

Decision No. 38284

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
The Western Pacific Railroad Company)
for temporary exemption from require-)
ments of Section 12 of General Order)
No. 33-B, at Mile Post 80.28, San)
Joaquin County, State of California.)

Application No. 26977

ORIGINAL

BY THE COMMISSION:

O R D E R

The Western Pacific Railroad Company on September 24, 1945, applied for a temporary exemption from the provisions of Section 12 of the Commission's General Order No. 33-B, to the extent of spiking the westbound derail closed and disconnecting its operating pipe lines on the approach to the San Joaquin River Drawbridge in San Joaquin County, California, at Mile Post 80.28 between the Stations Fitz and Quigley. It is further stated that it is necessary to renew the trestle approach at the east end of said drawbridge which will require the disconnection of the operating pipe lines hereinbefore mentioned until the work has been completed.

It appearing that a public hearing is not necessary herein; that the temporary exemption is reasonable and necessary during the renewal of the trestle approach; and that the application should be granted, subject to certain conditions,

IT IS HEREBY ORDERED that The Western Pacific Railroad Company is hereby exempted from the provisions of Section 12 of General Order No. 33-B only in so far as such regulations apply to the derail at the east end of the San Joaquin River Drawbridge at Mile Post 80.28 and during such period ending December 15, 1945, subject to the following conditions:

- (1) Speed of all trains specified by train order will be restricted to not more than 5 miles per hour between Home Signal 80.5 and the west end of the drawbridge. Rule 10-H of the Transportation Department of the applicant shall be made continuously effective.
- (2) The Commission shall be advised in writing of the date on which the use of the temporary exemption herein authorized is commenced and of the date on which deraill has been restored to compliance with General Order No. 33-B.

This authorization shall become void if its conditions are not complied with, and may be revoked or modified if the construction which necessitates the exemption is not carried on with reasonable dispatch, or if public convenience, necessity, or safety so require. This order shall be effective immediately.

Dated at San Francisco, California, this 9th day of October, 1945.

David Paulson

Richard L. Lusk

Francis Deann

James Lawrence

COMMISSIONERS