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Decision No. 7943.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ELIZABETH A. RODGERS,)
Complainant

ORIGINAL

-vs-

Case No. 1466

NORTHWESTERN PACIFIC RAILROAD COM-)
PANY, a corporation,)
Defendant.

John E. Bennett for Complainant
Stanley Moore by Elliot Johnson
for Defendant.

BY THE COMMISSION.

O P I N I O N

Complainant in this proceeding alleges that the Northwestern Pacific Railroad Company transports large numbers of persons from San Francisco and other points to stations located adjacent to the ranch of complainant, such stations being designated as Shafter, Camp Berkeley, Irving, Camp Taylor and Taylorville; that such persons trespass on the ranch owned by complainant against her will and consent and that the posting of notices, public advertisement and patrolling of the ranch have failed to discourage the trespassing. The Commission is asked to make its order closing the stations above referred to.

Defendant filed its answer and amended answer denying that the persons transported by its line were carried for the purpose of trespassing on the ranch of complainant, and alleging that the stations

sought to be closed are now used and have been used by large numbers of people and for many years. Defendant also alleges that the class of persons carried by its trains to and from the stations sought to be closed are peaceable and law-abiding citizens and that access to the property of the complainant is possible by the use of the county road which parallels the railroad track of defendant and that the requested closing of the above-mentioned stations would not in any manner affect access to the property of the complainant now available by the use of the county road.

A public hearing on this matter was conducted by Examiner Handford at San Francisco on July 21, 1920, at which time the matter was duly submitted and is now ready for decision.

This Commission has no jurisdiction over the enforcement of the law as regards trespassing or the entering upon and damaging the property of the complainant. The evidence indicates that the stations herein sought to be closed have been established and used by the public for more than thirty years last past and there is no evidence justifying the closing of the stations.

The complaint will be dismissed in accordance with the following order.

O R D E R

A public hearing having been held on the above entitled proceeding, the matter having been duly submitted and the Commission being fully advised,

IT IS HEREBY ORDERED that this complaint be and the same hereby is dismissed.

Dated at San Francisco, California, this 27 day of August, 1920.

Edwin O. Edgerton
W. B. ...
...

Commissioners