore agreed to hold the application in abeyance until such time as the interested companies could obtain the consent of the Director General of Railroads for the taking up of the contemplated construction.

The Commission is now in receipt of information that the United States Railroad Administration is no longer interested in the proposed agreement and that the contract is considered purely

a transaction between the corporate interests of the various roads involved. We are of the opinion that the railroad development contemplated in the contract is desirable and that the agreement should be approved.

ORDER

It appearing to the Commission that no further hearing is necessary in this matter; that the war emergency has passed; that the railroad construction contemplated in this application will be of benefit to the country to be served, and that public convenience and necessity demand that this application be granted:

IT IS HEREBY ORDERED, That this application be and the same is hereby granted, provided that a certified copy of the above mentioned agreement and its terms and conditions as set forth in Exhibits 1, B and C attached to said application shall be filed with this Commission within fifteen (15) days after the execution thereof.

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 19 day of April, 1919.

Edwin P. Edgerly
H. S. ...
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Commissioners.