

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
Oakland, Antioch & Eastern Railway,)
a corporation, to purchase, and of)
Northern Electric Railway Company,)
a corporation, to sell a one-half)
interest in certain railroad tracks)
and appurtenances located on M)
street in the city of Sacramento.)

Application No. 679.

Jesse Steinhart for applicants.

THELLEN, Commissioner.

O P I N I O N

This is an application of Oakland, Antioch & Eastern Railway and Northern Electric Railway Company for an order authorizing the former to purchase and the latter to sell a one-half interest in certain tracks of the Northern Electric Railway Company lying on M street in the city of Sacramento, for the sum of \$11,403.

The tracks affected commence at a point where the single track of the Northern Electric Railway Company leaves the M street bridge, and running thence easterly along M street to a switch point located on M street between Second and Third streets, said point being the beginning of a curve of 165-foot radius, which leaves at said point and turns northerly up Third street.

The Northern Electric Railway Company has built said track as successor in interest of the Vallejo & Northern Railway Company under franchises secured from the city of

Sacramento by ordinances Nos. 791 and 797. Said franchises provided in part that upon payment of the just proportion of the costs of construction and and of the maintenance, the grantee of a subsequent franchise over the same street might use such tracks as might be laid on said M street, among others, whereupon the grantee, by said ordinances Nos. 791 and 797, its successors or assigns, should control the movement of the trains upon said M street from the center of the river to the intersection of said M and Front streets. Thereafter, by ordinance No. 46, Second Series, approved June 27, 1912, Oakland, Antioch and Eastern Railway was given the right to construct, lay down, maintain and operate a double track standard gauge railroad for the transportation of freight, mail, baggage, express and passengers, for reward, along certain streets in the city of Sacramento, including M street, from its intersection of the center line of the Sacramento river easterly to its intersection with the center line of Third street.

The franchise gave to the Oakland, Antioch & Eastern Railway the right referred to in ordinances Nos. 791 to 797 to purchase an interest in the tracks of the Northern Electric on M street and thereafter to operate its trains thereover. The Oakland, Antioch & Eastern Railway desires to acquire a half interest in said tracks of the Northern Electric Railway Company and agrees to pay therefor the sum of \$11,403, being one-half of the amount claimed by Northern Electric Railway Company as representing the cost of xx these tracks.

The order in this case will contain the usual condition to the effect that the price agreed upon by the utilities shall not be taken by this Commission or any other public authority as representing for rate fixing or any other purpose the value of the property.

The city of Sacramento was notified of the hearing in this case. A telephone message was received from the city authorities to the effect that they had no objection to the granting of the application and that they would not be represented.

It is evident that it is more desirable to have both railways use the existing tracks of the Northern Electric Railway Company than to have the Oakland, Antioch & Eastern Railway construct additional tracks on M street paralleling those of the Northern Electric.

I recommend that the application be granted and submit herewith the following form of order:

O R D E R

Oakland, Antioch & Eastern Railway and Northern Electric Railway Company having filed with this Commission their application, on the part of the former to purchase and of the latter to sell for the sum of \$11,403, a half interest in those certain tracks of the Northern Electric Railway Company now lying on M street in the city of Sacramento between the point where the single track of the Northern Electric Railway Company leaves the M street bridge to a point between Second and Third streets, which point is the beginning of a curve of 165 foot radius leaving the track at that point and turning northerly upon Third street;

And a public hearing having been held upon said application and it appearing that public convenience and necessity will be served by the granting thereof;

IT IS HEREBY ORDERED that said application be, and the same is hereby granted, subject to the condition that the price to be paid for said half interest shall not be used ^{before} this Commission or any other public authority as representing for rate fixing or other purposes, the true value of a half interest in said property.

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 19th
day of August, 1913.

H. D. Overland
Wm. G. ...
Max ...

Commissioners.