

Decision No. 27434.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of SOUTHERN PACIFIC COMPANY to maintain that portion of its so-called Capay Branch between Esparto and Capay, California under less than full operation as defined by Section 468 of the California Civil Code.

ORIGINAL

Application No. 19475.

BY THE COMMISSION:

O R D E R

Southern Pacific Company has filed the above-entitled application, requesting authority to maintain that portion of its so-called Capay Branch between Esparto and Capay, Yolo County, under less than full operation, as defined by Section 468 of the Civil Code of the State of California. This section of the code requires that after the completion of any railroad, or part thereof capable of being operated, its owner must operate it and upon his failure to keep it in full operation for a period of six months his right to operate is forfeited. This section also defines a railroad as being in full operation when one passenger or one mixed train is run over it once a day in each direction and a sufficient number of freight trains to accommodate the traffic on the road. The Railroad Commission is, however, given full power and authority to authorize the discontinuance of operation, in whole or in part, of any branch line of railroad without the forfeiture of the right to operate.

The line involved in this proceeding is that portion of the Capay Branch extending from Esparto to the present terminus of the Branch at Capay, a distance of three miles. Service on this

section has been provided by operating the Elmira-Esparto Branch Line trains to Capay. It is estimated that the annual cost of providing this service between Esparto and Capay is \$160, producing a revenue of approximately \$100, of which \$90 is derived from mail contracts.

It appears that this is not a matter in which a public hearing is necessary and that the application should be granted, therefore,

IT IS HEREBY ORDERED that Southern Pacific Company is authorized to discontinue all passenger service on that portion of its so-called Capay Branch between Esparto and Capay provided applicant shall furnish such freight service on this line as may be required.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 8th day of October, 1934.

Leon Whisell

Chas. H. Carr

W. B. Harris

W. B. Harris

Commissioners.