Report of the

Public Utilities Commission

OF UTAH

To the Governor

For the Period January 1, 1932 to December 31, 1932

COMMISSIONERS

ELMER E. CORFMAN, President
THOMAS E. McKAY
GEORGE F. McGONAGLE
FRANK L. OSTLER, Secretary

Office: State Capitol, Salt Lake City, Utah

To His Excellency, Henry H. Blood,
Governor of the State of Utah.

Sir:-

Pursuant to Section 4780, Compiled Laws of Utah, 1917, the Public Utilities Commission of Utah herewith submits its report covering the year 1932.

STATISTICS

The following is a summary of the formal cases before the Commission:

Cases pending from 1930	4
Cases pending from 1931	18
Cases filed in 1932	42
Total	64
Cases disposed of in 1932	47
Cases pending from 1930	1
Cases pending from 1931	16
Total	64

In addition to the above formal cases before the Commission, there were 15 informal matters pending at the end of 1931, and 57 new ones brought before the Commission in 1932, of which 68 were satisfactorily disposed of, and 4 were pending at the end of 1932. A list of the foregoing will be found elsewhere in this report.

The Commission also issued 258 Ex Parte Orders, 1 Grade Crossing Permit, 11 Certificates of Convenience and Necessity, and 1 Automobile Permit. A list of the foregoing will be found elsewhere in this report.

Very respectfully submitted,

PUBLIC UTILITIES COMMISSION OF UTAH

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
Commissioners.

(Seal)
Attest:
(Signed) F. L. OSTLER, Secretary.

FINANCES OF THE COMMISSION

The following is a statement of the finances of the Commission from January 1, 1932, to December 31, 1932.

SALARIES

Appropriations, allowances, and receipts:		
Unexpended appropriation, January 1, 1932	$32,094.50	
Receipts January 1, 1932, to December 31, 1932	510.37	
Total Available for Expenditure	$32,604.87	
Disbursements:		
Salaries, Commissioners, January 1, 1932, to December 31, 1932		$12,000.00
Salaries, Clerical, January 1, 1932, to December 31, 1932		7,965.30
Total Disbursements		$19,965.30
Available Balance Unexpended December 31, 1932		12,639.57
		$32,604.87

OFFICE EXPENSES:

Appropriations, allowances, and receipts:		
Unexpended appropriation, January 1, 1932	$ 2,921.89	
Receipts, January 1, 1932, to December 31, 1932	38.80	
Total Available for Expenditure	$ 2,960.69	
Disbursements:		
Disbursements, January 1, 1932, to December 31, 1932		723.07
Total Disbursements		$ 723.07
Available Balance Unexpended, December 31, 1932		2,237.62
		$ 2,960.69

TRAVEL:

Appropriations, allowances, and receipts:		
Unexpended appropriation, January 1, 1932	$ 1,151.40	
Receipts, January 1, 1932, to December 31, 1932		
Total Available for Expenditure	$ 1,151.40	
Disbursements:		
Disbursements, January 1, 1932, to December 31, 1932		$ 255.65
Total Disbursements		$ 255.65
Available Balance Unexpended, December 31, 1932		895.75
		$1,151.40

EQUIPMENT:

Appropriations, allowances, and receipts:		
Unexpended Appropriation, January 1, 1932	$ 329.42	
Receipts, January 1, 1932, to December 31, 1932		
Total Available for Expenditure	$ 329.42	
Disbursements:		
Disbursements, January 1, 1932, to December 31, 1932		$ 7.73
Total Disbursements		$ 7.73
Available Balance Unexpended, December 31, 1932		321.69
		$ 329.42
Suspense Account:		
Balance in account, January 1, 1932	$ 300.00	
Receipts, January 1, 1932, to December 31, 1932	300.00	
Balance in Account, December 31, 1932	$ 600.00	

AUTOMOBILES OPERATING FOR HIRE

Appropriations, allowances, and receipts:		
Unexpended appropriation, January 1, 1932	$ 7,748.56	
Total available for expenditure	$ 7,748.56	
Disbursements:		
Salaries and wages, January 1, 1932, to December 31, 1932		$4,025.00
Office Expenses, January 1, 1932, to December 31, 1932		122.94
Travel, January 1, 1932, to December 31, 1932		262.12
Total Disbursements		$4,410.06
Available balance unexpended, December 31, 1932		3,338.50
		$7,748.56

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of WELLS R. STREEPER, for permission to operate an automobile freight line between Ogden and Garland, Utah. } Case No. 698

CANCELLATION ORDER

By the Commission:

On this the 14th day of April, 1932, it appearing that Wells R. Streeper, the holder of Certificate of Public Convenience and Necessity No. 213, issued by the Commission in Case No. 698, has failed and neglected to file with the

Public Utilities Commission of Utah, liability and property insurance in conformity with the provisions of Chapter 114, Session Laws of Utah, 1925; now, therefore,

IT IS HEREBY ORDERED, That said Certificate No. 213 be, and the same is hereby, cancelled, revoked, and annulled.

ORDERED FURTHER, That said Wells R. Streeper forthwith cease rendering automobile service authorized by said Certificate No. 213, or the exercising of any rights or privileges granted by this Commission thereunder.

Dated at Salt Lake City, Utah, this 14th day of April, 1932.

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)
Attest:
(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of JAMES NEILSON, for permission to transfer all his right, title and interest in automobile stage line between Salt Lake City and Brighton, Utah, to ERNEST NEILSON and NEPHI NEILSON.	Case No. 889

CANCELLATION ORDER

By the Commission:

On this the 16th day of August, 1932, it appearing that Ernest and Nephi Neilson, the holders of Certificate of Public Convenience and Necessity No. 267, issued by the Commission in the above entitled case, has failed and neglected to file with the Public Utilities Commission of Utah, liability and property insurance in compliance with Chapter 114, Laws of Utah, 1925;

It further appearing that the said Ernest and Nephi Neilson failed, after due notice given, to appear before the Commission on the 12th day of August, 1932, to show cause

why Certificate No. 267 should not be cancelled, as ordered by the Commission on the 8th day of August, 1932.

IT IS THEREFORE ORDERED, That said Certificate No. 267 be, and the same is hereby, cancelled, revoked, and annulled.

ORDERED FURTHER, That said Ernest and Nephi Neilson forthwith cease rendering automobile service authorized by said Certificate No. 267, or the exercising of any rights or privileges granted by this Commission thereunder.

Dated at Salt Lake City, Utah, this 18th day of August, 1932.

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)
Attest:
(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of N. S. SANDERSON, for permission to operate an automobile passenger bus line between Eureka and Dividend, Utah, and intermediate points.	Case No. 1025

CANCELLATION ORDER

By the Commission:

On this 26th day of March, 1932, it appearing that N. S. Sanderson, the holder of Certificate of Public Convenience and Necessity No. 314, issued by the Commission in Case No. 1025, has failed and neglected to file with the Public Utilities Commission of Utah, liability insurance in conformity with the provisions of Chapter 114, Session Laws of Utah, 1925; now therefore,

IT IS HEREBY ORDERED, That said Certificate No. 314 be, and the same is hereby, cancelled, revoked, and annulled.

ORDERED FURTHER, That said N. S. Sanderson forthwith cease rendering automobile service authorized by

said Certificate No. 314, or the exercising of any rights or privileges granted by this Commission thereunder.

Dated at Salt Lake City, Utah, this 26th day of March, 1932.

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)
Attest:
(Signed) F. L. OSTLER, Secretary.

In the Matter of the Application of the STATE ROAD COMMISSION OF UTAH, for permission to abandon a grade crossing over the main line of The Denver & Rio Grande Western Railroad Company near Nolan Station in Price Canyon, Carbon County, Utah. PENDING.	Case No. 1151

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of THE UTAH IDAHO CENTRAL RAILROAD COMPANY, for permission to operate as a common carrier of freight by motor vehicle between Salt Lake City, Utah and the Utah Idaho State Line.	Case No. 1165
In the Matter of the Application of WELLS R. STREEPER, for permission to operate as a common carrier of freight for hire between Brigham City and the Utah Idaho State Line.	Case No. 1178
In the Matter of the Application of B. W. MESSINGER, for permission to operate an automobile freight line between Salt Lake City and Lewiston Utah.	Case No. 1220

ORDER

By the Commission:

Upon Motion of the applicants, and with the consent of the Commission:

IT IS HEREBY ORDERED, That the applications in the above entitled matters be, and the same are hereby, dismissed without prejudice.

Dated at Salt Lake City, Utah, this 20th day of January, 1932.

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)
Attest:
(Signed) F. L. OSTLER, Secretary.

In the Matter of the Application of WELLS R. STEEPER, for permission to operate as a common carrier of freight for hire between Brigham City and the Utah Idaho State Line. } Case No. 1178

See Case No. 1165.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the OREGON SHORT LINE RAILROAD COMPANY, a Corporation, for permission to reconstruct an underpass near Cache Junction, Cache County, Utah. } Case No. 1193

Submitted: January 17, 1931. Decided: January 8, 1932.

Appearances:

Geo. H. Smith, J. V. Lyle Robert B. Porter, and W. Hal Farr, Attorneys of Salt Lake City, Utah, } for Applicant, Oregon Short Line Railroad Company.

Geo. D. Preston, Attorney of Logan, Utah } For Cache County, Utah.

REPORT OF THE COMMISSION

By the Commission:

On the 26th day of August, 1930, the Oregon Short Line Railroad Company filed with the Public Utilities Commission of Utah an application for an order under the provisions

of Section 4811, Compiled Laws of Utah, 1917, authorizing the reconstruction of a crossing underpass, and the determining of the proportions of the expense thereof, as well as the cost of the maintenance of the underpass when reconstructed that shall be borne by the applicant and Cache County, Utah. Said application came on regularly for hearing before the Public Utilities Commission on the 22nd day of October, 1930, at Logan, Utah, after due notice given. At the hearing on said application Cache County appeared, and by answer admitted that the, "structural portion of the underpass is in constant need of repair and subject to the danger of destruction by fire, and that a more permanent structure should in the interest of public safety be constructed," but pleaded, among other things, "It is not within the jurisdiction of the Public Utilities Commission of Utah to entertain before it the application of the said railroad company".

From the admitted facts as shown by the record and files in the case, and the evidence adduced for and in behalf of the parties, it appears:

1. That the applicant, Oregon Short Line Railroad Company, is a "railroad corporation" duly organized and existing under the Laws of the State of Utah, with its principal place of business at Salt Lake City, Utah; that its articles of incorporation have been duly filed in the office of the Public Utilities Commission of Utah; that it is engaged in the business of a common carrier by railroad in the State of Utah and other states, and it is now, and for many years last past has been, operating a railroad through and serving Cache County, Utah.

2. That Cache County is a municipal corporation under the Laws of the State of Utah; that in the year 1914 the Commissioners of Cache County, being desirous of changing the location of the highway known as "Newton County Road" in Cache County, entered into an agreement with the applicant under date of June 20, 1914, for the construction of an underpass in lieu of a grade crossing then existing, which said agreement, among other things, provided for the maintenance of said underpass, and that when in the judgment of the applicant, Oregon Short Line Railroad Company, it should become necessary that the timber structure of said underpass should be renewed or replaced, that a permanent steel and concrete structure should be constructed, and that the expense thereof be borne equally between the parties to the agreement; that the terms of said agreement have not been complied with.

3. That the timbers of said underpass have so deteriorated as to now cause the same to be unsafe and insecure; that the same from time to time requires frequent and costly maintenance and is subject to the danger of destruction by fire; that the railroad over said underpass bears heavy traffic, and that the highway thereunder is a much used highway for vehicular travel; that in order to properly safeguard the travelling public, both by rail and highway, and in the interest of public convenience, the present underpass should be removed and be replaced by a structure of steel and concrete for the purpose of eliminating the hazards attending the present wooden structure now maintained.

4. That an underpass structure at said crossing constructed of concrete and steel in accordance with proper and well established standards will cost approximately $17,500.00, that the future maintenance thereof will be inexpensive; that the applicant, Oregon Short Line Railroad Company, should bear in the future the expense of maintaining the superstructure of said underpass, and that Cache County, Utah, should bear the expense of the maintenance of the highway thereunder.

5. That the cost of construction of a new underpass should be borne by Cache County, Utah, to the amount of $3,000.00, and no more; that the remaining cost of construction should be borne entirely by the applicant; that the respective parties to these proceedings have expressed their willingness and consent to the foregoing apportionment of the cost of construction.

From the foregoing findings, and from the records and files in the case, all of which are hereby expressly referred to and made a part hereof, the Commission concludes and decides that the application of the Oregon Short Line Railroad herein should be granted as applied for under the provisions of Section 4811, Compiled Laws of Utah, 1917, and the objections thereto made on the part of Cache County to the granting thereof for want of jurisdiction should be, and the same is hereby overruled.

An appropriate order will follow:

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 8th day of January, 1932.

In the Matter of the Application of the OREGON SHORT LINE RAILROAD COMPANY, a Corporation, for permission to reconstruct an underpass near Cache Junction, Cache County, Utah.	Case No. 1193

This case being at issue upon application on file and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application of the Oregon Short Line Railroad Company for permission to reconstruct an underpass where the highway commonly known as the "Newton County Road" crosses the tracks of the Oregon Short Line Railroad, near Cache Junction, Cache County, Utah, be, and the same is hereby, granted.

ORDERED FURTHER, That the cost of construction of a new underpass at said crossing, with steel and concrete in lieu of the present wooden structure, be borne and paid by Cache County, Utah, to the amount of $3,000.00, and no more, and that the remaining cost of construction be borne and paid entirely by the applicant, the Oregon Short Line Railroad Company.

ORDERED FURTHER, That the construction of said new underpass at said crossing be made under the supervision and with labor and materials furnished by the Oregon Short Line Railroad Company, and in accordance with the standards of construction approved by the Public Utilities Commission of Utah, and that the maintenance of the superstructure be borne and paid by the Oregon Short Line Railroad Company, and the cost of the maintenance of the highway thereunder be borne and paid by Cache County, Utah.

By the Commission.

(Seal) (Signed) F. L. Ostler, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the LOS ANGELES & SALT LAKE RAILROAD COMPANY, a Corporation, for permission to discontinue the operation of its station at Faust, Utah, as an agency station.	Case No. 1219

REPORT AND ORDER UPON PETITION FOR RE-HEARING

By the Commission:

On December 31, 1931, the applicant, Los Angeles & Salt Lake Railroad Company, a Corporation, filed a petition for a rehearing in the above entitled matter, which said petition came on regularly for hearing and argument before the Public Utilities Commission of Utah, on the 15th day of January, 1932; and now, after due consideration of said petition, we are of the opinion that the said petition for re-hearing should not be granted.

IT IS THEREFORE ORDERED, That the petition of the Los Angeles & Salt Lake Railroad Company, a Corporation, for rehearing in the above entitled matter, be, and it is hereby, denied.

Dated at Salt Lake City, Utah, this 11th day of February, 1932.

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)

Attest:
(Signed) F. L. OSTLER, Secretary.

In the Matter of the Application of B. W. MESSINGER, for permission to operate an automobile freight line between Salt Lake City and Lewiston, Utah.	Case No. 1220

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

In the Matter of the Application of the MOAB GARAGE COMPANY and SALT LAKE AND EASTERN UTAH STAGE LINES, for permission to consolidate all their operative rights under the name of the SALT LAKE AND EASTERN UTAH STAGE LINES.	Case No. 1225

Submitted: July 22, 1931. Decided: September 10, 1932.

Appearance:

Mr. Knox Patterson, Attorney, Price, Utah, for Applicants.

REPORT OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing before the Public Utilities Commission of Utah, on the 22nd day of July, 1931, upon the application of the Moab Garage Company and the Salt Lake and Eastern Utah Stage Lines, for permission to consolidate all their operative rights in the State of Utah, under the name of the Salt Lake and Eastern Utah Stage Lines. There were no protests made or filed to the granting of the application. From the evidence adduced for and in behalf of the interested parties, the Commission finds:

That prior to March 8, 1917, the Moab Garage Company, then a partnership, was a public utility engaged in the transportation of passengers, baggage, express and freight by automobile, between Thompson and Monticello, Utah; that subsequent to the creation of the Public Utilities Commission on the above date, the Moab Garage Company has continued to operate as a common carrier for hire under the jurisdiction of this Commission between the above mentioned points.

That on March 23, 1931, the Moab Garage Company was authorized under Certificate of Convenience and Necessity No. 375, to operate an automobile passenger, baggage, express and package freight service between Moab and Price, Utah, and intermediate points, over U. S. Highway 450 be-

tween Moab and Valley City, and U. S. Highway No. 50 between Valley City and Price, Utah; that on the same date under said Certificate No. 375, the Moab Garage Company was also authorized to operate an automobile passenger and freight line between Moab, via Thompson and Cisco, Utah, to the Utah-Colorado State Line over U. S. Highway No. 450 between Moab and Valley City and U. S. Highway No. 50 between Valley City and the Utah Colorado State Line.

That on April 16, 1931, R. C. Clark, R. I. Braffet, H. V. Leonard, and G. R. Leonard, in a representative capacity for a corporation to be formed, were authorized within certain limitations to operate an automobile passenger, baggage, express and package freight service between Salt Lake City and Price, Utah, over U. S. Highway No. 91 from Salt Lake City to Springville, Utah, thence either via U. S. Highway No. 91 to Spanish Fork, and U. S. Highway No. 50 from Spanish Fork to Price, or via Utah State Highway No. 8 from Springville to Moark, and U. S. Highway No. 50 from Moark to Price, Utah, under Certificate of Convenience and Necessity No. 380, contingent upon the formation of a corporation under the Laws of the State of Utah, a majority of the common stock of said corporation to be subscribed for and taken by the Moab Garage Company, a Corporation, and upon a showing made to the Commission that said corporation to be organized is able financially and otherwise to provide the said service; that said corporation to be formed, was not permitted to render local service over U. S. Highway No. 91 between Salt Lake City and Springville or Spanish Fork, nor over U. S. Highway No. 50 between Price and Rolapp, Utah; and that said corporation was not permitted under said Certificate No. 380 to carry baggage, freight or express between Salt Lake City and Price, Utah, to any greater extent than such baggage, freight or express could conveniently and with safety to passengers, be carried on automobiles constructed and used for the transportation of passengers.

That in accordance with the conditions outlined in Certificate of Convenience and Necessity No. 380, on June 15, 1931, the Salt Lake and Eastern Utah Stage Lines was duly incorporated under the laws of the State of Utah, the amount of the capital stock of the corporation being $25,000.00, divided into 25,000 shares of the par value of $1.00 each; that of this amount the Moab Garage Company subscribed for 23,600 shares; and that a copy of the Articles of Incorporation of the said Salt Lake and Eastern Utah Stage

Lines has been duly filed in the office of this Commission.

The Commission further finds that the consolidation of the operating rights of the Moab Garage Company into one certificate to be issued to the Salt Lake and Eastern Utah Stage Lines is in the public interest, said certificate to be subject however, to the same orders and limitations made by the Commission in Certificates of Convenience and Necessity Nos. 375 and 380, to be hereby cancelled and annulled.

An appropriate order will follow.

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)
Attest:
(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 399

Cancels Certificates of Convenience and Necessity
Nos. 375 and 380

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, this 10th day of September, A. D., 1932.

In the Matter of the Application of the MOAB GARAGE COMPANY and the SALT LAKE AND EASTERN UTAH STAGE LINES, for permission to consolidate all their operative rights under the name of the SALT LAKE AND EASTERN UTAH STAGE LINES.	Case No. 1225

This case being at issue upon application on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application herein, of the Moab Garage Company and the Salt Lake and Eastern Utah Stage Lines, for permission to consolidate all their opera-

tive rights in one certificate under the name of the Salt Lake and Eastern Utah Stage Lines, be, and the same is hereby, granted;

ORDERED FURTHER, That Certificate of Convenience and Necessity No. 375, issued to the Moab Garage Company on March 23, 1931, in Case No. 1183, be and the same is hereby, cancelled and annulled;

ORDERED FURTHER, That Certificate of Convenience and Necessity No. 380, issued to the Salt Lake and Eastern Utah Stage Lines on April 16, 1931, in Case No. 1190, be, and it is hereby, cancelled and annulled;

ORDERED FURTHER, That Certificate of Convenience and Necessity No. 399, issued herein, grants the same operative rights and privileges to the Salt Lake and Eastern Utah Stage Lines, with certain limitations, as heretofore accrued to the Moab Garage Company under Certificate No. 375 and the Salt Lake and Eastern Utah Stage Lines under Certificate No. 380, as well as the operative rights of the Moab Garage Company heretofore existing between Thompson and Monticello, Utah, which are all set forth in detail in the Commission's Report above;

ORDERED FURTHER, That applicant, Salt Lake and Eastern Utah Stage Lines, before beginning operation, shall file with the Commission and post at each station on its route, a schedule as provided by law and the Commission's Tariff Circular No. 4, naming rates and fares and showing arriving and leaving time from each station on its line, and shall at all times operate in accordance with the statutes of Utah and the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

(Seal) (Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

E. L. BARDSLEY, et al., Complainants,
vs.
TELLURIDE POWER COMPANY, Defendant.
} Case No. 1232

ORDER

By the Commission:

Upon Motion of the complainants and with the consent of the Commission, for good cause shown:

IT IS HEREBY ORDERED, That the complaint herein of E. L. Bardsley, et al., be, and the same is hereby, dismissed without prejudice.

Dated at Salt Lake City, Utah, this 8th day of March, 1932.

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)
Attest:
(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

OSCAR McMULLIN, et al., Complainants,
vs.
LEEDS WATER COMPANY, Defendant.
} Case No. 1234

ORDER OF THE COMMISSION

By the Commission:

Upon motion of the complainants and with the consent of the Commission:

IT IS HEREBY ORDERED, That the complaint herein of Oscar McMullin, et al., vs. Leeds Water Company be, and the same is hereby, dismissed without prejudice.

Dated at Salt Lake City, Utah, this 16th day of September, 1932.

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)
Attest:
(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of CLAY LARSON, for permission to haul freight and express between Salt Lake City and Price, Utah.	Case No. 1236

Submitted: December 12, 1931. Decided: January 15, 1932.

Appearances:

Clay Larson, Salt Lake City, Utah,	for Himself.
Knox Patterson, Attorney, Moab, Utah,	for Protestant, Salt Lake & Eastern Utah Stage Line.
E. J. Hardesty, Salt Lake City, Utah,	for Protestant, Railway Express Agency.

REPORT AND ORDER OF THE COMMISSION

McGONAGLE, Commissioner:

This matter came on regularly for hearing before the Public Utilities Commission of Utah, at Price, Utah, on the 24th day of November, 1931, after due notice given, upon the application of Clay Larson, for permission to haul freight and express between Salt Lake City and Price, Utah. Protests were made to the granting of the application by Salt Lake & Eastern Utah Stage Line and Railway Express Agency. Applicant amended his petition at the hearing, and now asks for a permit to haul papers from Salt Lake City to Price for the Salt Lake Tribune Publishing Company under one contract, and to haul daily mine reports as well as merchandise between Salt Lake City and Standardville for the Standard Coal Company.

From the evidence adduced for and in behalf of the interested parties, the Commission finds:

That the services herein proposed are special services that could not be handled as efficiently and economically by established carriers as by applicant. Under the contract with the Salt Lake Tribune Publishing Company, daily morning papers are distributed to principal Carbon County points prior to seven-thirty A. M.

That in addition to the special service proposed between Salt Lake City and Standardville, applicant is employed by the Standard Coal Company as a private trucker in the Town of Standardville, this employment aiding to defray the cost of the proposed road service.

The Commission therefore finds that applicant, Clay Larson, should be granted a permit in accordance with the provisions of Chapter 42, Laws of Utah, 1927, as amended, to haul newspapers for the Salt Lake Tribune Publishing Company from Salt Lake City to Price, Utah, with distribution limited to points southeast of Thistle; also to haul mine reports and merchandise from Salt Lake City to Standardville for the Standard Coal Company.

IT IS THEREFORE ORDERED, That the application herein, as amended, of Clay Larson, for permission to haul newspapers for the Salt Lake Tribune Publishing Company from Salt Lake City to Price, Utah, with distribution limited to points southeast of Thistle, Utah, and mine reports and merchandise for the Standard Coal Company between Salt Lake City and Standardville, Utah, be, and the same is hereby, granted, under authority of Automobile Permit No. 12.

ORDERED FURTHER, That applicant, Clay Larson, shall at all times operate in accordance with the statutes of Utah and the rules and regulations prescribed by the Commission governing the operation of automobiles for hire, more particularly with respect to the filing of insurance in accordance with the provisions of Chapter 114, Laws of Utah, 1925.

(Signed) G. F. McGONAGLE,
Commissioner.

We Concur:

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
Commissioners.

(Seal)
Attest:
(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

MUTUAL CREAMERY COMPANY,
Complainant,
vs.
UINTAH POWER & LIGHT COMPANY,
Defendant.
} Case No. 1239

Submitted: April 1, 1932 Decided: May 5, 1932

Appearances:

Homer A. Collins,
Salt Lake City, } for Complainant.

Charles DeMoisey,
Vernal, Utah, } for Defendant.

REPORT AND ORDER OF THE COMMISSION

By the Commission:

Under date of May 20, 1931, formal complaint was filed by the Mutual Creamery Company against the Uintah Power & Light Company. Said complaint alleges that the Mutual Creamery Company is a corporation duly organized and existing by virtue of the laws of the State of Utah, with its principal office at Salt Lake City; that it is engaged in the purchase of milk and cream, and the manufacture of same into butter, cheese, and other dairy products, and the sale of such manufactured products within the State of Utah and elsewhere; that the Uintah Power & Light Company is a Utah corporation and is a public utility engaged in furnishing electric energy for power and light purposes in Duchesne, Utah, with post office address at Roosevelt, Utah, and that its retail power rates for 10 H. P. motors and over, as set forth in P. U. C. U. No. 2, Sheet No. 4, effective June 1, 1921, on file with the Public Utilities Commission, are unjust and unreasonable; that complainant operates a creamery at Duchesne, Utah, and uses approximately 1,500 to 2,000 K. W. H. per month; and that the Utah Power & Light Company serves in adjacent territory and furnishes service at approximately one-half the cost to users.

In accordance with the Commission's practices an order to satisfy or answer was issued August 7, 1931, and served upon the Uintah Power & Light Company, allowing

ten days from the date of service in which to satisfy or answer the complaint. The complaint was neither satisfied nor answered. After due and legal notice given, the matter came on for hearing at Vernal, Utah, on September 29, 1931.

After hearing, the representatives of the defendant, Uintah Power & Light Company requested permission to make a thorough study of the power and light situation with a view to adjusting its schedules. The hearing was adjourned pending the filing of the proposed new schedules with the Commission.

Under date of April 1, 1932, the Commission received the proposed general rules and regulations, also the proposed revised rates for electric service. A copy of the proposed rate schedules effecting the Mutual Creamery Company was forwarded to its representative at Salt Lake City to ascertain if they would be satisfactory to the complainant. Under date of April 7, 1932, the Commission received a letter of approval of the proposed rates from the complainant.

The Commission therefore finds that the proposed rules and regulations and rates, with one amendment which was concurred in by the Uintah Power & Light Company, appear to be just and reasonable and should be permitted to go into effect on one day's notice to the Commission and the public.

IT IS THEREFORE ORDERED, That the complaint herein of the Mutual Creamery Company vs. the Uintah Power & Light Company, be, and it is hereby, dismissed without prejudice.

ORDERED FURTHER, That the proposed rates, rules and regulations of the Uintah Power & Light Company filed with the Commission on April 1, 1932, as modified by the Commission, be, and they are hereby permitted to go into effect on one day's notice to the Commission and the public.

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)
Attest:
(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

W. R. JONES, et al., Complainants,
vs.
BIRCH CREEK CANYON WATER COMPANY, a Corporation, Defendant.
} Case No. 1240

ORDER

By the Commission:

IT IS HEREBY ORDERED, That the complaint herein of W. R. Jones, et al., vs. Birch Creek Canyon Water Company, a Corporation, be, and the same is hereby, dismissed without prejudice, for want of prosecution.

Dated at Salt Lake City, Utah, this 11th day of May, 1932.

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)
Attest:
(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

In the Matter of the Application of THE PULLMAN COMPANY, for permission to file and the approval of Revised Pages Nos. 1, 2, 3, 4, 5, 6 and 6-A to Tariff P. U. C. U. No. 3 and Surcharge Tariff P. U. C. U. No. 7.
} Case No. 1241

ORDER OF THE COMMISSION

By the Commission:

Upon motion of the applicant and with the consent of the Commission for good cause shown:

IT IS HEREBY ORDERED, That the application herein of The Pullman Company, for permission to file and the approval of Revised Pages Nos. 1, 2, 3, 4, 5, 6 and 6-A to Tariff P. U. C. U. No. 3 and Surcharge Tariff P. U.

C. U. No. 7, be, and the same is hereby, dismissed without prejudice.

Dated at Salt Lake City, Utah, this 28th day of April, 1932.

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)
Attest:
(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the STATE ROAD COMMISSION OF UTAH for permission to abandon a grade crossing over the main line tracks of the Union Pacific Railroad Company at Henefer, Summit County, Utah, and to substitute an overhead crossing therefor.	Case No. 1247

Submitted: November 23, 1931. Decided: September 9, 1932.
Appearances:

H. S. Kerr, Chief Engineer,	for State Road Commission of Utah.
J. T. Hammond, Jr., Attorney,	for Union Pacific Railroad Co.

REPORT OF THE COMMISSION

By the Commission:

On the 13th day of October, 1931, the State Road Commission of Utah filed an application with the Public Utilities Commission of Utah for an order authorizing the abandonment of a grade crossing of the main line tracks of the Union Pacific Railroad Company at Henefer, Summit County, Utah, and the substitution therefor at a more distant point of an overhead crossing. Said matter came on regularly for hearing before the Public Utilities Commission at Henefer, Utah, after due notice given, October 27, 1931, upon said application and protests made thereto

by certain residents of Henefer. From the records and files, the admitted facts, and from the evidence adduced for and in behalf of all interested parties, the Commission reports as follows:

1. That the applicant, State Road Commission of Utah, is a Commission created by legislative act, having general jurisdiction over the construction and maintenance of the state highways of Utah.

2. That the Union Pacific Railroad Company is a "railroad corporation" organized and existing under the Laws of Utah, and is now, among other things, engaged in the business of operating a line of steam railroad from Ogden, Utah, to Omaha, Nebraska, which line of railroad passes through Weber Canyon, in Summit County, Utah, where the town of Henefer is situated.

3. That the town of Henefer has a population of about 450 people, and that passing through the state from Ogden to the Utah-Wyoming State Line is a transcontinental highway known as U. S. Highway 30-S, which said highway at present passes through the town of Henefer, and for the most part parallels said main railroad line of the Union Pacific Railroad Company; that said U. S. Highway 30-S is a much used highway for travel by automobile, and for several years last past the State Road Commission has been engaged in the proper alignment of the same, and in the elimination of crossings at grade over the railroad of the Union Pacific Railroad Company, and to such an extent that the crossing at Henefer is now the only public crossing maintained at grade; that said crossing at Henefer, by reason of the physical conditions surrounding the same, is exceedingly hazardous for vehicular travel.

4. That in order to obtain the proper alignment of said U. S. Highway 30-S, and eliminate the hazards that now obtain at the present crossing at grade at the town of Henefer, it became necessary for the State Road Commission to make a new alignment of said U. S. Highway 30-S, and to construct a viaduct over the railroad of the Union Pacific Railroad Company at or near Henefer at the place and in the manner set forth in the application herein; that said U. S. Highway 30-S is a part of Federal Aid Project No. 88-B, and that on the 5th day of October, 1931, the Union Pacific Railroad Company, the State Road Commission, and the County of Summit, State of Utah, made and entered into an agreement with respect to the

location, construction, and a participation of the cost and maintenance of said viaduct over the line of railroad of the Union Pacific Railroad Company, a copy of which said agreement is on file herein, and hereby referred to and made a part of these findings.

5. That in view of all the facts with respect to the location, cost, and the terms and conditions set forth in said agreement regarding the location, construction, and maintenance of said proposed viaduct and the abandonment of the said crossing at grade at Henefer, the Commission believes that said agreement so entered into by the respective parties thereto is in every way a just and reasonable one, and therefore this Commission should in the interest of the general public approve the same, particularly with respect to the abandonment of said crossing at grade at Henefer, and the construction of the viaduct as contemplated thereby.

6. That the abandonment of the present crossing at grade of the highway over the tracks of the Union Pacific Railroad Company at Henefer, Utah, and the establishment in lieu thereof of the viaduct, as proposed by the applicant, will under existing conditions and circumstances, greatly inconvenience a number of stockmen and residents at Henefer, because of the handling of large numbers of sheep and cattle at said point, and the farther distance to travel in order for residents to avail themselves of the viaduct; that the continued use by the people at Henefer of the present crossing at grade would not be, under existing conditions, more hazardous than the use of the proposed viaduct by the residents and stockmen at Henefer. However, said present conditions at Henefer can be substantially remedied at a low cost by the relocation of its weighing and railroad loading facilities, and by making provision for transportation of the residents of Henefer over the proposed newly aligned highway, particularly the school children attending the public schools at Henefer, whose proper care and custody while attending the schools rest upon the school board of that town and community. The realignment of highways in the interest of the convenience and safety of the public generally, frequently and unavoidably occasions some hazards and inconvenience to local communities. As shown by the record in this case, under existing conditions, such is quite true with respect to the people residing at Henefer and in surrounding territory, but as pointed out, such inconvenience and new hazards that will be created in the interest of the general public

may be in a great measure remedied and taken care of by the relocation of loading stations and providing transportation over the highways for school children.

This Commission has diligently endeavored, before writing this report, to have the local authorities at Henefer and those that will be affected by the abandonment of the crossing at grade and the establishment of the viaduct as proposed by the State Road Commission, provide for new livestock loading facilities, and to have the school children in attendance at the public schools properly transported, but without avail. We have assurance, however, that such needed facilities may and will be provided in the due course of time.

Now, therefore, by reason of the premises, the Commission concludes and decides: That the application of the State Road Commission of Utah herein to abandon the crossing at Henefer of the Railroad tracks of the Union Pacific Railroad Company by the present state highway at grade, and the construction of a viaduct in lieu thereof, upon the terms and conditions as set forth in the application herein of the State Road Commission of Utah, and as provided for in said agreement made and entered into by the State Road Commission, the Union Pacific Railroad Company, and the County Commissioners of Summit County, Utah, should be granted.

An appropriate order will follow.

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 9th day of September, 1932.

In the Matter of the Application of the STATE ROAD COMMISSION OF UTAH for permission to abandon a grade crossing over the main line tracks of the Union Pacific Railroad Company at Henefer, Summit County, Utah, and to substitute an overhead crossing there for.	Case No. 1247

This case being at issue upon application and protest on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application of the State Road Commission of Utah to abandon the crossing at Henefer, Summit County, Utah, of the railroad tracks of the Union Pacific Railroad Company by the present state highway at grade, and to construct and maintain a viaduct in lieu thereof, in the manner and upon the terms and conditions set forth in the application of the State Road Commission, and as provided for in an agreement made and entered into by the State Road Commission, the Union Pacific Railroad Company, and the County Commissioners of Summit County, Utah, on the 5th day of October, 1931, and referred to in the Commission's Report herein, be, and the same is hereby, granted.

By the Commission.

(Seal) (Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

In the Matter of the Application of W. R. SNOW, for a certificate of convenience and necessity to operate a motor vehicle line between Price, Carbon County, Utah, and Ferron, Emery County, Utah, for the transportation of passengers, baggage, freight and express.	Case No. 1248

Submitted: December 15, 1931. Decided: January 18, 1932.

Appearances:

B. W. Dalton, Attorney, Price, Utah,	for Applicant.
E. J. Hardesty, Salt Lake City, Utah,	for Protestant, Railway Express Agency.

REPORT OF THE COMMISSION

McGONAGLE, Commissioner:

This matter came on regularly for hearing at Price, Utah, on the 24th day of November, 1931, at 10:00 A. M., after due and legal notice given, upon the application of W. R. Snow, for a certificate of convenience and necessity to operate an automobile passenger, baggage, freight and express line between Price, Carbon County, Utah, and Ferron, Emery County, Utah. At the hearing, applicant amended his application, and now asks for authority to operate a passenger, express and freight line between Price, Huntington, Castle Dale, and Ferron, Utah, over State Highway U 10. Applicant further asks to diverge from State Highway U 10 three times weekly in an outgoing direction only, to serve the coal mining towns of Hiawatha and Mohrland, thence connecting with State Highway U 10 at Huntington, Utah. That portion of the application as amended relating to Hiawatha and Mohrland was protested by the Arrow Auto Line and the Railway Express Agency, the Arrow Auto Line filing a counter application to haul freight between Price and Mohrland.

From the evidence introduced at the hearing, the Commission finds:

That applicant, W. R. Snow, is a resident of Castle Dale, Utah, is an experienced operator, and is financially able to carry on the operation prayed for.

That the distance from Price to Ferron is forty-two miles, and that at the present time there is no authorized transportation service over the said route.

That applicant's petition to operate via Hiawatha and Mohrland should be denied; that public convenience and necessity require the operation of an established route between Price, Carbon County and Ferron, Emery County, Utah, over State Highway U 10, and that applicant's petition should be granted as to this route.

An appropriate order will follow.

(Signed) G. F. McGONAGLE,
Commissioner.

We concur:
(Signed) E. E. CORFMAN,
THOS. E. McKAY,
Commissioners.

(Seal)
Attest:
(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 391

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 18th day of January, 1932.

In the Matter of the Application of W. R. SNOW, for a certificate of convenience and necessity to operate a motor vehicle line between Price, Carbon County, Utah, and Ferron, Emery County, Utah for the transportation of passengers, baggage, freight, and express.	Case No. 1248

This case being at issue upon application on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application of W. R. Snow for permission to operate an established motor vehicle line between Price, Carbon County, and Ferron, Emery County, Utah, over State Highway U 10, for the transportation of passengers, baggage, freight, and express, be, and the same is hereby, granted.

ORDERED FURTHER, That the applicant's petition to operate via Hiawatha and Mohrland, Utah, be, and the same is hereby, denied.

ORDERED FURTHER, That applicant, W. R. Snow, before beginning operation, shall file with the Commission and post at each station on his route a schedule as provided by law and the Commission's Tariff Circular No. 4, naming rates and fares and showing arriving and leaving time from each station on his route; and shall at all times operate in accordance with the statutes of Utah and the rules and regulations prescribed by the Commission governing the operation of automobile passenger and freight lines.

By the Commission.

(Seal) (Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

In the Matter of the Application of W. R. SNOW, for a certificate of convenience and necessity to operate a motor vehicle line between Price, Carbon County, Utah, and Ferron, Emery County, Utah, for the transportation of passengers, baggage, freight, and express.	Case No. 1248

ORDER

By the Commission:

Under date of January 18, 1932, the Public Utilities Commission of Utah issued Certificate of Convenience and Necessity No. 391 to W. R. Snow, authorizing him to operate a passenger, baggage, freight, and express automobile line between Price, Carbon County, Utah, and Ferron, Emery County, Utah.

It appears that said W. R. Snow has never exercised the rights and privileges granted under said Certificate No. 391, nor has he filed insurance with the Commission in compliance with Chapter 114, Laws of Utah, 1925. Many letters have been written by the Commission to Mr. Snow relative to his operations and requesting that he file the proper insurance policies with the Commission, which Mr. Snow has completely ignored.

The Commission issued on July 26, 1932, an order, citing W. R. Snow to appear before it on August 3, 1932, at 10:30 A. M., to show cause, if any he had, why said Certificate of Convenience and Necessity No. 391, issued to him, should not be cancelled, for failure to exercise the rights and privileges granted under it, and for failure to file insurance in compliance with Chapter 114, Laws of Utah, 1925. Mr. Snow failed to appear before the Commission as ordered.

IT IS THEREFORE ORDERED, That Certificate of Convenience and Necessity No. 391, be, and the same is hereby, cancelled and annulled, and that the rights of Mr. W. R. Snow to operate an automobile passenger, baggage, freight, and express line between Price and Ferron, Utah, be, and the same are hereby, revoked.

Dated at Salt Lake City, Utah, this 6th day of August,

1932.

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)
Attest:
(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of C. EARL YEARSLEY and A. C. NICHOLS, doing business as the LINCOLN TRUCK LINES, for a certificate of convenience and necessity to operate an automobile freight line between Ogden and Vernal, Utah, and between Salt Lake City and Vernal, Utah.	Case No. 1252

ORDER

By the Commission:

Upon Motion of the Applicant, and with the consent of the Commission:

IT IS HEREBY ORDERED, That the application herein of C. Earl Yearsley and A. C. Nichols, doing business as the Lincoln Truck Lines, for a certificate of convenience and necessity to operate an automobile freight line between Ogden and Vernal, Utah, and between Salt Lake City and Vernal, Utah, be, and the same is hereby, dismissed without prejudice.

Dated at Salt Lake City, Utah, this 11th day of January, 1932.

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)
Attest:
(Signed) F. L. OSTLER, Secretary.

In the Matter of the Application of the SALT LAKE & EASTERN UTAH STAGE LINES, for permission to operate an automobile freight line between Salt Lake City and Price, Utah.	Case No. 1253

PENDING.

In the Matter of the Application of THE DENVER & RIO GRANDE WESTERN RAILROAD COMPANY, for permission to increase certain rates on livestock in Utah.	Case No. 1255

PENDING.

In the Matter of the Application of STEAM AND ELECTRIC RAILROADS, for permission to adjust certain rates on livestock in Utah to conform with those prescribed by the Interstate Commerce Commission.	Case No. 1256

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of B. F. McINTIRE, for permission to operate an automobile freight line between Price, Utah, and National, Consumers, and Sweets Mine, and between Helper, Utah, and National, Consumers and Sweets Mine, Utah.	Case No. 1257

Submitted: March 10, 1932. Decided: July 15, 1932.

Appearances:

B. W. Dalton, Attorney of Price, Utah,	For Applicant, B. F. McIntire.
R. J. Vaughan of Helper, Utah,	For Utah Railway Company.
E. J. Hardesty of Salt Lake City, Utah,	For American Railway Express Agency.

REPORT OF THE COMMISSION

By the Commission:

This application was filed December 7, 1931, given Case No. 1257, and set for hearing at Price, Utah, on the 29th day of December, 1931, at 10:00 A. M. On the 18th day of December, 1931, with the consent of interested parties the case was postponed indefinitely. The application was next set for hearing on the 26th day of January, 1932.

This date was also postponed with the consent of the interested parties, and the matter finally came on for hearing before the Public Utilities Commission of Utah on the 16th day of February, 1932, at Price, Utah, after due notice was given as required by law.

The application in substance alleges as follows: That there is a present need of an automobile truck line between Price, Utah, and National, Consumers, and Sweets Mine, Utah, and between Helper, Utah, and National, Consumers, and Sweets Mine, Utah; that there is no direct public means of conveying freight between said points at the present time. The case was protested by the Utah Railway Company. After a full consideration of the record in the case, the Commission finds as follows:

That the applicant, B. F. McIntire, now has a certificate of convenience and necessity to operate an automobile passenger and express line between Price, Utah, and National, Consumers, and Sweets Mine, Utah, and between Helper and National, Consumers, and Sweets Mine, Utah, and that the applicant operates said automobile passenger and express line between said points daily; that said applicant has ample equipment for the purpose of conveying freight between its above points, and is financially able to purchase more equipment if necessary for the conveyance of freight between said points; that one round trip daily will be made between Price, Utah, and National, Consumers, and Sweets Mine, Utah, and also between Helper, Utah, and National, Consumers, and Sweets Mine, Utah; that the rate and fares which applicant desires and proposes to charge is 25c per hundred weight of freight between said points.

Letters of recommendation of applicant's present service and asking that his present application to haul freight be granted were received and made a part of the record from the National Coal Company, signed by M. O. Carlson, Superintendent; Consumers Store Company, by M. Bertola, Manager; Blue Blaze Coal Company, by J. Richardson Roaf, Superintendent; and Sweet Coal Company, by L. E. Guenin, Mine Clerk; also petitions signed by residents of Gordon Creek, Carbon County, Utah, where National, Consumers, and Sweets Mine are located.

The protestant, Utah Railway Company, a corporation, operates a railroad line between Provo, Utah, and Mohrland, Utah, and intermediate points, a distance of ninety-

five miles, as a common carrier of property, mostly coal, but not passengers. It serves the Gordon Creek District, which district consists of National, Consumers, and Sweets Mine. At the time of the hearing a daily service, except Sundays, was given, but according to the petitions mentioned above, received at the office of the Commission June 6, 1932, only one train a week is being furnished at the present time.

It appears from the record that all freight shipped by rail into the Gordon Creek District from Price or Helper must first be delivered to The Denver & Rio Grande Western Railroad Company, and then delivered to the protestant at the junction point. In explanation of said connections we quote from Page 12 and 13 of the record, cross examination of protestant's witness, R. J. Vaughn, by D. W. Dalton, Attorney for applicant:

"Q How often do you operate out of Price?

A: We have no traffic connections with The Denver & Rio Grande, but there are tariffs that apply.

Q: Now, where you have your traffic connection, there is no station agent there, is there?

A: May I ask, do you mean at the junction point?

Q: Yes.

A: No, there is no agent at the junction point, but I might explain or elaborate a little on that reply; for instance, if there is a shipment of merchandise coming over The Denver & Rio Grande Western at Price, or any point of the National Coal Railway, and they will put it in a car at Price, and deliver it to us at the Utah Railway Junction, and notify us of the fact, this car is sealed, and it is placed at the Utah Railway Junction, and we pick it up there and take it to points on the National Coal Railway, and in like manner from Helper".

Q: If you had five hundred pounds of freight from Price to National, what would you do?

A: Well, The Denver & Rio Grande would accept it, and place it in a car, and deliver it to us at the Utah Railway Junction, and we in turn would take it and deliver it."

From the foregoing findings the Commission concludes and decides tnat it would be to the best interest of the public that the application as herein made should be granted, as applied for by the applicant.

An appropriate order will follow:

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)
Attest:
(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 397

At a Session of the Public Utilities Commission of Utah, held at its office in Salt Lake City, Utah, on the 15th day of July, A. D., 1932.

In the Matter of the Application of B. F. McINTIRE, for permission to operate an automobile freight line between Price, Utah, and National, Consumers, and Sweets Mine, and between Helper, Utah, and National, Consumers, and Sweets Mine, Utah.	Case No. 1257

This case being at issue upon application and protest on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application of B. F. McIntire for a certificate of convenience and necessity to operate an automobile freight line between Price, Utah, and National, Consumers, and Sweets Mine, Utah, and between Helper, Utah, and National, Consumers, and Sweets Mine, Utah, be, and it is hereby, granted.

ORDERED FURTHER, That the applicant, B. F. McIntire, before beginning operation, shall file with the Commission and post at each station on his route a schedule as provided by law and the Commission's Tariff Circular No.

4, naming rates and fares and showing arriving and leaving time from each station on his line; and shall at all times operate in accordance with the statutes of Utah and the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

(Seal) (Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the application of the STATE ROAD COMMISSION OF UTAH, for permission to abandon two grade crossings of the main line track of the Los Angeles & Salt Lake Railroad Company near Stockton in Tooele County, Utah. } Case No. 1258

Submitted: March 23, 1932. Decided: September 30, 1932

Appearances:

H. S. Kerr, Chief Engineer, } for State Road Commission.
J. T. Hammond, Jr., and R. B. Porter, Attorneys, } for Los Angeles & Salt Lake Railroad Company.
C. D. Brown, Mayor, } for Town of Stockton, Utah.

REPORT AND ORDER OF THE COMMISSION

By the Commission:

On the 7th day of December, 1931, the State Road Commission filed with the Public Utilities Commission of Utah an application to abandon the grade crossings of State Highway No. 36 over the main line track of the Los Angeles & Salt Lake Railroad Company south of Stockton (Railroad Mile Posts 741.41 and 742.39) in Tooele County, Utah, together with an agreement proposed to be entered into between the applicant, State Road Commission, and the Los Angeles & Salt Lake Railroad Company, with respect thereto.

Said matter came on regularly for hearing before the Public Utilities Commission of Utah, after due notice given, at its office in the State Capitol, Salt Lake City, Utah, on the 10th day of March, 1932. C. D. Brown, et al., owning

lands in the vicinity that would be affected by the closing of the crossings as applied for, appeared at the hearing and protested against the closing of the present crossing unless some provision be made in the way of other crossings suited to their needs and convenience. From the evidence adduced for and in behalf of all the interested parties, and from the records and files in the case the Commission finds:

That the applicant, State Road Commission, is a commission created by Utah statute, having general jurisdiction and supervision over the public state highways of Utah.

That the Los Angeles & Salt Lake Railroad Company is a "railroad corporation," duly organized and existing under the laws of the State of Utah, which owns and operates a main line of steam railroad between Salt Lake City, Utah, and Los Angeles, California.

That extending through Tooele County is a main highway designated and known as State Road No. 36 which is the main highway leading from the town of Tooele and Tooele County southwesterly, by way of Stockton, to Eureka, which highway crosses in two places the main line track of the Los Angeles & Salt Lake Railroad Company south of the town of Stockton, Tooele County, Utah, at grade, and which the State Road Commission found could be eliminated by revising the location of the highway without the construction of any overhead or underpass crossings.

That the State Road Commission has made a tentative agreement with the Los Angeles & Salt Lake Railroad Company with respect to the elimination of said crossings at grade, including a participation in the cost thereof between the State Road Commission and the Los Angeles & Salt Lake Railroad Company, maximum total cost not exceeding $10,000.00. Said agreement also provides and is conditioned upon the closing of the two crossings at grade of said state highway.

It further appears that in the reconstruction or revision of the said highway, State Road No. 36, and the elimination of said crossings at grade that certain farmers and land owners in the vicinity will be inconvenienced unless provision be made whereby they shall have private crossings at grade to subserve their needs.

That said State Road No. 36 is a much used highway, and the crossings thereof at grade over the main line of the

Los Angeles and Salt Lake Railroad Company are hazardous and should be eliminated; that at the conclusion of the hearing herein this matter was taken under advisement pending further proof that the residents in the locality to be affected by the new construction of the highway will be afforded facilities for ingress and egress to their premises, and that said arrangements should be made for the construction and maintenance of private crossings suited to their needs and convenience; that since said hearing a showing has been made on the part of the State Road Commission that the needs and convenience of such residents and land owners have been satisfactorily arranged for and provided.

Therefore, by reason of the findings aforesaid and upon the records and files in this case, all of which are hereby referred to and made a part hereof, the Commission concludes and decides that the application of the State Road Commission herein should be granted; that in regard to the participation in the costs of eliminating the public highway crossings at grade involved in these proceedings, as between the State Road Commission, acting for and in behalf of the State of Utah, and the Los Angeles & Salt Lake Railroad Company, the terms and conditions as provided for in the agreement entered into between the applicant and the Los Angeles & Salt Lake Railroad Company the Commission concludes are fair and reasonable, and the same is hereby approved and adopted by this Commission.

The Commission further concludes from the investigations herein made that private crossings should be made and provided for the convenience and necessities of the residents and land owners in the territory affected, and that such private crossings be established and maintained without cost to the protestants.

IT IS NOW THEREFORE ORDERED, That the application of the State Road Commission for permission to abandon two grade crossings on State Highway No. 36 over the main line track of the Los Angeles & Salt Lake Railroad Company south of Stockton (Railroad Mile Posts 741.41 and 742.39) in Tooele County, Utah, be, and the same is hereby, granted.

ORDERED FURTHER, That the participation in the cost of eliminating said public highway crossings be in accordance with agreement entered into between the State Road Commission and the Los Angeles & Salt Lake Rail-

road Company on the 27th day of November, 1931.

ORDERED FURTHER, That private crossings be made and provided for the convenience and necessities of the residents and land owners in the territory affected, and that such private crossings be established and maintained without cost to the said residents and land owners.

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)
Attest:
(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the LOS ANGELES & SALT LAKE RAILROAD COMPANY, a Corporation, for permission to discontinue train operation between Salt Lake City and Smelter and Salt Lake City and Tintic and Tintic and Eureka, Tintic Yye and Silver City, Mammoth Junction and Mammoth, and to substitute in lieu thereof rail motor car service between Salt Lake City and Smelter and bus service between Tintic and Eureka, Tintic Wye and Silver City and Mammoth Junction and Mammoth.	Case No. 1259

Submitted: January 26, 1932. Decided: February 2, 1932

Appearance:

W. Hal Farr, Attorney, for Applicant.

REPORT OF THE COMMISSION

By the Commission:

This matter came on for hearing before the Public Utilities Commission of Utah, upon the application of the Los Angeles & Salt Lake Railroad Company, a corporation, for permission to discontinue train operations between Salt Lake City and Smelter and Salt Lake City and Tintic and Eureka, Tintic Wye and Silver City, Mammoth Junction

and Mammoth, and to substitute in lieu thereof rail motor car service between Salt Lake City and Smelter, and bus service between Silver City and Tintic Wye and Mammoth Junction and Mammoth and Tintic and Eureka, on the 15th day of January, 1932, at Salt Lake City, Utah. There were no protests made or filed to the granting of the application. From the evidence adduced for and in behalf of the interested parties, the Commission finds:

That the main line distance from Salt Lake City to Tintic is 85.4 miles, and that the branch line distance from Tintic to Eureka, 3.6 miles; Tintic to Silver City, 2.4 miles; Tintic to Mammoth via Mammoth Junction 3.2 miles.

That applicant has heretofore operated Trains 63 and 64 between Salt Lake City and Tintic; Trains 163, 166,164, and 171 between Tintic and Eureka; Trains 169 and 172 between Tintic Wye and Silver City, and Trains 165 and 170 between Mammoth Junction and Mammoth. All of the foregoing trains have been operated for the transportation of passengers, baggage, mail and express.

That Trains 63 and 64 have rendered transportation service, in addition to other trains, to employes of the smelter, located near Garfield, Utah. Garfield Smelter being intermediate to Tintic and located 17.2 miles from Salt Lake City.

That the revenue derived from the operation of Trains 63 and 64 between Salt Lake City and Eureka for the period January 1st to November 30, 1931, for Train No. 63, $6,338.42 and for Train 64, $9,119.13; and that the cost of operating said train for the same period was $40,797.90, or a loss of $25,340.35.

That in lieu of the service sought to be discontinued, applicant proposes the following: Operation of gasoline rail motor car between Salt Lake City and Garfield; to furnish the service heretofore rendered between Garfield Smelter and Tintic by trains 63 and 64, with through main line trains 7 and 8, 21 and 22; operation of motor bus between Tintic and Eureka, Mammoth, and Silver City in lieu of trains heretofore mentioned between said points.

That the substitute service proposed will result in operating economies and furnish adequate service to the public, and the application as prayed for should be granted.

An appropriate order will follow.

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)
Attest:
(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 392

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, this 2nd day of February, 1932.

In the Matter of the Application of the LOS ANGELES & SALT LAKE RAILROAD COMPANY, a Corporation, for permission to discontinue train operation between Salt Lake City and Smelter and Salt Lake City and Tintic and Tintic and Eureka, Tintic Wye and Silver City, Mammoth Junction and Mammoth, and to substitute in lieu thereof rail motor car service between Salt Lake City and Smelter and bus service between Tintic and Eureka, Tintic Wye and Silver City and Mammoth Junction and Mammoth.	Case No. 1259

This case being at issue upon application on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having on the date hereof, made and filed a report containing its findings and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application herein be granted, and that the Los Angeles & Salt Lake Railroad Company, be, and it is hereby, authorized to discontinue trains Nos. 63 and 64 between Salt Lake City and Smelter and Tintic, and to substitute therefor gasoline rail motor service between Salt Lake City and Smelter, the service between Smelter and Tintic to be furnished by applicant's through main line trains Nos. 7 and 8, 21 and 22; to discontinue train service between Tintic and Tintic Wye, Eureka, Mammoth, Mammoth Junction, and Silver City

and to substitute therefor motor bus service.

ORDERED FURTHER, That applicant, Los Angeles & Salt Lake Railroad Company, before beginning operation, shall file with the Commission and post at each station on its route a schedule as provided by law and the Commission's Tariff Circular No. 4, naming rates and fares and showing arriving and leaving time from each station on its route; and shall at all times operate in accordance with the statutes of Utah and the rules and regulations prescribed by the Commission governing the operation of automobile passenger and freight lines.

By order of the Commission.

(Seal) (Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the ARROW AUTO LINE, a Corporation, for a certificate of convenience and necessity to operate an automobile freight line between Price, Utah, and Sunnyside, Columbia, Hiawatha, and Mohrland, Utah.	Case No. 1260

Submitted: March 10, 1932. Decided: March 23, 1932.

Appearances:

B. W. Dalton, Attorney of Price, Utah,	for Applicant, Arrow Auto Line.
E. J. Hardesty of Salt Lake City, Utah,	for Protestant, Railway Express Agency.

REPORT OF THE COMMISSION

By the Commission:

This matter came on for hearing at Price, Utah, on the 24th day of November, 1931, and the 16th day of February, 1932, upon the application of the Arrow Auto Line, a Corporation, for a certificate of convenience and necessity to operate an automobile freight line between Price, Utah, and Sunnyside, Columbia, Hiawatha, and Mohrland, Utah. Protest was made to the granting of the application by the Railway Express Agency. From the evidence adduced for

and in behalf of the interested parties, the Commission finds:

That the Arrow Auto Line, a Corporation, has for more than six years past operated an automobile passenger line between Price, Sunnyside, and Columbia, Utah, a distance of thirty-six miles, and auto passenger and express line between Price, Hiawatha, and Mohrland, Utah, a distance of twenty-four miles.

That at the present time there is no authorized automobile freight service between the points outlined above, and that public convenience and necessity requires that such a service should be inaugurated.

That the owners of the Arrow Auto Line are experienced operators and are financially able to render such service as the public needs may require, and that the application as prayed for should be granted.

An appropriate order will follow:

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)
Attest:
(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity
No. 396

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 23rd day of March, 1932.

In the Matter of the Application of the ARROW AUTO LINE, a Corporation, for a certificate of convenience and necessity to operate an automobile freight line between Price, Utah, and Sunnyside, Columbia, Hiawatha, and Mohrland, Utah.	Case No. 1260

This case being at issue upon application and protest on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on

the date hereof, made and filed a report containing its findings and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application of the Arrow Auto Line, a Corporation, for a certificate of convenience and necessity to operate an automobile freight line between Price, Utah, and Sunnyside, Columbia, Hiawatha, and Mohrland, Utah, be, and it is hereby, granted.

ORDERED FURTHER, That applicant, Arrow Auto Line, before beginning operation, shall file with the Commission and post at each station on its route, a schedule as provided by law and the Commission's Tariff Circular No. 4, naming rates and showing arriving and leaving time from each station on its line; and shall at all times operate in accordance with the statutes of Utah and the rules and regulations prescribed by the Commission governing the operation of automobile freight lines.

By the Commission.

(Seal) (Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

In the Matter of the Application of the UTAH POWER & LIGHT COMPANY for a certificate of convenience and necessity to exercise the right and privileges conferred by franchise granted by the City of Springville, Utah County, Utah.	Case No. 1261

Submitted: January 26, 1932. Decided: March 4, 1932

Appearance:

A. C. Inman, Attorney of Salt Lake City, Utah — for Applicant, Utah Power & Light Company.

REPORT OF THE COMMISSION

McKay, Commissioner:

On the 2nd day of January, 1932, Utah Power & Light Company filed its application before the Public Utilities Commission of Utah for a certificate of public convenience and necessity to exercise the rights and privileges conferred

by franchise granted by the City of Springville, Utah County, Utah. Said application came on regularly for hearing, after due notice given, before the Commission at its office in the State Capitol, Salt Lake City, Utah, on the 15th day of January, 1932, at which hearing it was shown:

That the petitioner is a public service corporation organized under the laws of the State of Maine, and as a foreign corporation is duly qualified to transact business in the State of Utah; that it is the owner of and operates an extensive system of hydro-electric generating plants, transmission lines, and distribution systems in the State of Utah.

That a certified copy of its articles of incorporation have been duly filed in the office of the Public Utilities Commission; that for many years last past the applicant has owned and operated an electric transmission line in and through Springville City, Utah, which said line is a part of its interconnected system, and the maintenance thereof is, and will continue to be, necessary for the purpose of serving territory in Carbon County, Utah, and also the territory lying immediately east of Springville City comprising the village of Mapleton and surrounding territory; that said transmission lines have been operated in Springville City under and by virtue of the terms of certain franchises granted by said city on November 10th, 1913, and May 17th, 1916, respectively;

That petitioner does not serve or render any electrical service within the limits of said Springville City except a signal station or connection to the Salt Lake and Utah Railroad for emergency purposes, and said signal station being operated and maintained near the crossing of The Denver & Rio Grande Western Railroad in Springville City;

That on or about December 2nd, 1931, the applicant acquired from Springville City a franchise authorizing it to construct, maintain and operate its electric light and power lines in said city in manner and as in said franchise set forth; that a copy of said franchise ordinance has been duly filed in this case, marked "Exhibit A", and the provisions thereof are hereby expressly referred to and made a part of this Report;

That the electric light and power lines of the applicant mentioned and described in said franchise are now and will remain a necessary part of petitioner's interconnected system, and the maintenance and use thereof are necessary

for the purpose of serving the inhabitants of Mapleton, in Utah County, and the inhabitants of the neighboring territory, and also Carbon County districts where numerous persons and corporations are engaged in mining and milling industries and are now the customers of the applicant.

By reason of the findings aforesaid the Commission believes that the present and future public convenience and necessity requires that the applicant should be permitted to exercise all the rights and privileges granted to it by Springville City under said franchise granted December 2nd, 1931, hereinbefore referred to and made a part hereof.

An appropriate order will follow:

(Signed) THOS. E. McKAY,
Commissioner.

We concur:

(Signed) E. E. CORFMAN,
G. F. McGONAGLE,
Commissioners.

(Seal)
Attest:
(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Public Convenience and Necessity
No. 393

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 4th day of March, 1932.

In the Matter of the Application of the UTAH POWER & LIGHT COMPANY for a certificate of convenience and necessity to exercise the rights and privileges conferred by franchise granted by the City of Springville, Utah County, Utah.	Case No. 1261

This case being at issue upon application on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, that the applicant, Utah Power and

Light Company, be, and it is hereby, permitted to exercise all the rights and privileges granted, to it by Springville City, Utah County, Utah, under franchise granted December 2nd, 1931, which said franchise is hereby referred to and made a part hereof.

By the Commission.

(Seal) (Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of Increases in Freight Rates and Charges. } Case No. 1262

Submitted: April 4, 1932. Decided: April 19, 1932.

Appearances:

George H. Smith, W. Hal Farr, C. A. Root, Dana T. Smith, and R. B. Porter, Attorneys, Salt Lake City, Utah, and J. M. Souby, Omaha, Nebraska,	for Carriers and Applicants.
J. A. Gallaher, Attorney, Denver, Colorado.	for The Denver & Rio Grande Western Railroad Company.
Van Cott, Riter & Farnsworth, Attorneys, Salt Lake City, Utah,	for The Denver & Rio Grande Western Railroad Company, The Western Pacific Railroad Company, Utah Railway Company, Deep Creek Railroad Company, and Tooele Valley Railway Company.
H. B. Tooker, San Francisco, California,	for Bingham & Garfield Railway Company.
J. S. Earley, Salt Lake City, Utah,	for Utah Shippers Traffic Association, et al.
H. V. Prickett, Salt Lake City, Utah,	for Nephi Plaster & Mfg. Company and Utah Coal Producers Association.

S. H. Love and H. W. Prickett, Salt Lake City, Utah,	for Amalgamated Sugar Company, Gunnison Sugar Company, Layton Sugar Company, and Utah-Idaho Sugar Company.
Warren Nicholes, Attorney, Chicago, Illinois,	for Utah Chapter of American Mining Congress.
Russel G. Lucas, Attorney, Salt Lake City, Utah,	for Utah Chapter of American Mining Congress.
A. C. Ellis, Jr., Attorney, Salt Lake City, Utah,	for Columbia Steel Company.

REPORT AND ORDER OF THE COMMISSION

By the Commission:

On the 5th day of January, 1932, The Denver & Rio Grande Western Railroad Company, The Western Pacific Railroad Company, Southern Pacific Company, Utah Railway Company, Deep Creek Railroad Company, Salt Lake & Utah Railroad Company, Bamberger Electric Railroad Company, Tooele Valley Railway Company, Salt Lake, Garfield & Western Railway Company, Union Pacific Railroad Company, Oregon Short Line Railroad Company, Los Angeles & Salt Lake Railroad Company, "railroad corporations" doing business in Utah as such, filed a petition before us in their own behalf, as well as on the behalf of other common carriers by railroad in Utah, praying that we authorize the carriers by both steam and electric railroads to increase their intrastate freight rates and charges by filing appropriate supplements to existing tariffs, so that the same shall conform to the increases authorized by the Interstate Commerce Commission with respect to interstate rates by its decision rendered October 16, 1931, in the Fifteen Per Cent Case (Ex Parte 103) 178 I. C. C. 539. Later on the 27th day of January, 1932, The Utah Idaho Central Railroad Company, operating an electric line between Ogden, Utah, and Preston, Idaho, requested and was permitted to join the other carriers making the petition.

The petition in brief sets forth that on July 3, 1931, petitioners filed a petition with us to the effect that an emergency confronts carriers by steam railroad which threatens serious impairment of their financial resources and their capacity to render efficient and adequate transportation service, and that the emergency must be met by an increase equally of both interstate and intrastate freight rates; that in order to prevent and avoid undue advantage,

preference, or prejudice as between persons or localities in intrastate commerce on the one hand and interstate commerce on the other hand, we should authorize percentage increases in intrastate rates to correspond with those that might be authorized by the Interstate Commerce Commission for interstate traffic on petition there pending before that body, Ex Parte 103. Their petition to us was dismissed without prejudice on November 20, 1931.

That hearings were conducted in Ex Parte 103 by the Interstate Commerce Commission on the application of the carriers for an increase of rates in which the State Commissions were called upon to and did cooperate with the Interstate Commerce Commission, preceding its decision rendered October 16, 1931, 178 I. C. C. 539; that the Interstate Commerce Commission denied the application of the carriers in Ex Parte 103 for a fifteen per cent increase for certain reasons then indicated by it; that the Commission, however, recognized that an emergency exists with regard to railroad operation and that additional revenues are needed by the carriers, and therefore devised a plan for freight rate increases and charges as indicated in the appendix to its report in Ex Parte 103, and further provided that the revenues derived therefrom should be pooled upon conditions agreed upon by the carriers, subject, however, to the approval of that Commission; that pursuant to such plan of the Interstate Commerce Commission the steam railroad carriers of the United States submitted on November 19, 1931, a plan to make effective certain increases provided for by the decision of the Interstate Commerce Commission and on December 5, 1931, that Commission made its supplemental report in said case, in which it modified its original report in Ex Parte 103, 178 I. C. C. 539, by eliminating certain conditions named in its original report of October 16, 1931, and changing somewhat the methods to be used in determining in each instance the amount of increase, as stated in the appendix to its supplemental report; that the conditions which require an increase in interstate freight rates and charges authorized by the Interstate Commerce Commission in the Fifteen Per Cent Case, Ex Parte 103, apply equally to intrastate freight rates and charges in Utah, and that such increases are necessary in Utah in order to afford petitioners some measure of relief in the present emergency, and in order that the increases in rates and charges may be fairly and equitably distributed throughout the respective states; that the Interstate Commerce Commission counted upon the cooperation of the respective State

Commissions to increase intrastate freight rates and charges correspondingly as shown by its original decision in the Fifteen Per Cent Case.

That the Interstate Commerce Commission has authorized petitioners to make increases contemplated by its decisions effective on not less than five days notice by means of simplified tariff publications.

> "That, in order that the increases in revenue as contemplated by the Interstate Commerce Commission may be made available as soon as possible, and in order to prevent unjust discrimination against interstate commerce, and undue and unreasonable preference, advantage, and prejudice as between persons and localities in intrastate commerce on the one hand, and interstate or foreign commerce on the other hand, increases corresponding to those authorized for interstate traffic should be permitted to become effective on Utah intrastate traffic as speedily as possible. * * * Your petitioners therefore respectively request that the increases herein sought be approved and authorized; and that they be permitted to make these increases effective on short notice by the publication of general supplements to existing tariffs of the same style and character as those approved and authorized by the Interstate Commerce Commission to apply on interstate commerce, thus affording the immediate relief which the emergency demands"

The prayer of the petition is accordingly, and it is in behalf of both the electric and the steam lines of the State.

Numerous protests were made on the behalf of shipping interests and the industries of the state by their duly appointed and authorized representatives to our granting the petition. The Bingham & Garfield Railway Company, operating a steam line of railroad in Salt Lake County, filed its appearance refusing to join the other carriers in their petition herein, but to the contrary stated that while it does not seek to increase its intrastate rates, expressed its desire that if any increases be granted by us to the petitioning carriers with respect to intrastate traffic, it desired that its rates be correspondingly increased to those of the other carriers. The Uintah Railway Company, operating a narrow gauge steam line between Mack, Colorado, and Dragon, Utah, made no appearance at any time during the course of the proceeding before us.

The matter came on regularly for hearing on said petition and the protests made thereto at the office of the Commission in the State Capitol, Salt Lake City, Utah, on the 3rd day of February and was concluded February 6th, 1932. At the conclusion of the hearing it was agreed upon by the respective parties that they should have to and until the 1st day of April, 1932, in which to prepare and file briefs, which time was later extended by stipulation to April 4, 1932.

In the presentation of their case the carriers have offered no evidence bearing upon the justness and reasonableness of the rate increases applied for by them, nor as to the ability of Utah traffic to bear the existing or the higher freight charges sought for by their petition. They presented the entire transcript of the record in the Fifteen Per Cent Case, I. C. C. Ex Parte 103, including the decision of the Interstate Commerce Commission rendered October 16, 1931, as modified by its supplemental decision on December 5, 1931, 178 I. C. C. 539, and 179 I. C. C. 215, all of which was received. The record made before the Interstate Commerce Commission in Ex Parte 103 was, however, supplemented by some independent evidence tending to show that after effecting drastic economies, the needs of the carriers in Utah for additional revenue have not materially changed since the decision of the Interstate Commerce Commission was rendered in Ex Parte 103, but no evidence whatever was presented to us dealing with or bearing upon the reasonableness of the individual rates sought to be increased, nor with respect to any commodity or class rates, nor with respect to the general intrastate freight levels now applicable in Utah as compared to those prevailing in the country as a whole, nor with those prevailing in neighboring states that may or may not be similarly situated.

With respect to the Utah electric lines it was shown that they were and are now affected financially in practically the same manner as the steam lines, and that the proceedings before us is for the one purpose of meeting an emergency which must be met by providing for greater revenues for all classes of railroads operating in Utah in order to prevent the breaking down of the national transportation system.

The protestants in presenting their evidence in opposition to the granting of the petition of the carriers proceeded upon the theory, and it was their contention throughout the proceedings before us; first, that the present economic

situation in Utah is such that no industry can bear the added burden of increased intrastate freight rates on its products, more especially on the products of the mines producing coal and the metals, including the supplies used in mining operations and in the treatment and handling of mine products; secondly, that any increases in intrastate railroad rates and charges would only serve to hamper, restrict, and reduce the traffic now moving in Utah by rail, and cause the same to be diverted in a very great measure to other forms of transportation; thirdly, that intrastate rates in Utah are now on a relatively higher level than interstate rates in corresponding intermountain territory.

We think that every contention made by the protestants is amply sustained by the record in this case. Practically every shipping interest and industry of the state was represented by witnesses of wide experience and mature judgment who testified that the present economic situation in Utah is such that any added burdens at this time in the way of freight rates and charges would be inimical to the public welfare. It was their unqualified opinion that under prevailing economic conditions in Utah the increasing of the present intrastate freight rates and charges, as proposed by the petitioners, would not in the slightest degree aid or contribute even temporarily to the revenues of the carriers, and therefore would to the contrary defeat the very purpose of their petition and result in prejudice to or discrimination against interstate commerce. They pointed out and proved conclusively that industry in general and the operating revenues of the carriers as well, in Utah, are in a very great measure dependent upon the activity of its coal and metal mines; that by reason of competitive fuels, particularly natural gas at present rates, there has been a serious displacement of coal, both with respect to domestic and industrial use; that metaliferous mine and smelter operations, owing to the very low price of the metals, are rapidly approaching the vanishing point, that if these industries are to continue at all under existing conditions, the Utah carriers, depending largely as they are upon them for traffic, should not be permitted to increase their present intrastate rates and charges, but rather, in the interest of their own revenues, might well be required to reduce them. With respect to the movement of coal, under the existing intrastate rates it is shown that practically twenty-five per cent of the haul out of the Utah coal field for local consumption is now being made by automobile truck. Exhibits were offered by the protestants to show that present Utah intra-

state rates are now relatively higher than those prevailing in intermountain territory. The present high freight rates on Utah gypsum products, it was conclusively shown, are and have been prejudicial to both interstate and intrastate rail movements and have seriously retarded the development of the plaster industry in the State.

The record shows that any increase of the intrastate rates and charges on the products used in the manufacture of pig iron at the plant of the Columbia Steel Company at Provo would in all probability preclude the successful and continued operation of that plant, the only one as yet designed for the purpose of utilizing the wonderful iron ore deposits of the State.

A mere cursory examination of the testimony and exhibits produced on the behalf of the protestants in the course of the proceedings before us in this case will, we think, lead to no other conclusion than that an increase at this time of intrastate rates in Utah would materially reduce rather than increase the revenues of the petitioning carriers. But say the petitioners: the Interstate Commerce Commission by its report in Ex Parte 103 (P 562) supra, has more properly passed upon the question of the sufficiency of the evidence to justify the increases sought for in this proceeding, and it must "suffice for the present to say that a similar showing (on the part of the carriers) was held to justify the increase, not alone in Ex Parte 103, but also in the case of Arizona Rates, Fares, and Charges 61 I. C. C. 572, a proceeding under authority of Ex Porte 74. The present proceeding is not without precedent established by this Honorable Commission in Case No. 325, wherein the railroads of Utah made application to this Commission for increases in revenue."

We are unable to interpret the reports of the Interstate Commerce Commission in Ex Parte 103, or in any other revenue case that has been brought to our attention as being even suggestive on the part of that able and distinguished regulatory body that a state commission in the course of its investigation of intrastate rates and charges, existing or proposed, should be bound in the first instance by its orders increasing the freight rates and charges on interstate traffic.

Of course, in a proper proceeding, that is to say one in which the intrastate rates are involved and are placed in issue for the purpose of determining wherter or not they cause "any undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate

commerce on the one hand and interstate or foreign commerce on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce," the Interstate Commerce Commission has the power and jurisdiction "after full hearing" to "remove such advantage, preference, prejudice, or discrimination," and prescribe " such rates, fares, charges, classifications, regulations, and practices as shall be observed while in effect by the carriers parties to such proceeding affected thereby, the law of any state or the decision or order of any state authority to the contrary notwithstanding". But the intrastate rates were not in Ex Parte 103 made an issue, and therefore the Commission made no finding nor order with respect to them.

The question whether or not the intrastate rates here involved come within the purview of the Acts of Congress, with respect to their being prejudicial to interstate commerce rests entirely with the Interstate Commerce Commission and it is therefore not within our province to here say.

Our jurisdiction and powers as a state regulatory body are confined to the commerce of the State of Utah, and that commerce within itself is just as sacred and supreme and as far beyond the control of Congress as interstate and foreign commerce is beyond the control of the State Legislature.

Since the time of Gibbons vs. Ogden, 6 U. S. 1 (9 Wheaton 1) (1824) down to present it has never been seriously disputed or contended that the states and federal government might ever exercise concurrent jurisdiction within their respective independent fields of commerce:

License cases, 16 U. S. 574 (5 Howard 574).

Minnesota Rates Cases, 230 U. S. 352.

Houston etc. R. Co. vs. U. S. 234 U. S. 342.

Florida vs. U. S. 282 U. S. (1931).

Being as we are a mere administrative body, created for the purpose of carrying into effect the legislative will of our own state, we can exercise no greater power than are expressly conferred upon us or such as are necessarily impiled under our public utility laws.

Section 4783, Compiled Laws of Utah, 1917, expressly provides that the rates and charges of carriers "shall be just

and reasonable" and that every unjust or unreasonable charge is hereby expressly "prohibited and declared unlawful".

Section 4785 provides:

> "When any change is proposed in any rate, fare, toll, rental, charge, or classification * * * attention shall be directed to such change on the schedule filed with the Commission, by some character to be designated by the Commission, immediately preceding or following the item."

Section 4830 provides:

> "No public utility shall raise any rate, fare, toll, rental, or charge * * * **under any circumstances whatsoever,** except upon a showing before the Commission and a finding by the Commission that such increase is justified".

Said Section 4830 further provides that:

> "Whenever there shall be filed with the Commission any schedule" stating any rate "increasing or resulting in an increase in" any rate the Commission shall "enter upon a hearing concerning the propriety of such" increased rate, and "on such hearing the Commission shall establish the rates * * * and charges * * * which it shall find to be just and reasonable".

We regard the foregoing provisions of our statutes as mandatory, and until the petitioning carriers shall have complied with them it is beyond our power or jurisdiction to grant increases of Utah intrastate freight rates in conformity to those prescribed by the Interstate Commerce Commission in Ex Parte 103. In so saying we are not unmindful that this Commission, upon the application of the Utah carriers in Case No. 325, (Ex Parte 74) 58 I. C. C. 302 60 I. C. C. 358, granted them somewhat similar relief, with exceptions as to certain commodities, as here applied for, but for that it must suffice to say that the Commission is doing so appreciated that the carriers had not complied with the statutes when it remarked: "This Commission in this proceeding sought to have a full and complete showing such as is contemplated by the Utah statute, upon which action could be legally taken."

Moreover, we think, the record in the instant case conclusively shows that any increases sought for by the carriers

might eventually not be to the revenue advantage of the carriers. Upon that question the Interstate Commerce Commission has in Ex Parte 103 thus expressed itself:

> "Our own view is that we are not justified in approving a rate increase if we are convinced that such increase will not operate to the revenue advantage of the carriers.
>
> On this point, the following from Florida vs. United States, 282 U. S. 194, 214-215, is pertinent:
>
> 'In considering the authority of the Commission to enter the state field and to change a scale of intrastate rates in the interest of the carrier's revenue, the question is that of the relation of the rates to income. The raising of rates does not necessarily increase revenue. It may in particular localities reduce revenue instead of increasing it, by discouraging patronage. * * *
>
> The Commission made no findings as to the revenue which had been derived by the carrier from the traffic in question, or which could reasonably be expected under the increased rates, or that the alteration of the intrastate rates would produce, or was likely to produce, additional income necessary to prevent an undue burden upon the carrier's interstate revenues and to maintain an adequate transportation service.'"

Utah intrastate railroad service in effect and to a very large extent proves itself to be a mere adjunct to established industries, the finished products of which are turned into the great stream of interstate commerce. As pointed out the record in this case is replete with the testimony of witnesses associated with and thoroughly familiar with these industries, who say that if they are to survive further burdens cannot be borne in the way of increased intrastate freight rates and charges. That is but another way of saying, the free flow of commerce, whether interstate or intrastate, and the corresponding increase of revenues of carriers, may not be had by stopping up or checking them at the very sources.

After careful and conscientious study of the files and the record in this case, we can arrive at no other conclusion than that increases sought for should not be granted.

IT IS THEREFORE ORDERED, That the petition of The Denver & Rio Grande Western Railroad Company, et al., for increased freight rates and charges on Utah intrastate traffic be, and the same is hereby, denied.

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)
Attest:
(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the matter of the Application of the STATE ROAD COMMISSION OF UTAH, for permission to construct an overhead crossing over the main line tracks of The Western Pacific Railroad Company on State Highway No. 67 in Salt Lake County.	Case No. 1263

Submitted: May 24, 1932. Decided: July 7, 1932.
Appearances:

Byron D. Anderson, Attorney,	for State Road Commission of Utah.
Beverly S. Clendenin and C. W. Booling, Attorneys,	for The Western Pacific Railroad Company.

REPORT OF THE COMMISSION

By the Commission:

Under date of January 16, 1932, application was filed by the State Road Commission of Utah, for permission to construct an overhead crossing over the main line of The Western Pacific Railroad Company in Salt Lake County, Utah, and for the Public Utilities Commission of Utah to apportion the cost of such construction between the State Road Commission of Utah and The Western Pacific Railroad Company. This matter came on regularly for hearing before the Public Utilities Commission of Utah at Salt Lake City, Utah, on the 23rd day of March, 1932, after due and legal notice given.

From the evidence adduced for and in behalf of the interested parties, the Commission finds:

That prior to May 10, 1931, there existed a county highway between Salt Lake City and Saltair Resort, known as the "Airport-Saltair Highway", which also connected with U. S. Highway No. 40-50 at a point immediately northwest of Garfield Townsite in Salt Lake County; that the 19th Legislature of the State of Utah designated this highway as a state highway on that date, and later said highway was designated as State Highway No. 67.

That the applicant, State Road Commission of Utah, a commission created by statute having jurisdiction and charged with the duty of exercising general jurisdiction and supervision over the public highways of the State, proposes to construct a new highway to replace a portion of the existing highway between Salt Lake City and Saltair, which will shorten the distance between said points approximately two miles, and to continue the road along the lake shore to connect with U. S. Highway 40-50 at a point immediately west of the Tooele-Salt Lake County line; that the said proposed highway will be a main thoroughfare and a much used highway for vehicular travel.

That in the construction of Highway 67 it will be necessary to cross the track of The Western Pacific Railroad Company at a point immediately east of the Tooele County-Salt Lake County line; that in the interest of safety an overhead crossing should be constructed, for which applicant requests the Public Utilities Commission of Utah to issue an order and apportion the costs thereof as between the State Road Commission of Utah and The Western Pacific Railroad Company.

That at the present time much of the traffic passing through this State over U. S. Highway 40 and 50 travels over what is known as the 33rd South-Magna-Garfield road, where said Highways 40 and 50 join; this highway between South Temple and Main Streets in Salt Lake City and the proposed junction with State Highway 67 makes 51 curves with an aggregate of 1796 degrees; that the road is approximately 5.7 miles longer than the proposed route over Highway 67, which will make only 6 curves with a total of 114 degrees; that much of the traffic which now travels over U. S. Highway 40-50 and the old Saltair-Airport Highway will consequently be diverted to State Highway No. 67, owing to the shorter distance and the improved alignment.

That plans and estimates of the proposed viaduct to bridge double tracks have been submitted involving a cost of $43,423.05 for the structure proper and $29,480.00 to cover the cost of the approaches, making a total cost of $72,903.05; that at the present time The Western Pacific Railroad Company maintains, and in all probability for many years in the future will have occasion to use, only a single track at the point of the proposed viaduct; that no plans or estimates have been submitted to us covering the cost of a viaduct to bridge a single track only.

That protestant, The Western Pacific Railroad Company, is a railroad corporation organized and existing by virtue of the Laws of the State of California, and authorized to do business in the State of Utah; that it is a part of a transcontinental railroad system, transporting passengers, freight, baggage, and express; that it entered its protest to apportioning any of the cost of construction of said structure to it, predicated upon the ground that it, as a common carrier, will receive little or no benefit from the proposed highway since the existing highway between Saltair Junction and U. S. Highway 40-50 is now and will continue to be a much used highway not to be closed to traffic.

That the protestant, Western Pacific Railroad Company, is a heavy taxpayer in the State of Utah, and as such indirectly will be required to contribute materially to the construction of the proposed new highway and viaduct or overhead crossing; that in the year 1931 it had a capital investment in its railroad of approximately $141,506,184.00 and for that year its net railway operating income was but $263,-270.00, with the present trend downward.

From the foregoing facts, and the records and files in this case, all of which are hereby referred to and made a part of these findings, the Commission concludes and decides:

That the application of the State Road Commission of Utah herein to establish, construct, and maintain an overhead or viaduct crossing over the track and right of way of the protestant, The Western Pacific Railroad Company, at the place and in the manner proposed by said applicant herein should be granted.

During the course of the hearing before us, the protestant over the objection of the applicant offered to and did produce evidence bearing on its present depressed financial

condition and its inability to procure funds with which to meet its present obligations and properly maintain, after paying operating expenses, its railroad system. It has been for a long time, and it is now the policy of the State Road Commission of Utah when engaged in highway construction in the interest of public safety and convenience to preclude as far as possible the crossing of a railroad at grade. That policy is a very commendable one. It not only subserves the convenience of the travelling public, but also tends to the protection of both life and property. However, no hard and fast rule can be laid down that will be controlling in this class of cases.

The merits of a particular application must necessarily be determined from all the attending facts and circumstances. The financial ability of the respective parties to participate in the cost of construction, the hazards that are to be eliminated, and the convenience to the public are all factors to be considered when allocating the costs of construction and maintenance of the overhead structure.

In the instant case there is no question but that the protestant will be in some measure benefited by the construction and maintenance of an overhead crossing. The mere fact that its patronage has fallen off and that its sources of revenue have been temporarily depleted affords no valid excuse why it should not be required to participate in the cost of an overhead crossing in some measure.

True the protestant by the building of the new highway will have to bear some additional burdens not contemplated when the railroad right of way was first selected and laid out, but the selection and laying out of the protestant's right of way was subject to the opening and construction thereafter of such public highways as the public interest might demand.

That inasmuch as no testimony or plans for the construction of a viaduct over a single track were submitted, a stipulation signed by both parties should be submitted to the Commission covering the plans and estimate of cost of such a structure.

That in view of the fact that if the proposed Highway No. 67 were permitted to cross the track of The Western Pacific Railroad Company at grade, The Western Pacific Railroad Company would be required to install proper crossing protective devices of the wigwag type, the installation

of which would cost approximately $2,000.00; and that inasmuch as the major part of the traffic between Saltair Junction and U. S. Highway 40-50 will be diverted over Utah State Highway 67, The Western Pacific Railroad Company will be benefited to the extent of removing the hazard to such diverted traffic and should be required to contribute the estimated amount of $2,000.00 toward the construction of the viaduct, whether same bridge a single or a double track.

That if The Western Pacific Railroad Company desires at this time a viaduct to be of sufficient length to bridge a dauble track, the cost of which is estimated at $72,003.05, The Western Pacific Railroad Company should bear as its portion of the total cost, the $2,000.00 as outlined above, plus the difference between $72,903.05 and the stipulated estimate of the cost of a viaduct to bridge a single track; the State Road Commission of Utah to bear the balance of the cost of construction of said viaduct.

That if a viaduct to bridge only a single track is constructed, The State Road Commission of Utah should bear the total cost of construction of same, except for the $2,000.00 to be borne by The Western Pacific Railroad Company.

The Commission believes that owing to the efficiency of automatic train control systems, protestant will not require additional tracks at this point for many years, however, in the event The Western Pacific Railroad Company later decides to construct an additional track, the Commission will at that time go into the matter and determine the apportionment of cost of the extension of the viaduct.

That the maintenance of the structure proper in either of the above cases should be borne by The Western Pacific Railroad Company, and the maintenance of the approaches and the road surface should be borne by the State Road Commission of Utah.

An appropriate order will follow:

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

At a Session of the Public Utilities Commission of Utah, held at its office in Salt Lake City, Utah, on the 7th day of July, 1932, A. D.

In the Matter of the Application of the STATE ROAD COMMISSION OF UTAH, for permission to construct an overhead crossing over the main line tracks of The Western Pacific Railroad Company on State Highway No. 67 in Salt Lake County.	Case No. 1263

This case being at issue upon application and protest on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application of the State Road Commission of Utah to establish, construct, and maintain an overhead or viaduct crossing over the track and right of way of the protestant, The Western Pacific Railroad Company, at the place and in the manner proposed by said applicant herein, be, and the same is hereby, granted.

ORDERED FURTHER, That the State Road Commission of Utah and The Western Pacific Railroad Company file with this Commission a stipulation signed by both parties, covering the plans and estimated cost of a viaduct to bridge a single track.

ORDERED FURTHER, That, if The Western Pacific Railroad Company desires a viaduct to be of sufficient length to bridge a double track, the cost of which is estimated at $72,903.05, The Western Pacific Railroad Company be, and it is hereby, ordered to bear as its portion of the total cost the difference between $72,903.05 and the stipulated estimate of the cost of a viaduct to bridge a single track, plus $2,000.00, and the State Road Commission of Utah be, and it is hereby, ordered to bear the remaining balance.

ORDERED FURTHER, That, if The Western Pacific Railroad Company desires that the viaduct shall span only the present single track, that it shall contribute $2,000.00

toward the construction as its portion of the total cost, and the State Road Commission shall bear the remaining balance.

ORDERED FURTHER, That The Western Pacific Railroad Company be, and it is hereby, ordered to maintain the structure proper, and the State Road Commission of Utah be, and it is hereby, ordered to maintain the approaches and entire road surface over the viaduct.

By order of the Commission.
(Seal) (Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

In the Matter of the Application of the STATE ROAD COMMISSION OF UTAH for permission to construct an overhead crossing over the main line tracks of The Western Pacific Railroad Company on State Highway No. 67, in Salt Lake County, Utah.	Case No. 1263

Submitted: August 15, 1932. Decided: October 15, 1932.
Appearances:

Mr. H. S. Kerr, Chief Engineer,	for State Road Commission.
Mr. Beverley S. Clendenin, Attorney,	for The Western Pacific Railroad Company.

SUPPLEMENTAL REPORT AND ORDER
OF THE COMMISSION

By the Commission:

In the above entitled matter, on July 30, 1932, The Western Pacific Railroad Company filed herein a petition asking that it be relieved of the maintenance of the overhead structure, as ordered by the Public Utilities Commission July 7, 1932. Thereupon this case was reopened and a public hearing was duly held before the Commission upon said petition on the 12th day of August, 1932. Whereupon the applicant, State Road Commission, submitted a stipulation made by it and The Western Pacific Railroad Company to the effect

that the said proposed superstructure should be constructed so as to accommodate a single track rather than a double track railroad as formerly contemplated, and that in consideration of a further payment to the State Road Commission by The Western Pacific Railroad Company of the sum of Five Hundred Dollars ($500.00) for the redrafting of its specifications, the State Road Commission, acting for and in behalf of the State of Utah, would upon payment of the said additional sum by The Western Pacific Railroad Company, assume the maintenance of said overhead crossing or superstructure, including the structure proper.

Now therefore, by reason of the premises:

IT IS HEREBY ORDERED, That the order of the Public Utilities Commission made and entered herein on the 7th day of July, 1932, be, and the same is hereby, modified in manner following to-wit:

That The Western Pacific Railroad Company pay to the State Road Commission of Utah an additional sum of Five Hundred Dollars ($500.00) other than the $2,000.00 ordered to be paid by the Commission's Order herein on the 7th day of July, 1932; that thereupon the State Road Commission revise its specifications for the construction of the proposed overhead crossing involved in these proceedings so that the same shall call for and the proposed viaduct be so constructed as to accommodate a single railroad track of The Western Pacific Railroad Company; that thereupon the State Road Commission of Utah assume both the construction and maintenance of the said overhead structure, including the structure proper, at the sole expense of the State of Utah, as a federal aid project.

ORDERED FURTHER, That the Report and Order of the Public Utilities Commission of Utah, made and entered herein on the 7th day of July, 1932, except as hereintofore expressly modified, shall continue in full force and effect.

PUBLIC UTILITIES COMMISSION OF UTAH

(Signed) E. E. CORFMAN,
G. F. McGONAGLE,
THOS. E. McKAY,
Commissioners.

(Seal)
Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UNION PACIFIC RAILROAD COMPANY, a Corporation, for permission to discontinue the operation of its station at Peterson, Utah, as an agency station.	Case No. 1264

Submitted: May 5, 1932. Decided: December 29, 1932.

Appearances:

Mr. L. H. Anderson, Attorney, Salt Lake City, Utah,	for Applicant.
Mr. D. M. Anderson, Milton, Utah,	for Protesting Farmers.

REPORT AND ORDER OF THE COMMISSION

McKay, Commissioner:

Under date of January 28, 1932, application was filed by the Union Pacific Railroad Company, for permission to discontinue operation of its station at Peterson, Utah, as an agency station. This matter came on regularly for hearing at Peterson, Utah, on March 29, 1932, after due and legal notice given to all interested parties. Proof of Publication of Notice of Hearing was filed at the hearing. Protest was made by farmers and stock growers residing in the vicinity of Peterson, represented by D. M. Anderson of Milton, Utah. From the evidence adduced for and in behalf of the interested parties, the Commission finds:

That the Union Pacific Railroad Company is a corporation organized under and by virtue of the laws of the State of Utah, and operates an interstate steam railroad for the transportation of persons and property between Ogden, Utah, and Omaha, Nebraska, with various branch lines; that it is a part of the Union Pacific System, which is comprised of the Oregon-Washington Railroad and Navigation Company, Oregon Short Line Railroad Company, Los Angeles & Salt Lake Railroad Company, and Union Pacific Railroad Company.

That it does now and has for some years past maintained an agency station at Peterson, Utah; that Peterson station

serves certain adjacent territory including the towns of Mountain Green and Enterprise, Utah, which are small communities at some distance from the railroad; that the residents of these communities are engaged principally in livestock and agricultural pursuits; that the population of Peterson is approximately 55 people, and it is estimated the populations of Mountain Green and Enterprise are approximately the same.

That for the past three years, the revenues at Peterson station have materially fallen off until they have reached a point where it is no longer profitable for the applicant to conduct it as an agency station; that during the year 1929, the gross revenues received by the Union Pacific System on all carload shipments forwarded from Peterson were $5,954.00, and on less carload shipments $2,300.00, on all carload shipments received $15,054.00, and on less carload shipments $299.00; for the year 1930, revenues from carload shipments forwarded were $8,229.00, on less carload shipments $77.00, and on carload shipments received were $1,200.00, and less carload shipments $93.00; for the year 1931, revenues received from all carload shipments forwarded were $4,644.00, on less carload shipments $9.00, and on carload shipments received $680.00, and less carload shipments $63.00; statistics for 1932 were not available, except for January and February, which appeared to be even lower than those for comparative months in 1931; that carload shipments forwarded comprised principally of sheep, cattle, calves, hay, and wool, while carload shipments received were principally livestock, except for the year 1929, when 28 carloads of iron and steel pipe were received, which was used in connection with the Echo Dam and irrigation canal.

That passenger revenue was $164.19 in 1929, $102.64 in 1930, and $31.73 in 1931; that in addition to these revenues there were certain revenues derived from storage of freight, demurrage, and storage of baggage, etc., which in 1929 amounted to $246.24, in 1930 to $188.80, and in 1931 to $56.36; and that there were total revenues from all sources for the year 1931 of $5,484.09.

That the station expenses at Peterson for the year 1930, exclusive of superintendence, maintenance, depreciation, insurance, taxes and stationery were, for wages $1,977.06; coal $47.82, water $40.00, and miscellaneous $6.72, making a total of $2,071.60; and for the year 1931, with the same exclusions,

for wages $1,838.22, coal $54.28, water $40.00, making a total of $1,932.50.

That the revenues previously mentioned would be considerably lower if confined to the Union Pacific Railroad Company instead of the Union Pacific System; that on the Union Pacific Railroad as a whole, the station expenses were approximately 3.98% of the total revenues for the year 1931, and the station expenses at Peterson were approximately 40% of the total revenues.

That the applicant proposes to transact all business at Peterson through members of train crews and local employes; that it proposes to maintain a freight house under lock and key at Peterson, placing key in the possession of a section foreman or some responsible person, and when less carload shipments are received they will be placed in this freight house by the train conductor or some other employe who will also have a key, and that when shipments are forwarded the train conductor will collect same; that the section foreman or other employe will notify consignee by postal card or otherwise when shipments are received; that applicant maintains an agency station at Morgan, Utah, which is approximately seven and one-half miles east of Peterson, and also one at Uintah, which is approximately nine miles west of Peterson, and that provision will also be made by applicant that cars may be ordered through station agents at Morgan or Uintah by members of train crews or other employes at Peterson, either verbally, by mail, or by telephone; that on all outbound carload shipments except wool shipments, cars will be sealed at Morgan when east bound, or at Uintah when west bound, and if shipments are of wool, the wool inspector will seal such cars; that under the proposed arrangements, it will be necessary for all shippers of L. C. L. freight to prepay freight charges thereon; and that the waiting room facilities at Peterson will continue to be maintained as at present. From the foregoing findings, the Commission concludes and decides that the application should be granted, conditionally, that the applicant shall resume and provide agency service at Peterson, if and when the needs and convenience of shippers at Peterson and the communities tributary thereto may reasonably require the same.

IT IS THEREFORE ORDERED, That the application herein of the Union Pacific Railroad Company, for permission to discontinue the operation of its station at Peterson, Utah, as an agency station, be, and it is hereby, granted,

subject to the conditions and provisions contained in the last paragraph above, and that applicant and its employes shall at all times endeavor to maintain a convenient service to the travelling public, as well as to protect all shipments placed under their charge.

(Signed) THOS. E. McKAY,
Commissioner.

We Concur:

(Signed) E. E. CORFMAN,
G. F. McGONAGLE,
Commissioners.

(Seal)
Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

In the Matter of the Application of PICKWICK STAGE LINES, INC., a Corporation, to transfer, and INTERSTATE TRANSIT LINES, a Corporation, to take over, the operative rights of the said Pickwick Stage Lines, Inc., between Salt Lake City and Utah-Arizona State Line, and between Cedar City St. George and Utah-Arizona State Line, and between Payson and Utah-Arizona State Line, accruing to said Pickwick Stage Lines, Inc., by reason of Certificates Nos. 319, 357, and 364 respectively	Case No. 1265

Submitted: February 8, 1932. Decided: March 3, 1932.

Appearances:

Mr. Robert B. Porter, Attorney of Salt Lake City, Utah,	for Applicants, Pickwick Stage Lines, Inc., and Interstate Transit Lines.
Mr. Ellis J. Pickett of St. George, Utah,	for City of St. George, St. George Chamber of Commerce, and Mayor of St. George.
Mr. H. T. Atkins of St. George, Utah,	for County Commissioners of Washington County.

REPORT AND ORDER OF THE COMMISSION

By the Commission:

On the 4th day of February, 1932, the Pickwick Stage Lines, Inc., and the Interstate Transit Lines filed their joint application with the Public Utilities Commission of Utah, among other things setting forth that the Pickwick Stage Lines, Inc., desires to transfer and the Interstate Transit Lines desires to take over the operating rights of the said Pickwick Stage Lines, Inc., between Salt Lake City, Utah, and the Utah-Arizona State Line, and between Cedar City, St. George and Utah-Arizona State Line, and between Payson and the Utah-Arizona State Line by reason of Certificates of Public Convenience and Necessity Nos. 319, 357, and 364, respectively, heretofore issued by the Public Utilities Commission. Protests were made to the granting of the application by the City of St. George and Washington County, Utah. The application came on regularly for hearing before the Public Utilities Commission at its office in the State Capitol, Salt Lake City, Utah, on the 6th day of February, 1932, after due notice given. From the evidence adduced for and in behalf of the applicants and the pretesting parties, the City of St. George and Washington County, Utah, it appears:

That the respective parties, Pickwick Stage Lines, Inc., and Interstate Transit Lines, are "automobile corporations" each duly authorized and empowered to engage in the business of transporting passengers and to render a limited baggage, express, and freight service in the State of Utah between Salt Lake City and the Utah-Arizona State Line; that the authority so to do on the part of the applicant, Pickwick Stage Lines, Inc., has heretofore been authorized by this Commission under Certificates of Public Convenience and Necessity Nos. 319, 357, and 364, respectively; that since the issuance of said certificates to the Pickwick Stage Lines, Inc., the service so authorized has been regularly performed by the Pickwick Stage Lines, Inc.; that said service in the State of Utah by the said Pickwick Stage Lines, Inc., has been rendered by it in conjunction with an interstate service rendered between Omaha, Nebraska, and Los Angeles, California, via Salt Lake City, Utah, and that the same has been rendered in Utah largely over the same highway as the service now being rendered by the applicant, Interstate Transit Lines, between Salt Lake City and the Utah-Arizona State Line.

That the Interstate Transit Lines has purchased of the Pickwick Stage Lines, Inc., certain equipment used by it in rendering said service, and now desires to continue said service heretofore rendered over said Highway No. 91 between Salt Lake City and the Utah-Arizona State Line, and to have issued to it by the Public Utilities Commission a new certificate authorizing the same to be merged and now done by the Interstate Transit Lines over said route.

That the applicant, Interstate Transit Lines, is financially and otherwise able and willing to render all the service to the public heretofore rendered by, or that might hereafter be required of the applicant, Pickwick Stage Lines, Inc., and has made application herein for an order of the Commission permitting and authorizing it to merge the said services of the Pickwick Stage Lines, Inc., with its own.

The Commission believes that it would be for the best interests of the public that the application herein be granted; that the merging of the services of the respective applicants over U. S. Highway No. 91 between Salt Lake City, Utah, and the Utah-Arizona State Line, via St. George, Utah, will secure for the travelling public greater dependability of service, and eventually at lower cost than if rendered as heretofore by competing carriers.

IT IS NOW THEREFORE ORDERED, That the joint application of the Pickwick Stage Lines, Inc., and the Interstate Transit Lines herein be, and the same is hereby, granted as prayed for herein; that the applicant, Interstate Transit Lines, be, and it is hereby, authorized and permitted to render the same automobile service as herebefore rendered by the Pickwick Stage Lines, Inc., under Certificates of Public Convenience and Necessity Nos. 319, 357, and 364 issued by this Commission, and that said certificates be, and the same are hereby, cancelled.

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)
Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the STATE ROAD COMMISSION OF UTAH, for permission to construct a grade crossing of the Marysvale Branch of The Denver & Rio Grande Western Railroad near Joseph, Sevier County, Utah.	Case No. 1266

Submitted: March 23, 1932. Decided: May 11, 1932.

Appearances:

Mr. H. S. Kerr, Chief Engineer, State Road Commission of Utah,	for State Road Commission of Utah.
Mr. B. R. Howell, Attorney of Salt Lake City, Utah,	for The Denver & Rio Grande Western Railroad Co.

REPORT AND ORDER OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing before the Public Utilities Commission of Utah, after due notice given, on the 10th day of March, 1932, upon the application of the State Road Commission of Utah for permission to construct a grade crossing over the Marysvale Branch of The Denver & Rio Grande Western Railroad Company near Joseph, Sevier County, Utah, and for an apportionment of the cost of construction and maintenance of said proposed crossing. No protests were made or filed against the granting of the application for the construction of said crossing, but inasmuch as the proposed new crossing does not eliminate the present crossing, The Denver & Rio Grande Western Railroad Company protested that part of the application asking that they participate in the cost either of construction or maintenance of the additional grade crossing.

From the evidence adduced at the hearing the Commission finds as follows:

That the State Road Commission of Utah is a commission authorized by law to construct, maintain, and supervise the state highways; that said commission desires to improve State Road No. 118 between Monroe and Joseph in Sevier

County, Utah, and as a part of said improvement to construct a grade crossing over the Marysvale Branch of The Denver & Rio Grande Western Railroad Company at a point distant northwesterly 636 feet from railroad mile post 116, and approximately one-half mile northeasterly from the present grade crossing, and in the location shown on the print of drawing No. 2-195, hereby referred to and made a part of this finding.

That there is at present a private crossing maintained by the railroad at the place now proposed for the new crossing; that the new location for said proposed crossing is satisfactory to the County Commissioners and to the people of Sevier County generally, and is in the public interest.

That The Denver & Rio Grande Western Railroad is not opposed to the new crossing, but protests sharing in the expense of either the construction or the maintenance of said additional crossing.

From the foregoing facts, and after a full consideration of the evidence presented at said hearing, the Commission concludes and decides that the application of the State Road Commission of Utah for permission to construct a grade crossing over the Marysvale Branch of The Denver & Rio Grande Western Railroad near Joseph, Sevier County, Utah, should be granted, the first cost of the installation of the new crossing to be borne by the applicant, but thereafter, said crossing to be maintained by The Denver & Rio Grande Western Railroad Company.

IT IS NOW THEREFORE ORDERED, That the application of the State Road Commission of Utah for permission to construct a grade crossing over the Marysvale Branch of The Denver & Rio Grande Western Railroad near Joseph, Sevier County, Utah, be, and the same is hereby, granted.

ORDERED FURTHER, That the first cost of the installation of the new crossing be borne by the applicant, but thereafter said crossing be maintained by The Denver & Rio Grande Western Railroad Company.

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)
Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the LOS ANGELES & SALT LAKE RAILROAD COMPANY, a Corporation, to transfer, and GEORGE FROSEY to take over, the operative rights of the Los Angeles & Salt Lake Railroad Company between Tintic and Tintic Wye, Eureka, Mammoth, Mammoth Junction and Silver City, Utah.	Case No. 1267

Submitted: February 25, 1932. Decided: March 9, 1932.
Appearance:

J. T. Hammond, Jr., Attorney, of Salt Lake City, Utah, for Applicants, Los Angeles & Salt Lake Railroad Company and George Forsey.

REPORT OF THE COMMISSION

McGonagle, Commissioner:

This matter came on regularly for hearing before the Commission, after due notice given, at Eureka, Utah, on the 23rd day of February, 1932, upon the joint application of the Los Angeles & Salt Lake Railroad Company and George Forsey, for the former to transfer and the latter to take over, the operating rights of the Los Angeles & Salt Lake Railroad Company over the public highways between Tintic and Tintic Wye, Eureka, Mammoth, Mammoth Junction and Silver City, Utah.

From the record and files in this case it is shown:

That the applicant, Los Angeles & Salt Lake Railroad Company, is a "railroad corporation" within the meaning of subdivision 11, Section 4782, Compiled Laws of Utah, 1917, and as such is now the owner of and for many years last past has controlled and operated through the State of Utah a main line of railroad between Salt Lake City, Utah, and Los Angeles, California, via Tintic in Juab County, Utah; that it also operates a branch line of railroad connected with its said main line at Tintic station which serves the towns of Tintic, Eureka, Mammoth, and Silver City, mining towns in Juab County, Utah.

That on the 2nd day of February, 1932, this Commission,

after due application and hearing in P. U. C. No. 1259, issued an order granting the applicant, Los Angeles & Salt Lake Railroad Company, the right to discontinue passenger train service over its said branch line serving Tintic, Eureka, Mammoth, and Silver City, and to substitute in lieu thereof automobile service, carrying passengers, baggage, and express, the records and files of which case are hereby expressly referred to and made a part of the findings herein.

That the granting of said application and the issuance of said order by the Commission to the applicant, Los Angeles & Salt Lake Railroad Company, in Case No. 1259 was made upon the express condition that the Los Angeles & Salt Lake Railroad Company should provide as a substitute for the train service and in lieu thereof automobile service to the cities and towns aforesaid.

That the applicant, Los Angeles & Salt Lake Railroad Company, has entered into an agreement with the applicant, George Forsey, whereby the latter undertakes to render said automobile service required of it under its said Certificate No. 392.

That George Forsey is an experienced operator of automobiles for hire, and is financially able and otherwise qualified to render the said service, as public convenience and necessity may require.

From the foregoing facts, and from the records and files herein, including said Case No. 1259, all of which is hereby expressly referred to and made a part thereof, the Commission concludes and decides:

That by reason of the applicant, Los Angeles & Salt Lake Railroad Company, having been authorized and permitted to substitute automobile service in lieu of its train service, as applied for in Case No. 1259, it should not now be relieved primarily and for all time from the responsibility of rendering the same as public convenience and necessity may require, and as was contemplated by the Commission in the issuance of its said Certificate No. 392. Under the circumstances attending this case, including Case No. 1259, the Commission believes that Certificate No. 392, issued to the applicant, Los Angeles & Salt Lake Railroad Company, should remain in full force and effect, and the automobile service provided for thereunder suspended only; that a certificate of public convenience and necessity should be issued to the applicant, George Forsey, limited,

however, during such time as he shall render efficient and dependable service, and as the best interests of the public shall require.

That the Commission retain jurisdiction herein of all matters and things involved, and that the applicants respectively herein be subject to such other and further orders of the Commission as may seem meet and proper and for the best interests of the public.

An appropriate order will follow.

(Signed G. F. McGONAGLE,
Commissioner.

We Concur:

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
Commissioners.

(Seal)
Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity

No. 394

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 9th day of March, 1932.

In the Matter of the Application of the LOS ANGELES & SALT LAKE RAILROAD COMPANY, a Corporation, to transfer, and GEORGE FORSEY to take over, the operative rights of the Los Angeles & Salt Lake Railroad Company between Tintic and Tintic Wye, Eureka, Mammoth, Mammoth Junction and Silver City, Utah.	Case No. 1267

This case being at issue upon application on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings and con-

clusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That Certificate of Convenience and Necessity No. 392, issued to Los Angeles & Salt Lake Railroad Company, remain in full force and effect, and the automobile service provided thereunder suspended only.

ORDERED FURTHER, That Certificate of Convenience and Necessity No. 394 be, and it is hereby, issued to George Forsey, permitting him to render automobile passenger, baggage, freight, and express service over the public highways between Tintic and Tintic Wye, Eureka, Mammoth, Mammoth Junction and Silver City, Utah, during such time as he shall render efficient and dependable service, and as the best interests of the public and the further orders of the Commission shall require.

ORDERED FURTHER, That the Commission retain jurisdiction of all matters and things involved herein, and that the applicants respectively be subject to such other and further orders of the Commission as may seem meet and proper and for the best interests of the public.

By order of the Commission.

(Seal) (Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the LOS ANGELES & SALT LAKE RAILROAD COMPANY, a Corporation, for permission to transfer and MOYLE SARGENT to take over the automobile operative rights of said Los Angeles & Salt Lake Railroad Company between Delta and Fillmore, Utah.	Case No. 1268

Submitted: March 10, 1932. Decided: March 21, 1932.

Appearance:

J. T. Hammond, Jr., Attorney of Salt Lake City, Utah, for Applicants.

REPORT OF THE COMMISSION

McKAY, Commissioner:

This matter came on regularly for hearing before the Commission, after due notice given, at Fillmore, Utah, on the 1st day of March, 1932, upon joint application of the Los Angeles & Salt Lake Railroad Company and Moyle Sargent for the former to transfer and the latter to take over the operating rights of the said Los Angeles & Salt Lake Railroad Company over the public highways between Delta and Fillmore, Utah, and intermediate points. No protests, written or otherwise, to the granting of this application were presented. After full consideration of the testimony offered the Commission finds as follows:

That the applicant, Los Angeles & Salt Lake Railroad Company, is a corporation organized and existing under the Laws of the State of Utah, and as such is now the owner of and for many years last past has controlled and operated through the State of Utah, a main line of railroad between Salt Lake City, Utah, and Los Angeles, California, via Delta in Millard County, Utah; that it also operates a branch line of railroad from Delta, on its main line, to Fillmore, Utah.

That on March 31, 1930, this Commission after due application and hearing in Case No. 1160, issued Certificate of Convenience and Necessity No. 362, granting the applicant, Los Angeles & Salt Lake Railroad Company, the right to discontinue passenger train service over its said branch line between Delta and Fillmore, and to substitute in lieu thereof automobile service, carrying passengers, baggage, and express, the records and files of which case are hereby expressly referred to and made a part of the findings herein.

That the granting of said application and the issuance of said order by the Commission to the applicant, Los Angeles & Salt Lake Railroad Company in Case No. 1160 was made upon the express condition that the applicant should provide as a substitute for the train service and in lieu thereof, automobile service between Delta and Fillmore and intermediate points.

That the applicant, Los Angeles & Salt Lake Railroad Company, has entered into an agreement with the applicant Moyle Sargent, whereby the latter undertakes to render said automobile service required of it under its said Certificate No. 362.

That the applicant, Moyle Sargent, is an experienced operator of automobiles for hire, and is financially able and otherwise qualified to render the said service, as public convenience and necessity may require.

From the foregoing facts, and from the records and files herein, including said Case No. 1160, all of which are hereby expressly referred to and made a part hereof, the Commission concludes and decides that by reason of the applicant, Los Angeles & Salt Lake Railroad Company, having been authorized and permitted to substitute automobile service in lieu of its train service as applied for in Case No. 1160, it should not now be relieved primarily and for all time from the responsibility of rendering the same as public convenience and necessity may require, and as was contemplated by the Commission in the issuance of said Certificate No. 362. Under the circumstances attending this case, the Commission believes that Certificate No. 362, issued to the applicant, Los Angeles & Salt Lake Railroad Company, should remain in full force and effect, and the automobile service provided for thereunder suspended only; that a certificate of public convenience and necessity should be issued to the applicant, Moyle Sargent, limited, however, to such time as he shall render efficient and dependable service, and as the best interests of the public shall require; and that the Commission retain jurisdiction herein of all matters and things involved and that the applicants respectively herein, be subject to such other and further orders of the Commission as may seem meet and proper for the best interests of the public.

An appropriate order will follow:

(Signed) THOS. E. McKAY,
Commissioner.

We Concur:

(Signed) E. E. CORFMAN,
G. F. McGONAGLE,

(Seal) Commissioners.
Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity

No. 395

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 21st day of March, 1932.

In the Matter of the Application of the LOS ANGELES & SALT LAKE RAILROAD COMPANY, a Corporation, for permission to transfer and MOYLE SARGENT to take over the automobile operative rights of said Los Angeles & Salt Lake Railroad Company between Delta and Fillmore, Utah.	Case No. 1268

This case being at issue upon application on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That Certificate of Convenience and Necessity No. 362, issued to Los Angeles & Salt Lake Railroad Company, remain in full force and effect, and the automobile service provided thereunder suspended only.

ORDERED FURTHER, That Certificate of Convenience and Necessity No. 395 be, and it is hereby, issued to Moyle Sargent, permitting him to render automobile passenger, baggage, freight, and express service over the public highways between Delta and Fillmore, Utah, during such time as he shall render efficient and dependable service, and as the best interests of the public and the further orders of the Commission shall require.

ORDERED FURTHER, That the Commission retain jurisdiction of all matters and things involved herein, and that the applicants respectively be subject to such other and further orders of the Commission as may seem meet and proper and for the best interests of the public.

By order of the Commission.

(Seal) (Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of UTAH RAPID TRANSIT COMPANY, a Corporation, for permission to discontinue the operation of its station at Huntsville, Weber County, Utah, as an agency station.	Case No. 1269

Submitted: April 2, 1932. Decided: November 25, 1932.

Appearances:

Mr. David L. Stine, Attorney,	For Utah Rapid Transit Company.
Mr. Fred W. Wood, Mayor,	for Huntsville, Utah.

REPORT AND ORDER OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing before the Public Utilities Commission of Utah on the 11th day of March, 1932, at Huntsville, Weber, Utah, upon the application of the Utah Rapid Transit Company, a corporation, for permission to discontinue the operation of its station at Huntsville, Weber County, Utah, as an agency station.

From the evidence adduced for and in behalf of the applicant and the interested parties the Commission finds:

That the applicant, Utah Rapid Transit Company, is a corporation organized and existing under and by virtue of the laws of the State of Utah, having its principal place of business at Ogden, Weber County, Utah, and that it is a common carrier of passengers, and is engaged in operating an interurban electric line of railroad between the town of Huntsville and said city of Ogden, and for a long time past has been and is now operating at the town of Huntsville, Utah, an agency station where it has employed an agent for the purpose of transacting the passenger business of said railroad at said station.

That the expense of operating said station as an agency station during the year ending December 31, 1931, was the sum of $402.55, and that the revenue received by the agent of said agency for the same period was $316.20.

That the school tickets which were heretofore sold by

the agent at Huntsville are now distributed under the direction of the Weber County School Board, and that all other passengers can purchase their tickets on the car.

On September 3rd, 1932, the Commission granted the application of said Utah Rapid Transit Company (Case No. 1281) to discontinue the operation of its line of railroad, and to substitute therefor a bus and light freight service between Ogden and Huntsville, Weber County, Utah, but this does not change conditions as presented in this application.

For the foregoing findings the Commission concludes and decides: That the application of the Utah Rapid Transit Company herein for permission to discontinue the operation of its station at Huntsville, Weber County, Utah, as an agency station should be granted upon the condition that the applicant make necessary arrangements for the comfort of passengers while waiting for the car or bus to arrive.

IT IS NOW THEREFORE ORDERED, That the application of the Utah Rapid Transit Company herein for permission to discontinue the operation of its station at Huntsville, Utah, as an agency station be, and the same is hereby granted, upon the condition that the applicant make necessary arrangements for the comfort of passengers while waiting for the car or bus to arrive.

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)
Attest:
(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of THE UTAH IDAHO CENTRAL RAILROAD COMPANY, a Corporation, for an investigation of the rates and the method of applying the same for the furnishing of electric energy by the Utah Power & Light Company to said applicant and Petitioner.	Case No. 1270

ORDER

By the Commission:

The parties hereto are both public utilities rendering service to the people of Utah. With the desire of best serving the interests of their respective patrons the Commission arranged a conference on March 12, 1932, in its offices between the parties hereto, to discuss the scope of inquiry in the above entitled cause. It then appearing that the parties could mutually agree among themselves that hearing upon the issues involved may be postponed for a period of time sufficient to make tests of various methods of operation under some modification of the present method of determining the maximum demand:

It further appearing necessary and desirable to determine the effect upon their respective patrons of the suspension and modification of Rule 43 of Tariff No. 3 of the respondent Utah Power & Light Company, on file with the Public Utilities Commission, applicable to electric power service rendered to electric lines of railroad in the State of Utah:

NOW THEREFORE, IT IS HEREBY ORDERED, That the hearing before the Public Utilities Commission of the above entitled matter be, and the same is hereby, postponed pending the further order of the Commission.

ORDERED FURTHER, That Rule 43 of Tariff No. 3 of the Utah Power & Light Company, applicable to service rendered by it to the electric railroads operating in the State of Utah, be, and the same is hereby, suspended from April 1, 1932, to and until the first day of April, 1934, and/or until the further order of the Commission in the manner as hereinafter provided and set forth.

ORDERED FURTHER, That during the period of suspension of said Rule 43 for the period aforesaid, and/or until the further order of the Commission that the following modification thereof shall apply to electric power service rendered by the Utah Power & Light Company to electric lines of railroad in Utah, to-wit:

> "Maximum demand for electric interurban and street railways receiving service from this Company's lines at not more than two points of delivery shall be 70% of the highest average thirty minute load

taken by the consumer as shown by the Company's meter at each such point of delivery.

"Maximum demand for those railroads receiving service from the Campany's lines at more than two points of delivery shall be 55% of the highest average thirty minute load taken by the Consumer as shown by the Company's meters at each such point of delivery."

ORDERED FURTHER, That except as hereinbefore modified said Rule 43 shall remain in full force and effect.

Dated at Salt Lake City, Utah, this 31st day of March, 1932.

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)
Attest:
(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the STATE ROAD ,COMMISSION OF UTAH, for report and order by the Public Utilities Commission of Utah, fixing the responsibility for maintenance of of existing overhead structure over tracks of the Oregon Short Line Railroad Company of State Route No.. 108 in Davis County, Utah.	Case No. 1271

Submitted: March 23, 1932. Decided: April 4, 1932.

Appearances:

Mr. H. S. Kerr, Chief Engineer, State Road Commission of Utah,	for Applicant, State Road Commission of Utah.
Mr. R. B. Porter, Attorney of Salt Lake City, Utah,	for Oregon Short Line Railroad Company.

REPORT OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing before the Commission, after due notice given, at Salt Lake City, Utah, on the 10th day of March, 1932, upon the application of the State Road Commission of Utah, for Report and Order by the Public Utilities Commission of Utah fixing the responsibility for maintenance of existing overhead structure over tracks of the Oregon Short Line Railroad Company on State Route No. 108, in Davis County, Utah. From the record and files in this case it is shown:

That the Utah Legislature in 1931 designated as Route 108 a highway running northerly from a point on U. S. Highway No. 91 between Layton and Clearfield, Utah, to Syracuse, Utah. Route 108 crosses the double track of the Oregon Short Line Railroad at a point about one-half mile north of the intersection of Route No. 108 and U. S. Highway No. 91. This crossing consists of a wooden-framed bent structure 247 feet in length with earth approaches, said structure having been constructed by the railroad company some years ago.

At the hearing the parties hereto stipulated that in the future the maintenance of the structure should be at the expense of the railroad company, and that the approaches should be maintained by the State Road Commission of Utah.

From the foregoing findings the Commission concludes and decides:

That the above stipulation, with respect to maintenance and participation in the expense thereof by the respective parties is just and reasonable and in the public interest, and that an order should be issued accordingly.

An appropriate order will follow:

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,

Commissioners.

(Seal)
Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 4th day of April, 1932.

In the Matter of the Application of the STATE ROAD COMMISSION OF UTAH, for report and order by the Public Utilities Commission of Utah, fixing the responsibility for maintenance of existing overhead structure over tracks of the Oregon Short Line Railroad Company on State Route No. 108 in Davis County, Utah.	Case No. 1271

This case being at issue upon application on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the expense of maintaining existing overhead structure over tracks of the Oregon Short Line Railroad Company on State Route No. 108 in Davis County, Utah, be borne by the Oregon Short Line Railroad Company, and that the approaches be maintained by the State Road Commission of Utah.

By the Commission.

(Seal) (Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UTAH LIGHT & TRACTION COMPANY, for permission to discontinue bus service between Centerville and Bountiful, Utah.	Case No. 1272

Submitted: April 11, 1932. Dated: May 9, 1932.
Appearances:

Mr. A. C. Inman, Attorney,	}	for Applicant.
Mr. A. B. Irvine, Attorney	}	for Bamberger Transportation Co.
Mr. J. E. Williams,	}	for City of Centerville.

REPORT AND ORDER OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing before the Public Utilities Commission of Utah at its office in the State Capitol, Salt Lake City, Utah, on the 11th day of April, 1932, upon the application of the Utah Light & Traction Company, for permission to discontinue bus service between Bountiful and Centerville, Utah. There were no protests, but Mr. A. B. Irvine, Attorney, representing the Bamberger Transportation Company, and Mr. J. E. Williams, representing the City of Centerville, made the request that, provided the above application is granted, the Bamberger Transportation Company be permitted to amend its Certificate of Convenience and Necessity No. 288, which authorizes the Bamberger Transportation Company to operate a passenger bus line between Salt Lake City and Ogden, Utah, so as to serve the territory sought to be abandoned by this application.

From the evidence adduced at the hearing the Commission finds as follows:

That the Utah Light & Traction Company is a Utah corporation owning and operating a street railway and bus system in Salt Lake City, Utah, with branch bus lines connecting therewith and extending therefrom to various communities in Salt Lake and Davis Counties in Utah.

In Case No. 863, petitioner applied to this Commission for authority to discontinue street car service then being rendered from the south boundary of Davis County to the terminus of its street car line in Centerville, Davis County, Utah. On September 13, 1926, the Commission authorized petitioner to discontinue such street car service and in said order further provided that petitioner "render automobile bus service over the public paved highway between North Salt Lake and Centerville, Utah, including intermediate points, of equal frequency and at the same fares as are now being charged by applicant for rail service".

That petitioner has rendered such bus service between

Bountiful and Centerville, except that since on or about June 23, 1930, said bus service has been limited to six round trips daily except Sundays and holidays, when no service has been maintained.

That the distance between the Bountiful High School, located at or near the north edge of the residential district in Bountiful, and the terminus of petitioner's bus line at or near the north limits of the Town of Centerville is approximately 2.6 miles or 5.2 miles for the round trip; that said operation requires that said bus be operated a distance of 31.2 miles per day; and that the average out of pocket operating cost alone of said bus (not including cost of investment, interest or depreciation) is approximately 20c per mile, or about $6.20 per day.

That the average number of fares collected in the operation of this service is thirteen and one-half fares per day, or a total gross operating revenue amounting to $0.945 per day, making an average gross operating revenue of three (3) cents per mile of bus operations, which results in a daily loss from the operation of said bus service in excess of $5.25 per day, not including interest and depreciation.

That the average number of passengers carried is approximately 1.13 per trip; that there are numerous trips throughout all periods of each day when said bus carries no passengers whatever.

From the above and foregoing findings, the Commission concludes and decides that the application of the Utah Light & Traction Company herein, for permission to discontinue bus service between Bountiful and Centerville, Utah, should be granted, and further that the application herein, of the Bamberger Transportation Company, as Intervenor, to have its Certificate of Convenience and Necessity No. 288, under which the said Bamberger Transportation Company is now operating a passenger bus line between Salt Lake City and Ogden, be so amended as to eliminate from said certificate and order the following restriction:

> "IT IS ORDERED FURTHER, That the Bamberger Transportation Company shall not transport local passengers between Salt Lake City and Centerville, Utah, over its automobile stage line, except as to south bound patrons originating north of Centerville and north bound patrons destined to points north of Centerville."

be granted, thereby permitting said Bamberger Transportation Company to render passenger service between Centerville and Bountiful and from Salt Lake City to Centerville and vice versa.

IT IS THEREFORE ORDERED, That the application herein, of the Utah Light & Traction Company, for permission to discontinue passenger bus service between Bountifull and Centerville, Utah, be, and the same is hereby, granted.

ORDERED FURTHER, That Certificate of Convenience and Necessity No. 288, issued to the Bamberger Transportation Company in Case No. 823, authorizing it to operate an automobile passenger bus line between Salt Lake City and Ogden, Utah, be, and the same is hereby, amended, so as to eliminate from said Certificate and Order, the following restriction:

> "IT IS ORDERED FURTHER, That the Bamberger Transportation Company shall not transport local passengers between Salt Lake and Centerville, Utah, over its automobile stage line, except as to south bound patrons originating north of Centerville and north bound patrons destined to points north of Centerville."

thereby permitting said Bamberger Transportation Company to render passenger service between Centerville and Bountiful and from Salt Lake City to Centerville and vice versa.

ORDERED FURTHER, That the Bamberger Transportation Company shall file with the Commission and post at each station on its route affected by this order, an amended schedule as provided by Law and the Commission's Tariff Circular No. 4, naming fares and showing arriving and leaving time; and shall at all times operate in accordance with the statutes of Utah and the rules and regulations prescribed by the Commission governing the operation of automobile bus lines.

ORDERED FURTHER, That the provisions of this order shall become effective May 12, 1932.

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the STATE ROAD COMMISSION OF UTAH, for permission to relocate grade crossings over spur tracks of the Oregon Short Line Railroad Company near Garland Sugar Factory, in Box Elder County, Utah.	Case No. 1273

Submitted: May 9, 1932. Decided: May 12, 1932.

Appearances:

Byron D. Anderson, Attorney,	for Applicant.
Robert B. Porter, Attorney,	for Oregon Short Line Railroad Co.
W. T. Pyper,	for Utah Idaho Sugar Co.

Report AND ORDER OF THE COMMISSION

By the Commission:

Under date of March 3, 1932, application was filed by the State Road Commission of Utah, for permission to relocate grade crossings over spur tracks of the Oregon Short Line Railroad near Garland Sugar Factory in Box Elder County, Utah. This matter came on for hearing before the Public Utilities Commission of Utah on April 11, 1932, at Salt Lake City, Utah, after due and legal notice given to all interested parties. Protest was made at the hearing by the Oregon Short Line Railroad Company, alleging that the proposed new highway would create additional hazards. From the evidence adduced for and in behalf of the interested parties, the Commission finds:

That the State Road Commission of Utah is an agent of the State of Utah, authorized by law to construct and maintain state roads; that at the present time State Road No. 41, extending from Tremonton, via Garland, to the Utah Idaho State Line makes a dangerous right angle turn in the vicinity of the Garland Sugar Factory and that it is desirous to introduce a curve in the highway alignment at said location, thereby eliminating said dangerous condition; that the highway as now located and the proposed relocation of the highway crosses five spur tracks of the Oregon

Short Line Railroad Company at grade, all of which were constructed to serve the Garland Sugar Factory; that said Highway No. 41 has been a state highway since the year 1910, and by act of the 1931 session of the Legislature it was again established as a primary state road.

That for about one month to six weeks of the fall of each year during the sugar beet season, the present highway is always badly congested rendering additional hazard in crossing these tracks and that these tracks during said period of the year are used primarily in the transportation of sugar beets, coal, and lime rock; that many of the beets are transported over Highway 41 during the beet season by trucks, which necessarily congest the highway while awaiting weighing and unloading; that all during the year about four days per week the west track is used for the transportation of sugar; that during a portion of the year there is also considerable beet pulp moved from the sugar factory; and that the introduction of a curve at this point and the elimination of the right angle turn of the through highway will be in the public interest.

That the construction of the highway, including the crossings over the tracks of the Oregon Short Line Railroad Company should be at the expense of the State Road Commission, and that the maintenance of said crossings should be at the expense of the Oregon Short Line Railroad Co.

For the foregoing findings, the Commission concludes and decides that the application should be granted.

IT IS THEREFORE ORDERED, That the application herein of the State Road Commission of Utah, for permission to relocate grade crossings over the spur tracks of the Oregon Short Line Railroad Company near Garland Sugar Factory, Box Elder County, on State Highway No. 41, be, and the same is hereby, granted.

ORDERED FURTHER, That the cost of construction of the Highway, including the crossings over the tracks, be borne by the State Road Commission of Utah, and that the maintenance of said crossings be borne by the Oregon Short Line Railroad Company.

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

In the Matter of the Application of THE DENVER & RIO GRANDE WESTERN RAILROAD COMPANY, to close its station agency at Spring City, Utah.	Case No. 1274

Submitted: April 26, 1932. Decided: May 6, 1932

Appearances:

Mr. B. R. Howell, Attorney, Salt Lake City, Utah, } for Applicant.

Mr. Lee Allred, Mayor Spring City, Utah, } for Spring City.

REPORT AND ORDER OF THE COMMISSION

McGONNAGLE, Commissioner:

Under date of March 26, 1928, The Denver & Rio Grande Western Railroad Company filed its application for permission to discontinue its station agency at Spring City, Sanpete County, Utah, (Case No. 1027). Said application was withdrawn under date of May 24, 1930, and the Commission accordingly issued its Order on June 6, 1930, dismissing the application without prejudice.

Under date of March 10, 1932, application was again filed by The Denver & Rio Grande Western Railroad Company for permission to close its station agency at Spring City, Utah. This matter came on for hearing before the Public Utilities Commission at Spring City, Utah, on March 25, 1932, after due and legal notice given to all interested parties.

From the evidence adduced for and in behalf of the interested parties, the Commission finds:

That the applicant, The Denver & Rio Grande Western Railroad Company, is a corporation of Delaware, duly authorized to transact business in the State of Utah, and is an interstate common carrier of freight and passengers for hire, operating a main line of steam railroad from Ogden, Utah, to Denver, Colorado, with numerous branch lines, among which branch lines is applicant's Marysvale Branch from a junction with applicant's main line at Thistle to

Marysvale, Utah, via Spring City, Utah; that Spring City station is located on said Marysvale Branch, a distance of 5.4 miles southwesterly from Mt. Pleasant and a distance of 9.4 miles northeasterly from Ephraim, and that said Spring City station is located about a mile and three-quarters from the business center of Spring City.

That the population of Spring City Precinct, according to the United States Census of 1930, is ten hundred and fifty (1,050); that the total income of applicant at Spring City for the year 1931 was $9,644.69, in which is included the freight paid on thirty-two cars of road oil for highway construction amounting to $4,516.83. This was an isolated shipment and no further revenue can be expected from this source. The normal business, therefore, amounted to $5,127.86.

That the cost of maintaining an agent at Spring City for 1931 was $1,607.45; that the railroad company is not earning a fair return on the value of its property; and that for the year 1931, after payment of interest, taxes, and costs of operations, the Company had a deficit of $225,691.96.

That the Rio Grande Motor Way, Inc., a railroad subsidiary, operates a daily freight truck service between Salt Lake City, Spring City and points south on the Marysvale Branch, this truck line rendering store door service at Spring City for less than carload shipments, whereas the railroad depot is one and three-quarters miles from the business district.

That the nearest railroad agency station to Spring City is Mt. Pleasant, 5.4 miles northerly, the above towns being connected by a paved state highway. The telephone service at Spring City is part of the Mt. Pleasant exchange.

That the railroad company offers to substitute a caretaker in lieu of an agent at the Spring City station, said caretaker to perform all of the duties now performed by the agent, except the handling of money and the transmission of Western Union messages.

From the above facts, the Commission concludes and decides that the application of The Denver & Rio Grande Western Railroad Company to close its station agency at Spring City, Utah, should be granted, provided that a caretaker be employed as outlined above.

IT IS THEREFORE ORDERED, That the application herein of The Denver & Rio Grande Western Railroad

Company, for permission to close its station agency at Spring City, Utah, be, and the same is hereby, granted.

ORDERED FURTHER, That the applicant, The Denver & Rio Grande Western Railroad Company, substitute a caretaker in lieu of an agent at the Spring City Station, said caretaker to perform all of the duties now performed by the agent, except the handling of money and the transmission of Western Union messages.

(Signed) G. F. McGONAGLE,
Commissioner.

We concur:

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
Commissioners.

(Seal)
Attest:
(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

In the Matter of the Application of OREGON SHORT LINE RAILROAD COMPANY, a Corporation, for permission to discontinue the operation of its station at Willard, Utah, as an agency station. } Case No. 1275

Submitted: April 28. 1932. Decided: June 2, 1932.

Appearance:

Mr. L. H. Anderson, Attorney of Salt Lake City, Utah, } for Applicant, Oregon Short Line Railroad Company.

REPORT AND ORDER OF THE COMMISSION

McKAY, Commissioner:

On the 10th day of March, 1932, the Oregon Short Line Railroad Company filed herein an application for permission to discontinue its agency station at Willard, Utah, alleging among other things that the revenues derived from the business handled there does not warrant its mainten-

ance and operation, and that public convenience and necessity does not require the same. The matter came on regularly for hearing before the Commission on the 14th day of April, 1932, after due notice given.

From the evidence adduced for and in behalf of the interested parties it appears:

1. That the petitioner, Oregon Short Line Railroad Company, is a corporation organized and existing by virtue of the laws of the State of Utah, having its principal place of business in Utah and corporate office at 10 South Main Street, Salt Lake City, Utah, and that it is a common carrier of freight and passengers and is engaged in operating a steam line of railroad in interstate and intrastate commerce within and through the State of Utah and other states.

2. That on January 31, 1923, applicant filed with the Public Utilities Commission of the State of Utah an application for permission to discontinue its station at Willard, Box Elder County, Utah, as an agency station during the months of January, February, March, April, May, June, July, August, and December of each year. That thereafter, to-wit: August 13, 1924, the said Commission made and entered its report and order, entitled Case No. 606, authorizing applicant to discontinue the operation of its agency station at Willard, Utah, during the months of January, February, March, April, May, and December of each year; that since that time applicant has been operating said station as an agency station during the months of June, July, August, September, October, and November of each year and the balance of the year as a non-agency station.

3. That the expense of operating said station as an agency station during the months of June, July, August, September, October, and November of each year is in excess of $800.00; that the revenue for these six months during the year 1931 was $422.33, and the total revenue for the entire year $1,013.33. There were four tickets sold during the year, revenue $4.50; Western Union Telegraph receipts for the six months that the station was open were $1.83; there were four less-than-carload shipments made, two shipments of strawberries and two of canned goods, revenue $28.05; there were sixteen carload shipments, twelve carloads of sugar beets, two of dried beans, and two of canned goods. There were no shipments in March, April, May, June, July, August or September during the year 1931.

4. That applicant's station at Willard, Utah, is located about one mile west of the business and residence section of said town and that The Utah Idaho Central Railroad Company, a common carrier of freight and passengers both in interstate and intrastate commerce, and having connections with applicant's line of railroad at various points, and through rates on all commodities, maintains and operates its line of railroad through the center of the business section of the said town of Willard, and maintains an agency station at said place, affording depot facilities for the handling of freight and passenger business originating at or destined to said town of Willard, and as a result of said station facilities being more convenient to the people of said town, the business of applicant at its Willard station has gradually decreased and diminished.

The Mayor of the City of Willard with a few of the citizens protested the granting of the application, not so much upon present convenience and necessity as upon the representation that about thirty years ago the railroad company or its predecessors in interest had established a railroad agency and station at Willard on the present site, which had been donated by the citizens with the expressed understanding that the railroad company would construct and maintain a station for the accommodation and convenience of the citizens of said city.

From the foregoing findings the Commission concludes and decides:

That the application of the Oregon Short Line Railroad Company, a corporation, for permission to discontinue the operation of its station at Willard, Utah, as an agency station should be granted; provided, however, that said applicant shall in some manner provide for the care of both inbound and outbound shipments so that the same shall not be subjected to damage by the elements nor by reason of theft.

IT IS NOW THEREFORE ORDERED, That the application of the Oregon Short Line Railroad Company, a corporation, for permission to discontinue the operation of its station at Willard, Utah, as an agency station be, and it is hereby, granted; provided, however, that said applicant shall in some manner provide for the care of both inbound and outbound shipments so that the same shall not be subjected to damage by the elements nor by reason of theft.

(Signed) THOS. E. McKAY,
Commissioner.

We Concur:

(Signed) E. E. CORFMAN,
G. F. McGONAGLE,
Commissioners.

(Seal)
Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

Utah Lake Distributing Company, et al., Complainants, vs. Utah Power & Light Company, Defendant.	Case No. 1276

ORDER

Application having been made for an order extending the terms of order of March 29, 1922, Case No. 441, the rates or charges for pumping purposes to and until October 31, 1932;

IT IS ORDERED, That rates or charges for pumping purposes as covered by order dated March 29, 1922, in Case No. 441, be in effect until October 31, 1932.

By the Commission.

Dated at Salt Lake City, Utah, this 26th day of April, 1932.

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)
Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the STATE ROAD COMMISSION OF UTAH, for permission to revise angle of grade crossing over Los Angeles & Salt Lake Railroad Company at Vineyard in Utah County, Utah.	Case No. 1277

Submitted: June 25, 1932. Decided: June 28, 1932.

Appearances:

L. A. Miner, Attorney of the State of Utah,	for State Road Commission of Utah.
R. B. Porter and J. T. Hammond, Jr., Attorneys of Salt Lake City, Utah,	for Los Angeles & Salt Lake Railroad Company.

REPORT AND ORDER OF THE COMMISSION

By the Commission:

On the 4th day of May, 1932, the State Road Commission of Utah filed herein its application for permission to revise and reconstruct the grade crossing over the Los Angeles & Salt Lake Railroad at Vineyard, Utah County, Utah. Said matter came on regularly for hearing before the Commission, after due notice given, at Salt Lake City, Utah, on the 10th day of June, 1932, upon said application and a protest made thereto for and in behalf of the Los Angeles & Salt Lake Railroad Company, on the grounds that the proposed reconstruction of the crossing at grade by the applicant, State Road Commission of Utah, would increase the hazards of a crossing at grade rather than diminish them.

During the course of the proceedings before the Commission, it was shown that the present crossing of the highway over the tracks and right of way of the Los Angeles & Salt Lake Railroad Company is undesirable at said point because of the prevailing conditions, and that in order to eliminate the same, it is proposed by the applicant to realine and reconstruct the highway approaching the same as well as to reconstruct said crossing; that the proposed reconstruction of the highway by the applicant would secure for the public a better alinement of the same,

but that the realinement and reconstruction as proposed in the application of the State Road Commission would not render the crossing less hazardous for vehicular travel, particularly by reason of the fact that an east and west county road would intersect the state highway at the very point of the proposed crossing.

Upon said facts being developed, representatives of the State Road Commission, the Los Angeles & Salt Lake Railroad Company, and the Public Utilities Commission visited the place where said crossing is, for the purpose of determining in what manner, if at all, said crossing might be reconstructed so as to render the same less hazardous to the travelling public. Thereupon the applicant, State Road Commission of Utah, and the protestant, Los Angeles & Salt Lake Railroad Company, through their respective representatives, reached an agreement as to the manner in which said crossing should be reconstructed in order to assure to the public the greatest safety possible under existing conditions:

> "1. That the state highway referred to in the application of the State Road Commission of Utah, on file in this proceedings, shall be constructed across the right of way and tracks of the Los Angeles & Salt Lake Railroad at the proposed point of crossing at an angle of 45 degrees instead of at an angle of 30 degrees, as proposed in the application of the applicant.
>
> "2. That the county road extending along the south section lines of Sections 8 and 9, Township 6 South, Range 2 East, Salt Lake Base and Meridian, shall be relocated in such a manner as not to cross the right of way and tracks of the Los Angeles & Salt Lake Railroad. This will be accomplished by establishing connections between that road and the aforesaid state highway at points not less than 100 feet northeasterly and 100 feet southwesterly measured along the center line of said state highway from the point where the center line of said state highway crosses the center line of the track of the Los Angeles & Salt Lake Railroad, and by placing suitable barriers along said county road in the vicinity of said railroad track which will compel all vehicles on said county road to cross said railroad tracks upon the crossing provided for the aforesaid state highway, and

which will prevent any such vehicles on said county road from crossing said railroad tracks at any other place.

"3. That the entire cost and expense of constructing the crossing of the aforesaid state highway over the right of way and tracks of the Railroad Company, including all cost and expense of making necessary changes in the roadbed and tracks of the Railroad Company, and of relocating pole lines, right of way fences, cattle guards, and any other appurtenances of the Railroad Company, shall be borne by the state."

The Public Utilities Commission believes that the aforesaid agreement with respect to the manner in which reconstruction of the said crossing should be made is the best possible one under the prevailing conditions and circumstances. The Commission further believes that the agreement between the parties primarily concerned with respect to the participation in the costs and expenses of making the necessary changes in the roadbed and tracks of the railroad company and of relocating pole lines, right of way fences, cattle guards, and other appurtenances of the railroad company is fair, just, and reasonable wherein it is provided that all costs and expenses thereof shall be borne by the State of Utah. Said agreement above quoted is on file herein and is expressly referred to and made a part of these findings.

IT IS NOW THEREFORE ORDERED, That the application of the State Road Commission of Utah to revise angle and reconstruct the grade crossing over the Los Angeles & Salt Lake Railroad at Vineyard, in Utah County, Utah, be, and the same is hereby, granted in accordance with the terms and conditions set forth, mentioned, and described in the stipulation and agreement made and entered into by said parties under date of June 25th, 1932, which said agreement and stipulation, together with the Commission's findings, is hereby referred to and made a part of this Order.

IT IS FURTHER ORDERED, That the said highway crossing over the right of way and railroad tracks of the Los Angeles & Salt Lake Railroad Company be reconstructed by the said railroad company at the expense of the State of Utah, and that thereafter the expense of maintaining the same, not including the approaches, shall be

borne by the said Los Angeles & Salt Lake Railroad Company.

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)
Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the OREGON SHORT LINE RAILROAD COMPANY, a Corporation, for permission to discontinue the operation of its station at Roy, Utah, as an agency station. } Case No. 1278

Submitted: August 30, 1932. Decided: November 10, 1932.

Appearance:

Mr. L. H. Anderson, Attorney, } for Applicant.

REPORT AND ORDER OF THE COMMISSION

By the Commission:

This matter came on regularly for hearing before the Public Utilities Commission of Utah on the 16th day of August, 1932, at Ogden, Utah, upon the application of the Oregon Short Line Railroad Company, a corporation, for permission to discontinue the operation of its station at Roy, Utah, as an agency station. There were no protests filed.

From the evidence adduced for and in behalf of the applicant and the interested parties, the Commission finds:

That the applicant, the Oregon Short Line Railroad Company, is a corporation organized and existing by virtue of the laws of the State of Utah, having its principal place of business in Utah, and corporate office at 10 South Main Street, Salt Lake City, Utah; that it is a common carrier of freight and passengers and is engaged in operating a

steam line of railroad in interstate and intrastate commerce within and through the State of Utah and other states.

That said railroad company is now and has been for a long time past operating at Roy, in Weber County, Utah, an agency station, where it has at all times employed an agent for the purpose of transacting the business of the railroad at said station. The said station of Roy is located 6.1 miles south of applicant's station at Ogden, and 3.7 miles north of applicant's agency station at Clearfield. That the revenues of said railroad company at Roy, during the year 1930, amounted to $12,096.75; for the year 1931 to $8,973.24, and for the first three months of 1932 to $975.82; that the expense of maintaining such agency station during the year 1930 was $2,194.41, for the year 1931, $2,300.65, and for the first three months of 1932 $409.70. That the less carload freight business done at Roy is very small, amounting to only $70.00 revenue received on business forwarded, and that the carload freight business is also small, amounting to only 25 carloads forwarded and 30 carloads received with a total revenue of $8,463.00 for the year 1931.

That the applicant proposes to care for all local shipments received at Roy, by placing the same in its warehouse and keeping the same under lock and key until delivered to the consignee, the key to be placed in the possession of the section foreman residing at or near the station, or with some other employe of the railroad company residing there, so that the public will not be seriously inconvenienced in receiving freight. That should there be any outbound shipments of carload lots, or less than carload lots at Roy, billing will be made through the agency station at Ogden on the north or Clearfield on the south.

From the foregoing findings the Commission concludes and decides that the application should be granted, provided that the applicant keeps a section foreman or some other employe at said station to protect and care for all local shipments to and from said station.

IT IS THEREFORE ORDERED, That the application herein of the Oregon Short Line Railroad Company, for permission to close its station at Roy, Utah, as an agency station, be, and the same is hereby granted, provided that a section foreman or some other employe be maintained at or near said station for the purpose of protecting and caring for all local shipments to and out of said station.

(Signed) E. E. CORFMAN,

THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)
Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

In the Matter of the Application of the LOS ANGELES & SALT LAKE RAILROAD COMPANY, a Corporation, for permission to discontinue the operation of its station at Oasis, Utah, as an agency station. } Case No. 1279

Submitted: July 18, 1932. Decided: November 29, 1932.

Appearance:

L. H. Anderson, Attorney, } for Los Angeles & Salt Lake Railroad Company.

REPORT OF THE COMMISSION

Corfman Commissioner:

On the 27th day of May, 1932, the Los Angeles & Salt Lake Railroad Company filed with the Public Utilities Commission of Utah an application for an order authorizing it to discontinue the operation of its railroad station at Oasis, Utah, as an agency station. Said application came on regularly to be heard before the Commission, after due notice given, at Delta, Utah, on the 22nd day of June, 1932, the granting of same being protested by many residents of Oasis and adjacent territory being served by the applicant.

The Commission having heard the witnesses for the applicant and those for the protestants, respectively, now finds and reports as follows:

1. That the applicant, Los Angeles & Salt Lake Railroad Company, is a "railroad corporation" organized and existing under and by virtue of the laws of the State of Utah, having its principal office or place of business at No. 10 South Main Street, Salt Lake City, Utah; that it is now and for many years last past has been operating a

steam line of railroad as a common carrier of freight and passengers between Salt Lake City, Utah, and Los Angeles, California; that it is a part and included in what is known as the "Union Pacific System", comprising the lines of the Union Pacific Railroad Company, Oregon Short Line Railroad Company, Oregon-Washington Railroad & Navigation Company, and the St. Joseph & Grand Island Railroad Company, and the applicant's railroad.

2. That the applicant is now and for many years last past has maintained and operated an agency station at Oasis, Millard County, Utah, situated on its main line between Salt Lake City and Los Angeles; that the territory surrounding said station is devoted largely to agricultural pursuits; that shipments out of Oasis have heretofore consisted largely of farm products, more especially hay, grain, and alfalfa seed in carload lots; that inbound shipments have consisted largely of farm machinery and supplies, coal, and general merchandise; that the towns or communities of Deseret and Hinckley, all within a radius of eight or nine miles, have also been to a considerable extent dependent and have relied upon Oasis for railroad agency service.

3. That during recent years the shipments both in and out of Oasis, owing largely to prevailing drouth conditions, have greatly fallen off, and that during the years 1930, 1931, and the months of January and February, 1932, the period covered by this investigation, the less-than-carload shipments forwarded amounted to only 7 tons, producing a revenue of approximately $204.00; that during the same period the less-than-carload lots received amounted to 42 tons, producing a revenue of $821.00; that for the same period of time the carload shipments forwarded amounted to 89 cars, producing a revenue of $12,147.00; that for the same period the number of carload lots received amounted to 22 cars, producing a revenue of $2,208.00, the total revenue derived during said period on shipments being $12,380.00.

4. That for the years 1930, 1931, and the first two months of 1932 the total passenger revenue derived at Oasis from all sources, including Western Union Telegraph Company revenue, amounted to $1,953.74, and that in addition thereto there was derived from miscellaneous sources revenue during said period amounting to $103.47, the total revenue derived from all these special sources during said period amounting to $2,057.21.

5. That the expense of maintaining and operating

Oasis as an agency station from 9:30 A. M. to 6:30 P. M. each day for the period covering 1930, 1931, and the first 2 months of 1932, including agent's salary, but not including any part of the general or overhead expense of maintaining the applicant's railroad system as a whole, amounted to $6,132.71.

6. That Oasis is about five miles distant from the town of Delta where an agency station is now maintained, and an agency service provided twenty-four hours each day; that Oasis precinct has a population of 362 persons; that the town of Deseret is situated about 1½ miles from Oasis, or approximately 6½ miles from Delta; that Oasis, Deseret, and Hinckley, with a combined population of about 1,000 people, are connected with Delta by telephone and by well maintained highways.

7. That the applicant desires to discontinue Oasis as an agency station, but keep its freight and passenger depot open and in charge of a caretaker who will see that the present passenger depot is properly cleaned, lighted, and heated for the accommodation of its passengers and patrons, and that the freight depot be maintained under lock and key for the care, safety, and protection of shipments of property.

8. That prior to the period covered by this investigation, Oasis was an important railroad shipping point, consequently the services of an agent were much needed. In recent years, owing to drouth conditions that have prevailed in the territory tributary to it, the very low prices of farm products, and some tendency to ship by trucks, railroad shipments have so seriously declined that the expense of keeping an agent there has become unduly burdensome to the applicant.

Under all the facts and circumstances attending this case, if a competent and responsible caretaker is employed, we think patrons of applicant's railroad will suffer no serious inconvenience, nor will they sustain any material damage if Oasis station be for the present discontinued as an agency station, and therefore the application herein should be granted conditionally, that is to say, that the applicant at all times when necessary keep its passenger station open and in charge of a dependable caretaker who shall see to it that it is kept clean, properly heated, and lighted for the comfort and convenience of applicant's patrons; that the caretaker or some responsible party close

at hand be charged with the duty of receiving and keeping less-than-carload shipments of property both inbound and outbound cared for by placing them in the warehouse under lock and key in order to prevent theft, and protect the same against damage by the elements as occasion may require and until billed out or called for by consignees.

An appropriate order will follow:

(Signed) E. E. CORFMAN,
Commissioner.

We concur:

(Signed) THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)
Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 29th day of November, 1932.

In the Matter of the Application of the LOS ANGELES & SALT LAKE RAILROAD COMPANY, a Corporation, for permission to discontinue the operation of its station at Oasis, Utah, as an agency station.	Case No. 1279

This case being at issue upon application on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application of the Los Angeles & Salt Lake Railroad Company herein for permission to discontinue the operation of its station at Oasis, Utah, as an agency station be, and the same is hereby, granted, upon the condition that the applicant at all times when necessary keep its passenger station open and in

charge of a dependable caretaker who shall see to it that it is kept clean, properly heated, and lighted for the comfort and convenience of applicant's patrons, and that the caretaker or some responsible party close at hand be charged with the duty of receiving and keeping less-than-carload shipment of property, both inbound and outbound, cared for by placing them in the warehouse under lock and key in order to prevent theft, and protect the same against damage by the elements, as occasion may require, until billed out or called for by consignees.

By the Commission.

(Seal) (Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the LOS ANGELES & SALT LAKE RAILROAD COMPANY, a Corporation, for permission to discontinue the operation of its station at Beryl, Utah, as an agency station.	Case No. 1280

Submitted: July 18, 1932. Decided: December 7, 1932.

Appearances:

Mr. L. H. Anderson, Attorney,	for Los Angeles & Salt Lake Railroad Company.
Mr. Fred Fisher.	for Citizens of Beryl.

REPORT AND ORDER OF THE COMMISSION

Corfman Commissioner:

On the 27th day of May, 1932, the Los Angeles & Salt Lake Railroad Company filed an application with the Public Utilities Commission of Utah for an order permitting it to discontinue the operation of its station at Beryl, Utah, as an agency station. Said application came on regularly for hearing before the Commission, after due notice given, at Milford, Utah, on the 21st day of June, 1932. Numerous protests were made on behalf of the residents at Beryl and adjacent territory to the granting of the order applied for.

From the evidence adduced for and in behalf of the applicant and the protestants, respectively, the Commission now finds and reports as follows:

1. That the applicant, Los Angeles & Salt Lake Railroad Company, is a "railroad corporation" organized and existing under the laws of the State of Utah with its principal office or place of business at Salt Lake City, Utah, and that it is now and for many years last past has been engaged as a common carrier of freight and passengers on a steam line of railroad in interstate and intrastate commerce between Salt Lake City, Utah, and Los Angeles, California; that it is a part of the "Union Pacific System", comprising the applicant, the Union Pacific Railroad Company, Oregon Short Line Railroad Company, Oregon-Washington Railroad & Navigation Company, and the St. Joseph & Grand Island Railroad Company, aggregating more than 9,800 miles of railroad.

2. That the applicant is now and for many years last past has maintained an agency station at Beryl, Iron County, Utah, on its main line of railroad between Salt Lake City, Utah, and Los Angeles, California; that it now seeks to discontinue agency service at Beryl and to substitute therefor a caretaker for the accommodation of its patrons; that there is no town at Beryl, and that the station was established and has since been maintained by the applicant for the purpose of development and the serving of a large agricultural district adjacent thereto; that the adjacent territory insofar as the same has been developed is dependent upon the pumping of water for the irrigation of the cultivated lands, and the residents thereof, numbering approximately 150 people, have been devoting their lands largely to the growing of products of a perishable nature that require prompt delivery and shipment to the markets, especially green vegetables which have been raised in considerable quantities, and have to be shipped promptly and with great care in order to reach the markets in good condition.

3. That the territory affected is very fertile and to a large extent undeveloped, but nevertheless represents at the present time a large capital investment on the part of land owners and the present patrons of the applicant's railroad; that the applicant has been instrumental in the development and has encouraged the investments heretofore made by the land owners by assuring them that they should

have adequate facilities for shipping, and that it would maintain an agency station at that point to care for their needs.

4. That in the year 1930 the revenue derived by the applicant from the transportation of freight and passengers into and out of Beryl amounted to $5,456.01, and for the year 1931 $5,929.71, and for the first two months of 1932 $209.01; that the freight charges covering aforesaid period alone for the year 1930 amounted to $5,515.00, for the year 1931 $5,692.00, and for the first two months of 1932 $155.00; that covering the same period of time the passenger revenue and Western Union revenue accruing to the applicant by reason of maintaining an agency station at Beryl amounted to $795.84.

5. That the cost of maintaining and operating an agency at Beryl for the year 1930 was $2,200.34, for the year 1931 $2,146.14, and for the first two months of the year 1932 $321.46.

6. That the territory tributary to Beryl station is one of the most fertile valleys of the State of Utah, and embraces an area of approximately 50,000 acres of land adapted to agricultural pursuits, and is underlaid with an ample supply of water that may be used for irrigation purposes by pumping it from a depth of from 8 to 18 feet below the surface; that the territory tributary to Beryl is not served by telephone, nor are the highways used by the residents well maintained; that the nearest agency station east of Beryl is 14.7 miles distant, and the first station west is 16.9 miles distant, neither of which are connected by well maintained highways.

It is proposed by the applicant to maintain its freight depot at Beryl under lock and key placed in the hands of a section foreman or some responsible party living at Beryl, and to care for shipments of freight, both inbound and outbound, so that the same will not be subjected to theft or damage by the elements, insofar as it may be possible under such an arrangement to do so.

From the foregoing facts the Commission concludes that public convenience and necessity reasonably require the continuance of an agency service at Beryl station. While it is true that the revenues accruing to said station at Beryl are not large, nevertheless the character of the shipments are such that they require careful attention on the part of an agent in order that the same may be shipped

promptly and placed on the market without injury and damage.

IT IS NOW THEREFORE ORDERED, That the application of the Los Angeles & Salt Lake Railroad Company to discontinue its agency service at Beryl, Utah, be, and the same is hereby, denied.

(Signed) E. E. CORFMAN,
Commissioner.

We concur:

(Signed) THOS. E. McKAY,
G. F. McGONAGLE,

(Seal)
Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UTAH RAPID TRANSIT COMPANY for permission to discontinue the operation of its line of railroad, and to substitute therefor a bus and light freight service between Ogden and Huntsville, in Weber County, Utah.	Case No. 1281

Submitted: July 22, 1932. Decided: September 3, 1932.

Appearances:

J. A. Howell, Attorney,	for Petitioner, Utah Rapid Transit Company.
W. J. Rackham, Commissioner,	for Ogden City.
L. A. Wade,	for Weber County.
F. W. Wood, Mayor of Huntsville,	for Town of Huntsville.
D. D. McKay,	for Ogden Valley Wool Growers and Huntsville Farm Bureau.
Lester I. Perry,	for Ogden Pressed Brick & Tile Co.

REPORT OF THE COMMISSION

McGonagle, Commissioner:

On the 31st day of May, 1932, the Utah Rapid Transit Company filed with the Public Utilities Commission of Utah its petition for an order permitting it to discontinue the operation of its line of railroad from Ogden City, in Weber County, to the town of Huntsville in said county, State of Utah, and to substitute therefor a passenger bus and light freight service between said points. Said matter came on regularly for hearing before the Commission, after due notice given, at Ogden, Utah, June 27th, 1932, upon said petition and certain protests made to the granting of the same on behalf of the town of Huntsville and shipping interests representing the Ogden Valley Wool Growers, Huntsville Farm Bureau, and the Ogden Pressed Brick and Tile Company. From the evidence adduced for and in behalf of the interested parties, the petitioner and respective protestants, and from the records and files in the case, it appears:

That the petitioner, Utah Rapid Transit Company, is a "railroad corporation", organized and existing under and by virtue of the laws of the State of Delaware, duly qualified and authorized to do business in the State of Utah; that it maintains in the State of Utah its principal business and corporate office at 421 David Eccles Building, Ogden, Weber County, Utah; that it is now, and for many years last past has been, engaged in the business of operating a street car system in Ogden City and an interurban electric line of railroad carrying persons and property between the City of Ogden and the town of Huntsville, in Weber County, Utah, including intermediate points on said electric line; that for the last four years next preceding the filing of its petition herein the cost for operating its said line of railroad has been greatly in excess of the gross revenue received, notwithstanding the fact that the maintenance of said line has been deferred to the extent that continued operation becomes hazardous, and the cost of rehabilitation so great that the petitioner is unable at the present time to provide the financial means necessary to place it in satisfactory operating condition; that during the summer months of 1932 the Ogden River, along which said line is located, overflowed its banks and damaged said railroad line to the extent that continued operation was impossible, and that to repair the damage will require at this time a large expenditure of money in order to insure any degree of safety.

That the town of Huntsville has a population of about 520 people; that said town is a terminal of said line of railroad, and is dependent upon the petitioner's line of railroad for the transportation of farm products, including livestock outbound and coal and merchandise inbound; that said town of Huntsville and intermediate points along said line of railroad are in need of daily transportation for persons, particularly for the reason that a large number of students attend the schools afforded young people at Ogden, Utah; that the petitioner in its application herein has appreciated that passenger and freight service is needed by the residents of the territory served by its railroad line, and in connection herewith has offered to provide automobile bus and a limited freight and express service in lieu of the train service now sought to be abandoned by it, and in connection with its said petition has applied for a certificate of public convenience and necessity authorizing and permitting it to render the same.

The petitioner has also signified its willingness to permit its line of railroad, the operation of which is sought to be discontinued, to remain as heretofore, and to enter into contractual relations with the shippers of livestock and heavy commodities for the furnishing of sufficient railroad equipment to move the same whenever the interests of shippers may reasonably require.

It is shown herein that there has been a material decline in recent years in gross operating revenues of the Utah Rapid Transit Company as a whole, and a falling off from a total of $223,900 in the year 1928 to $173,800 in the year 1931, and a net income loss of its system in 1931 amounting to $72,061.05.

That the line under consideration, after deferred maintenance, as a result of its operation has shown a decline in the gross revenue earned from its operation in the year 1928 to and including the year 1931 of approximately $10,000 per annum, notwithstanding strict economies being practiced and maintenance deferred; that during the last four years the gross receipts of this line have so materially fallen off that the petitioner has actually received $2,874 less than paid out to its train crews, and for power in operating its cars, and that its further maintenance and operation will be a great burden on its railroad system.

That Ogden Canyon, through which this line is constructed, has a well maintained public highway over which

automobile service, both passenger and express, can be satisfactorily rendered to the residents of the territory served by the petitioner's line of railroad.

In view of the findings hereinbefore made and the records and files in this case, all of which are hereby referred to and made a part of these findings, the Commission concludes that the petition herein made by the Utah Rapid Transit Company to discontinue its electric line of railroad between Ogden City and Huntsville, and to substitute the automobile passenger, freight, and express service in lieu thereof, as proposed by it, should be granted; that the petitioner should be permitted to abandon and discontinue the operation of its said line of electric railroad upon the substitution of automobile passenger, freight, and express service, as proposed, without removing its tracks so that the shippers of livestock and other heavy commodities may enter into contractual relations with the petitioner for the furnishing of power and equipment for the movement of livestock and other heavy commodities as the same in the interest of the public from time to time require.

An appropriate order will follow.

(Signed) G. F. McGONAGLE,
Commissioner.

We concur:

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
Commissioners.

(Seal)
Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity No. 398

At a Session of the Public Utilities Commission of Utah, held at its office in Salt Lake City, Utah, on the 3rd day of September, 1932.

In the Matter of the Application of the UTAH RAPID TRANSIT COMPANY for permission to discontinue the operation of its line of railroad, and to substitute therefor a bus and light freight service between Ogden and Huntsville, in Weber County, Utah.	Case No. 1281

This case being at issue upon application and protest on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the petition of the Utah Rapid Transit Company to discontinue its electric line of railroad between Ogden City and Huntsville, and to substitute automobile passenger, freight, and express service in lieu thereof be, and the same is hereby, granted.

ORDERED FURTHER, That petitioner abandon and discontinue the operation of its said line of electric railroad, upon the substitution of automobile passenger, freight, and express service, without removing its tracks; so that the shippers of livestock and other heavy commodities may enter into contractual relations with said petitioner for the furnishing of power and equipment for the movement of livestock and other heavy commodities as the same in the interest of the public from time to time require.

ORDERED FURTHER, That the petitioner, Utah Rapid Transit Company, before beginning operation of said bus line, shall file with the Commission and post at each station on its route a schedule as provided by law and the Commission's Tariff Circular No. 4, naming rates and fares and showing arriving and leaving time from each station on its line; and shall at all times operate in accordance with the statutes of Utah and the rules and regulations prescribed by the Commission governing the operation of automobile stage lines.

By the Commission.

(Seal) (Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

In the Matter of the Application of the STATE ROAD COMMISSION OF UTAH, for permission to construct an overhead crossing over the main line tracks of The Denver & Rio Grande Western Railroad Company near Moark, in Utah County, Utah.	Case No. 1282

SPECIAL ORDER

By the Commission:

Under date of June 4, 1932, the State Road Commission of Utah filed with the Public Utilities Commission of Utah its application for permission to construct and maintain an overhead crossing over the main line tracks of The Denver & Rio Grande Western Railroad Company near Moark in Utah County, State of Utah. Under date of August 12, 1932, said application was amended by the applicant.

On October 19, 1932, a stipulation was filed herein on the part of the State Road Commission of Utah and The Denver & Rio Grande Western Railroad Company to the effect that an order permitting the construction of such overhead crossing as applied for might be granted, and that the State Road Commission may proceed with the construction of the same at once in accordance with the plans and specifications submitted to the Chief Engineer of The Denver & Rio Grande Western Railroad Company, subject to the future determination by the Public Utilities Commission as to what will be a fair and just participation in the cost thereof as between said parties, which said stipulation is hereby expressly referred to and made a part hereof.

The Commission finds that the present crossing of the state highway over the tracks of The Denver & Rio Grande Western Railroad near Moark, Utah, is an extremely hazardous one by reason of its being much used for vehicular travel, and therefore, in the interest of public convenience and safety it should be eliminated. The Commission further finds that the work of constructing the proposed overhead crossing at Moark, Utah, should in the interest of public safety proceed without any delay, and by so doing it will afford some immediate relief to the unemployed. The Commission further finds that the plans and specifications for the construction of said overhead crossing as prepared and submitted by the State Road Commission to the Chief Engineer of The Denver & Rio Grande Western Railroad Company are proper plans and specifications and should be approved.

Now, therefore, by reason of the premises and findings aforesaid:

IT IS HEREBY ORDERED, That the application of the State Road Commission of Utah herein, for permission to construct an overhead crossing according to the plans

and specifications submitted by the State Road Commission to the Chief Engineer of The Denver & Rio Grande Western Railroad Company, for the purpose of eliminating the present crossing of the state highway over the tracks of The Denver & Rio Grande Western Railroad Company near Moark, Utah, be, and the same is hereby granted, subject, however, to the determination by the Public Utilities Commission of Utah as to what shall be a fair, just and reasonable participation in the cost thereof, as between the applicant, State Road Commission of Utah, and The Denver & Rio Grande Western Railroad Company, at a hearing to be had before the Public Utilities Commission, at a time and place to be hereafter fixed by the Commission.

Dated at Salt Lake City, Utah, this 24th day of October, 1932.

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,

(Seal) Commissioners.
Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

In the Matter of the Application of the BAMBERGER ELECTRIC RAILROAD COMPANY, for an order authorizing a Grade Crossing at Glover's Lane near Farmington, Utah.	Case No. 1283

Submitted: August 22, 1932. Decided: August 24, 1932.

Appearances:

Ezra C. Knowlton,	for State Road Commission of Utah.
N. S. Wiltsie, General Superintendent,	for Bamberger Electric Railroad Company.

REPORT AND ORDER OF THE COMMISSION

By the Commission:

On the 19th day of June, 1932, the Bamberger Electric

Railroad Company filed with the Public Utilities Commission of Utah an application for an order authorizing a crossing of the public highway at grade over its double track railroad between Salt Lake City and Ogden, Utah, at Glover's Lane, near Farmington, Utah. Said application came on regularly, after due notice given, to be heard before the Commission at its office in the State Capitol, Salt Lake City, Utah, on the 22nd day of August, 1932.

From the evidence adduced for and in behalf of the applicant at said hearing, and from the admitted facts and the records and the files in this case it is shown:

That the Bamberger Electric Railroad Company is a "railroad corporation" organized and existing under the laws of the State of Utah, and that it now and for many years last past has owned and operated a double track electric line of railroad between Salt Lake City and Ogden, Utah.

That the State Road Commission of Utah is a commission created by Utah statute having general jurisdiction over the public highways of the State. That it is now engaged in constructing a secondary highway between Farmington and Bountiful for the purpose of relieving traffic congestion on the present main highway between Salt Lake City and Ogden, Utah, which at times becomes blocked and impassable by reason of the action of floods which from time to time cause serious delay to traffic.

That the County of Davis is a municipal corporation, and a subdivision of the State of Utah.

That in order to construct the secondary highway as proposed by the State Road Commission of Utah, it becomes necessary to move the railroad line of the applicant for a distance of approximately one-half mile where the same is in close proximity with a steam line railroad owned and operated by the Oregon Short Line Railroad Company, at a point where in times past a connection has been made between the tracks of the applicant and the main line of the Oregon Short Line Railroad Company at or near Glover's Lane.

That the proposed construction of a secondary highway for the purposes hereinbefore stated will necessitate the removal and reconstruction of the present tracks of the Bamberger Electric Railroad Company at or near Glover's Lane for a distance of approximately one-half mile, the

abandonment of the present crossing at grade at Glover's Lane, and the construction in lieu thereof of a new crossing at grade to conform with the requirements of the secondary highway as proposed by the State Road Commission, and will also necessitate the removal of the applicant's present tracks for a distance of approximately one-half mile, and the construction of a new double track railroad, as will more fully appear from the blue print accompanying the application of the Bamberger Electric Railroad Company herein, which blue print is made a part of the record and the Commission's findings herein and hereby referred to as "Applicant's Exhibit A".

That the engineers for the State Road Commission of Utah, and those of the Bamberger Electric Railroad Company, respectively, have heretofore made a thorough study not only of the feasibility, but also the cost of constructing said secondary highway, including the removal and reconstruction of the double track railroad of the applicant, Bamberger Electric Railroad Company, and the construction of a new crossing thereof at grade in the manner proposed by the applicant, and thereupon the applicant, the Bamberger Electric Railroad Company, the State Road Commission, and the County of Davis entered into an agreement with respect to the same, the terms of which said agreement, particularly with respect to the said new crossing to be at grade, are found by this Commission to be just and reasonable, which said agreement, including the exhibits thereto attached, is hereby referred to and marked as "Applicant's Exhibit B", and the same is hereby made a part of these findings.

That ultimately 74% of the cost of the construction of said new highway, including the crossing at grade of the reconstructed tracks of the applicant, Bamberger Electric Railroad Company, will be borne by the United States Government, and 26% thereof by the State Road Commission of Utah, acting for and in behalf of the State of Utah.

That the Commission believes and therefore finds that the cost of construction of the crossing at grade of the proposed secondary highway over the tracks of the Bamberger Electric Railroad Company in the manner proposed in said agreement herein referred to and marked "Applicant's Exhibit B" will be, under the terms stated in the agreement entered into between the State Road Commission, the County of Davis, and the Bamberger Electric Railroad Company, a just and fair participation on the part of the interested parties, and therefore concludes that said application should

be granted. Now, therefore,

IT IS HEREBY ORDERED, That the application of the Bamberger Electric Railroad Company to establish and maintain a crossing of the public highway over its tracks at Glover's Lane, in the manner applied for, be, and the same is hereby, granted.

ORDERED FURTHER, That the participation in the cost thereof be as provided for in the agreement made and entered into by and between the Bamberger Electric Railroad Company and the State Road Commission and the County of Davis, Utah, on the 25th day of May, 1932, herein referred to and marked as "Applicant's Exhibit B".

ORDERED FURTHER, That upon the relocation of the tracks of the applicant, Bamberger Electric Railroad Company, in the manner provided for in said agreement marked "Exhibit B", that the applicant shall be privileged to connect the same with the tracks of the Oregon Short Line Railroad Company at any time public convenience and proper operating conditions may require.

ORDERED FURTHER, That the applicant, Bamberger Electric Railroad Company, bear and pay the expense of maintaining the crossing at grade herein provided for.

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,

(Seal) Commissioners.

Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

In the Matter of the Application of the UTAH LIGHT & TRACTION COMPANY, to abandon automobile bus service between Highland Drive and Holladay, and to institute an automobile bus service between Holladay and Salt Lake City, Utah.	Case No. 1284

Submitted: July 8, 1932. Decided: July 9, 1932.

Appearances:

A. C. Inman, Attorney,	for Utah Light & Traction Company.
W. S. Edmunds	for Holladay Civic Betterment League.
L. L. Bagley,	for East Mill Creek District.

REPORT OF THE COMMISSION

By the Commission:

Under date of July 6th, 1932, application was filed by the Utah Light & Traction Company for permission to abandon automobile bus service between Highland Drive and Holladay, and to institute an automobile bus service between Holladay and Salt Lake City, Utah. This matter came on for hearing at Salt Lake City on July 8th, 1932, after due and legal notice had been given to all interested parties. From the record introduced for and in behalf of interested parties, the Commission finds:

That applicant, Utah Light & Traction Company, is a corporation of Utah with its principal place of business at Salt Lake City; that it owns and operates a street railway system, including bus lines, in Salt Lake City and Salt Lake County; that as a part of such system it owns a bus line which is known as the "Holladay Bus Line" which it operates from the intersection of 33rd South Street and Highland Drive in Salt Lake City, Utah, southerly and easterly to Casto Lane in Holladay.

That it has afforded up to the present time twenty-two round trips each week day and seventeen round trips on each Sunday and holiday; that said bus service is now, and has for some time been operated at intervals of approximately forty minutes during the morning and evening rush hours, and one hour during the remainder of the day.

That said bus service has been operated in connection with Highland Drive street car service, which terminates at 33rd South. Passengers desiring to go to Holladay would transfer from the street car to the bus, and likewise, passengers desiring to come from Holladay to town would trans-

fer at 33rd South and Highland Drive from the bus to the street car.

That applicant desires to discontinue said bus service, and to institute a bus service between Holladay and the down town district in Salt Lake City, providing three round trips each morning, except Sundays and holidays, and three round trips each evening, except Sundays and holidays, schedules to be later arranged to best accommodate the travelling public.

That the existing bus service has for several years operated at considerable loss to applicant; that the cost of operation of said buses has approximated $30.80 per day, whereas the revenues therefrom only aggregate $13.60 per day, making a net loss of approximately $17.20 per day.

From the record the Commission concludes:

That in view of the fact that the majority of the people in the Holladay district and the Mill Creek District use their own private automobiles in going to and from Salt Lake City business district, and in view of the poor patronage to the existing service which has resulted in the loss of thousands of dollars in the past five years, that the application should be granted; that the Holladay Civic Betterment League has made arrangements, through conferences with the officials of the Utah Light & Traction Company, for the institution of through bus service, furnishing three round trips each evening, except Sundays and holidays, and three round trips each morning, except Sundays and holidays; that the exact route should be, in order to serve the best interest of the communities:

> "From Casto Lane at Holladay along the route of said present bus service in a northwesterly direction to the intersection of 23rd East and 48th South Streets; thence westerly to Highland Drive; thence along Highland Drive northerly to 33rd South Street; thence along 33rd South Street west to Main Street; thence north on Main Street to the down town district of Salt Lake City; thence returning along said route to the point of beginning."

That the present fares shall continue over the proposed line; that the service will be in the nature of "express service", and that no local passengers will be taken on said bus between 5th South and Main Streets in Salt Lake City and 33rd South Street.

An appropriate order will follow:

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)
Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

At a Session of the Public Utilities Commission of Utah held at its office in Salt Lake City, Utah, on the 9th day of July, 1932.

In the Matter of the Application of the UTAH LIGHT & TRACTION COMPANY, to abandon automobile bus service between Highland Drive and Holladay, and to institute an automobile bus service between Holladay and Salt Lake City, Utah.	Case No. 1284

This case being at issue upon application on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application of the Utah Light & Traction Company for permission to abandon automobile bus service between Highland Drive and Holladay, and to institute an automobile bus service between Holladay and Salt Lake City, Utah, be, and the same is hereby, granted.

ORDERED FURTHER, That a through bus service be instituted between Holladay and Salt Lake City, furnishing three round trips each morning, except Sundays and Hollidays, and three round trips each evening, except Sundays and holidays, and that the exact route shall be, to wit:

> "From Casto Lane at Holladay along the route of said present bus service in a northwesterly direction to the intersection of 23rd East and 48th South Streets; thence westerly to Highland Drive; thence

along Highland Drive northerly to 33rd South Street; thence along 33rd South Street west to Main Street; thence north on Main Street to the down town district of Salt Lake City; thence returning along said route to the point of beginning."

ORDERED FURTHER, That the present fare shall continue over said line, and that the service be in the nature of "express service", and that no local passengers be taken on said bus between 5th South and Main Streets in Salt Lake City and 33rd South Street.

By order of the Commission.

(Seal) (Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the SOUTHERN PACIFIC COMPANY, for permission to abandon its non-agency station at Surbon, Box Elder County, Utah.	Case No. 1285

Submitted: August 16, 1932. Decided: August 20, 1932.

Appearance:

H. W. Wistner, Assistant Superintendent, for Southern Pacific Company.

REPORT AND ORDER OF THE COMMISSION

Corfman, Commissioner:

On the 18th day of July, 1932, the Southern Pacific Company filed an application before the Public Utilities Commission of Utah for an order authorizing and permitting it to abandon its non-agency station at Surbon, Utah. Said matter came on regularly for hearing, after due notice given, at Ogden, Utah, on the 16th day of August, 1932, there being no protests made or filed by any interested parties to the granting of said application. From the evidence adduced for and in behalf of the said applicant it appears:

That the applicant, Southern Pacific Company, is a "railroad corporation" duly authorized to, and now doing

business in the State of Utah as such; that it owns and operates a main line of steam railroad between Ogden, Utah, and San Francisco, California, on which line it has maintained Surbon, Utah, as a non-agency station for many years, and that at the present time there are no shipments whatever to or from said point; that the abandonment of the same would not inconvenience any shipper, and that there is no need whatsoever for its maintenance.

Therefore, by reason of the findings aforesaid,

IT IS HEREBY ORDERED, That the application of the Southern Pacific Company herein be, and the same is hereby, granted; that the said applicant be permitted to abandon Surbon, Utah, as a non agency station, this order to become effective forthwith.

(Signed) E. E. CORFMAN,
Commissioner.

We concur:

(Signed) THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)
Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

In the Matter of the Application of the SOUTHERN PACIFIC COMPANY, for permission to abandon its non-agency station at Terrace, Box Elder County, Utah.	Case No. 1286

Submitted: August 16, 1932. Decided: August 20, 1932.

Appearance:

H. W. Wistner, Assistant Superintendent, for Southern Pacific Company.

REPORT AND ORDER OF THE COMMISSION

Corfman, Commissioner:

On the 18th day of July, 1932, the Southern Pacific

Company filed an application before the Public Utilities Commission of Utah for an order authorizing and permitting it to abandon its non-agency railroad station at Terrace, Utah. Said matter came on regularly for hearing, after due notice given, at Ogden, Utah, on the 16th day of August, 1932, there being no protests made or filed by any interested parties to the granting of said application. From the evidence adduced for and in behalf of the said applicant it appears:

That the applicant, Southern Pacific Company, is a "railroad corporation" duly authorized to, and now doing business in the State of Utah as such; that it owns and operates a main line of steam railroad between Ogden, Utah, and San Francisco, California, on which line it has maintained Terrace, Utah, as a non-agency station for many years, and that at the present time there are no shipments whatever to or from said point; that the abandonment of the same would not inconvenience any shipper, and that there is no need whatever for its maintenance.

Therefore, by reason of the findings aforesaid,

IT IS HEREBY ORDERED, That the application of the Southern Pacific Company herein be, and the same is hereby granted; that the said applicant be permitted to abandon Terrace, Utah, as a non-agency station, this order to become effective forthwith.

(Signed) E. E. CORFMAN,
Commissioner.

We concur:

(Signed) THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)
Attest:

(Signed) F. L. OSTLER, Secretary.

In the Matter of the Application of the UTAH LIGHT & TRACTION COMPANY, for permission to discontinue service on and remove its tracks from West Second South Street between 8th West and Orange Streets, in Salt Lake City, Utah. } Case No. 1287

PENDING.

In the Matter of the Application of GEORGE A. HOLLADAY, for a permit to transport students between points in Box Elder County and the Utah State Agricultural College.	Case No. 1288

PENDING.

In the Matter of the Application of R. C. MURDOCK and W. B. PAXTON, for a certificate of convenience and necessity to operate a motor truck freight line between Salt Lake City and Beaver, Utah.	Case No. 1289

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Petition of the UTAH LIGHT AND TRACTION COMPANY, for permission to discontinue and abandon bus service via Val Verda.	Case No. 1290

Submitted: October 6, 1932. Decided: October 15, 1932.

Appearances:

A. C. Inman, Attorney of Salt Lake City, Utah,	for Utah Light & Traction Co.
Edward O. Muir of Bountiful, Utah	for Citizens of South Davis County.

REPORT AND ORDER OF THE COMMISSION

By the Commission:

On the 1st day of August, 1932, the Utah Light & Traction Company filed with the Public Utilities Commission its application for an order authorizing and permitting it to cease and discontinue rendering automobile bus service via Val Verda between Salt Lake City and Bountiful, Utah, and in lieu thereof to render all of said bus service between Salt Lake City and Bountiful over the state highway be-

tween said points. Said matter came on regularly for hearing, after due notice given, before the Public Utilities Commission at its office in the State Capitol, Salt Lake City, Utah, on the 12th day of September, 1932, upon said application and certain protests made thereto by citizens residing in South Davis County, Utah. From the evidence adduced for and in behalf of the applicant and the said protestants it appears:

That the applicant, Utah Light & Traction Company, is a Utah corporation, owning and operating a street railway and bus system in Salt Lake City, with branch automobile bus lines connecting therewith in Salt Lake and Davis Counties, Utah, including a bus line extending from Fifteenth North and Beck Streets in Salt Lake City to the town of Bountiful in Davis County, the route therefor being by way of Val Verda, a small town or community in the southern part of Davis County, said route serving Val Verda by diverting from the state highway between Salt Lake City and Bountiful about 3½ miles north of Salt Lake City over a dirt highway maintained by Davis County.

That the main highway between Bountiful and Salt Lake City is a paved state highway, known as U. S. Highway No. 91; that Bountiful has a population of about 2,570 people, and was formerly served by the applicant's maintaining and operating an electric railroad which, by reason of its failure to be patronized, was discontinued by order of the Public Utilities Commission on April 5, 1929, upon the condition that the present bus service be substituted therefor:

That since the order of the Commission aforesaid, the applicant has provided said bus service in lieu of train service, via Val Verda, and by reason of lack of patronage, at a heavy loss; that during the year 1932, as a result of said bus operations, it earned $4,371.31, from January to August 1st, and the cost of rendering the said bus service was $9,625.59, the said operations for said year resulting in a net loss of $5,654.28; that since said bus line was inaugurated by the applicant, it has sustained a net loss of $42,-623.33; that said losses are in part attributed by the applicant to the routing of its buses over the county highway via Val Verda rather than over State Highway U. S. 91; that for a period September 1st to September 9th, 1932, both dates inclusive, as a result of said bus operations via Val Verda, the total number of passengers originating at Val Verda and along said county highway carried on south

bound and north bound trips aggregated but 115, the total trips via Val Verda being 39, and the average number of passengers per bus mile being 0.71:

That Val Verda is situated about 1½ mile from the main highway, U. S. 91, and by reason of the diversion of applicant's automobile route from Highway No. 91 for the purpose of accommodating passengers originating at Val Verda and other points along said dirt highway, many people residing in the town of Bountiful refuse to patronize the bus line, claiming that the ride over the dirt highway is rendered uncomfortable on account of climatic and road conditions; that the citizens of Bountiful and in the immediate vicinity quite generally desire service to be over United States Highway 91:

That the applicant in the maintenance and operation of its street railway system in Salt Lake City and the bus lines connecting therewith is not earning a fair return on its capital investment, nor paying any dividends to its stockholders; that the maintenance of the applicant's bus line via Val Verda is now and since the said bus service was established has been an undue financial burden on the applicant's transportation system, more especially since the year 1930 to the present time, during which period many of the people residing at Val Verda and along the county highway, over which the present bus service is being rendered have been and are now out of employment, and by reason of that, not riding the applicant's bus:

That said county highway for the most part parallels U. S. Highway 91 at a distance of about ¾ of a mile, and by reason of insufficient cross or connecting roads, only a few of the residents residing on said county highway, now patronizing the bus line, would by reason of the abandonment of the applicant's bus line route over said county highway be seriously inconvenienced; that many school children residing at Val Verda and along said county highway while in attendance of public schools require automobile bus service, which said bus service now and since the abandonment of the applicant's railway service has been rendered under a mutual arrangement entered into on the part of the official representatives of the schools and those of the applicant, and said service is for the present being rendered independently of the bus service now under consideration in this case.

By reason of the findings aforesaid, the Commission

concludes that the application of the Utah Light & Traction Company, herein, to discontinue automobile bus service over the public highway between Salt Lake City and Bountiful, Utah, via Val Verda, over the county highway, should be granted; that the bus service of the applicant between Salt Lake City and Bountiful, Utah, should be hereafter rendered over United States Highway No. 91, and that the applicant's said bus service via Val Verda should be discontinued subject to the further orders of the Commission, as public convenience and necessity may require.

Now therefore, by reason of the premises and the findings and conclusions aforesaid, IT IS HEREBY ORDERED, That the application of the Utah Light & Traction Company, for permission to discontinue its automobile bus service over the public highway between Salt Lake City and Bountiful, Utah, via Val Verda, and continue said service between said points over U. S. Highway No. 91 exclusively, be, and the same is hereby, allowed and permitted, subject to the further orders of the Public Utilities Commission as public convenience and necessity in the future may require.

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)
Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the STATE ROAD COMMISSION OF UTAH, for permission to construct an overhead crossing over the main line tracks of The Denver & Rio Grande Western Railroad Company near Colton, in Utah County, Utah.	Case No. 1291

SPECIAL ORDER

By the Commission:

Under date of August 12, 1932, the State Road Commission of Utah filed with the Public Utilities Commission of

Utah its application for permission to construct and maintain an overhead crossing over the main line tracks of The Denver & Rio Grande Western Railroad Company near Colton, in Utah County, Utah.

On November 7, 1932, a stipulation was filed herein on the part of the State Road Commission of Utah and The Denver & Rio Grande Western Railroad Company to the effect that an order permitting the construction of such overhead crossing as applied for might be granted, and that the State Road Commission may proceed with the construction of the same at once in accordance with the plans and specifications submitted to the Chief Engineer of The Denver & Rio Grande Western Railroad Company, subject to the future determination by the Public Utilities Commission as to what will be a fair and just participation in the cost thereof as between said parties, which said stipulation is hereby expressly referred to and made a part hereof.

The Commission finds that the present crossing of the state highway over the tracks of The Denver & Rio Grande Western Railroad near Colton, Utah, is an extremely hazardous one by reason of its being much used for vehicular travel, and therefore, in the interest of public convenience and safety it should be eliminated. The Commission further finds that the work of constructing the proposed overhead crossing near Colton, Utah, should in the interest of public safety proceed without any delay, and by so doing it will afford some immediate relief to the unemployed. The Commission further finds that the plans and specifications for the construction of said overhead crossing as prepared and submitted by the State Road Commission to the Chief Engineer of The Denver & Rio Grande Western Railroad Company are proper plans and specifications and should be approved.

Now, therefore, by reason of the premises and findings aforesaid:

IT IS HEREBY ORDERED, That the application of the State Road Commission of Utah herein, for permission to construct an overhead crossing according to the plans and specifications submitted by the State Road Commission to the Chief Engineer of The Denver & Rio Grande Western Railroad Company, for the purpose of eliminating the present crossing of the state highway over the tracks of The Denver & Rio Grande Western Railroad Company near Colton, Utah, be, and the same is hereby granted, subject,

however, to the determination by the Public Utilities Commission of Utah as to what shall be a fair, just and reasonable participation in the cost thereof, as between the applicant, State Road Commission of Utah, and The Denver & Rio Grande Western Railroad Company, at a hearing to be had before the Public Utilities Commission, at a time and place to be hereafter fixed by the Commission.

Dated at Salt Lake City, Utah, this 9th day of November, 1932.

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)
Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

CITY OF ROOSEVELT,
Complainant,
vs.
UINTAH POWER & LIGHT COMPANY,
Defendant.
} Case No. 1292

ORDER

By the Commission:

Upon motion of the complainant, and with the consent of the defendant and the Public Utilities Commission:

IT IS HEREBY ORDERED, That the complaint herein of the City of Roosevelt vs. Uintah Power & Light Company be, and the same is hereby, dismissed without prejudice.

Dated at Salt Lake City, Utah, this 13th day of October, 1932.

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)
Attest:

(Signed) F. L. OSTLER, Secretary.

In the Matter of the Application of the RAILWAY EXPRESS AGENCY, INC., for a certificate of convenience and necessity to operate an automobile express service between Salt Lake City and Bingham, Utah. } Case No. 1293

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the RIO GRANDE MOTOR WAY OF UTAH, INC., to discontinue operation of automobile passenger and freight service between Salt Lake City, Utah, and Marysvale, Utah, and the RIO GRANDE MOTOR WAY, INC., to assume said operations. } Case No. 1294

Submitted: November 29, 1932. Decided: December 21, 1932.

Appearance:

B. R. Howell, Attorney, } for Applicants.

REPORT OF THE COMMISSION

By the Commission:

Under date of September 1, 1932, a joint application was filed by the Rio Grande Motor Way of Utah, Inc., and the Rio Grande Motor Way, Inc., for authority to discontinue operation of automobile passenger and freight service between Salt Lake City, Utah, and Marysvale, Utah, under Certificates of Convenience and Necessity Nos. 352 and 366, heretofore furnished by Rio Grande Motor Way of Utah, Inc., and for Rio Grande Motor Way, Inc., to assume said operations. This case came on for hearing in Salt Lake City on the 18th day of November, 1932, after due and legal notice had been given to all interested parties. There were no protests either verbal or written to the granting of said application.

From the evidence and testimony submitted the Commission finds:

That the Rio Grande Motor Way of Utah, Inc. is a corporation of Colorado, and is duly authorized to transact automobile freight and passenger transportation business in the State of Utah; that said company under date of October 26th, 1929, received from the Public Utilities Commission of Utah Certificate of Convenience and Necessity No. 352, authorizing it to operate an automobile passenger bus line between Salt Lake City and Marysvale, Utah, and intermediate points, including Monroe; and to operate automobile freight truck line between Salt Lake City and Marysvale and intermediate points, including Spring City, Mt. Pleasant, and Nephi; and to operate motor freight service between Manti and Marysvale and intermediate points, including Monroe, Utah, except that it should not operate locally in territory between Salt Lake City and Nephi, but be permitted to take on freight and passengers destined to Nephi and points south of Nephi at any point north of Nephi, and to discharge north of Nephi passengers and freight originating at Nephi and points south of Nephi.

That under date of May 1st, 1930, the Commission issued to said corporation Certificate of Convenience and Necessity No. 366, authorizing it to render automobile passenger, baggage, and express service over Highway No. 91 between Payson and Nephi and all intermediate points, and permitting it to pick up and discharge passengers, baggage, and express originating at or between Salt Lake City and Payson when destined to points south of Payson to and including Nephi, likewise when originating at or between Nephi and Payson, Utah, but destined to points north of Payson to and including Salt Lake City, Utah; and in carrying baggage and express restriction was made that such baggage and express should be confined to that which might be conveniently carried on the type of automobile buses constructed to be used exclusively in rendering passenger service.

That under date of September 24th, 1931, the Commission issued to the Rio Grande Motor Way, Inc. Certificate of Convenience and Necessity No. 384, authorizing it to operate a motor freight truck service for the transportation of freight and express between Salt Lake City and Price, Utah, serving all intermediate points along the highway between the termini listed in its Report in Case No. 1194, except locally in the territory between Salt Lake City and Springville, Utah, and to pick up in the territory between Salt Lake City and Springville, including these points, freight and express destined to points southeasterly of

Springville, and to discharge in the territory between Springville and Salt Lake City, including these points, freight and express originating at points along its route, located southeasterly from Springville, Utah.

That Rio Grande Motor Way of Utah, Inc. has sold all of its right, title, and interest in, and the property and equipment used by it in rendering the service under Certificates of Convenience and Necessity Nos. 352 and 366 and operations thereunder to Rio Grande Motor Way, Inc., and now desires to cease further operations thereunder subject to the approval of this Commission; that the capital stock of the Rio Grande Motor Way of Utah, Inc. and the Rio Grande Motor Way, Inc. is owned 80% by The Denver & Rio Grande Western Railroad Company and 20% by Victor DeMerschman; that if application is granted, applicants will be in a position to reduce expenses amounting to approximately $150 per month through the elimination of keeping duplicate sets of books and records and the preparation of duplicate sets of monthly and annual reports, etc.

That the Rio Grande Motor Way, Inc., maintains a staff of efficient operators; that it is financially able to carry on all automobile bus and truck service within the territory prescribed to meet the requirements and demands of the public; that said Rio Grande Motor Way, Inc. had a surplus of $90,471.28 on September 30th, 1932. That convenience and necessity require continuation of bus and truck service as heretofore authorized under Certificates Nos. 352, 366, and 384, and therefore the Rio Grande Motor Way, Inc. should now be authorized and permitted to render the same service as heretofore rendered by the Rio Grande Motor Way of Utah, Inc. under said certificates.

From the evidence adduced for and in behalf of the interested parties the Commission concludes and decides that the application herein should be granted.

An appropriate order will follow:

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,

(Seal) Commissioners.

Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity No. 401
Cancels Certificates of Convenience and Necessity
Nos. 352 and 366

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, on the 21st day of December, 1932.

In the Matter of the Application of the RIO GRANDE MOTOR WAY OF UTAH, INC. to discontinue operation of automobile passenger and freight service between Salt Lake City and Marysvale, Utah, and the RIO GRANDE MOTOR WAY, INC. to assume said operations.	Case No. 1294

This case being at issue upon application on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application herein of the Rio Grande Motor Way of Utah, Inc. to discontinue operation of automobile passenger and freight service between Salt Lake City and Marysvale, Utah, and the Rio Grande Motor Way, Inc. to assume said operations be, and the same is hereby, granted.

ORDERED FURTHER, That Certificates of Convenience and Necessity Nos. 352 and 366 heretofore issued to the Rio Grande Motor Way of Utah, Inc. be, and the same are hereby, cancelled and annulled;

ORDERED FURTHER, That Certificate of Convenience and Necessity No. 401 issued herein grant the same operative rights and privileges to the Rio Grande Motor Way, Inc. as heretofore accrued to the Rio Grande Motor Way of Utah, Inc. under Certificates Nos. 352 and 366; that is to say that the Rio Grande Motor Way, Inc. be, and it is hereby, authorized to operate and maintain an automobile passenger bus line for hire between Salt Lake City and Marysvale, Utah, and intermediate points, including Monroe, over U. S. Highway No. 91 between Salt Lake

City and Nephi; thence over State Highway No. 189 between Nephi and Pigeon Hollow Junction, and Via U. S. Highway No. 89 between Pigeon Hollow Junction and Marysvale, Utah; and to operate automobile freight truck line between Salt Lake City and Marysvale and intermediate points, including Spring City, Mt. Pleasant, and Nephi, and to operate motor freight service between Manti and Marysvale and intermediate points, including Monroe, Utah, over U. S. Highway No. 91 between Salt Lake City and Nephi, Utah State Highway No. 189 between Nephi and Pigeon Hollow Junction, and U. S. Highway No. 89 between Mt. Pleasant and Marysvale, and also over Utah State Highway No. 116 between Moroni and Mt. Pleasant, Utah, except that it shall not operate locally in territory between Salt Lake City and Nephi, but be permitted to take on freight and passengers destined to Nephi and points south of Nephi at any point north of Nephi, and to discharge north of Nephi passengers and freight originating at Nephi and points south of Nephi;

That it also be permitted and authorized to operate and maintain an automobile passenger, baggage, and express service over U. S. Highway No. 91 between Payson and Nephi and all intermediate points, and to pick up and discharge passengers, baggage and express originating at or between Salt Lake City and Payson when destined to points south of Payson to and including Nephi, likewise when originating at or between Nephi and Payson, Utah, but destined to points north of Payson to and including Salt Lake City, Utah; and in carrying baggage and express that restriction be made that such baggage and express should be confined to that which might be conveniently carried on the type of automobile buses constructed to be used exclusively in rendering passenger service.

By the Commission.

(Seal) (Signed) F. L. OSTLER, Secretary.

WATER USERS OF BIRCH CREEK CANYON WATER COMPANY,
Complainants,
vs.
BIRCH CREEK CANYON WATER CO.,
Defendant.
} Case No. 1295

PENDING.

In the Matter of the Application of GIBSON T. BERRY, in a representative capacity, for a certificate of convenience and necessity to construct, maintain, and operate a line of railroad.	Case No. 1296

PENDING.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

In the Matter of the Application of the UTAH LIGHT & TRACTION COMPANY, for permission to remove its tracks and equipment from the Salt Lake-Ogden Highway, north of 15th North Street in Salt Lake City, Utah.	Case No. 1297

Submitted: November 18, 1932. Decided: December 1, 1932.

Appearances:

Mr. A. C. Inman, Attorney,	for Utah Light & Traction Company.
Mr. H. S. Kerr, Chief Engineer,	for State Road Commission of Utah.
Mr. Leslie Frazer,	for Salt Lake City Corporation.

REPORT AND ORDER OF THE COMMISSION

McGONAGLE Commissioner:

Under date of November 3, 1932, application was filed with the Public Utilities Commission of Utah by the Utah Light & Traction Company for permission to remove its tracks, poles, wires, and other equipment from the Salt Lake-Ogden Highway, being U. S. Highway 91, north of 15th North Street. This case came on for hearing on the 18th day of November, 1932, after due and legal notice had been given. There were no protests either verbal or written to the granting of this application. From the evidence adduced for and in behalf of interested parties the Commission finds:

That the Utah Light & Traction Company is a Utah corporation, owning and operating a street railway and bus system in Salt Lake City, Utah, and various communities in Salt Lake and Davis Counties; that applicant is the owner

of a standard gauge track and other equipment necessary in giving street car service on U. S. Highway 91 between 15th North Street in Salt Lake City and a point approximately 200 or 300 feet north of Salt Lake-Davis County Line.

That the state highway between these points is from 18 to 20 feet wide; that owing to the narrowness of the highway at this point, considerable congestion results; that the highway between Salt Lake City and Ogden is a heavily travelled highway, and the State Road Commission in cooperation with the Federal Government and various counties traversed has endeavored to relieve the congestion on this highway by constructing secondary highways; that the State Road Commission is endeavoring to further relieve the congestion between these points by widening the state highway from approximately 20 feet to 40 feet; that in doing so it will be necessary to remove the tracks between the above named points.

That the trackage involved has not been used since about March 4, 1932, the service theretofore provided by street cars being substituted by buses; that the total trackage involved approximates 8400 feet; that the travelling public will be materially benefited by the removal of this trackage, and the widening of the highway between said points.

By reason of the foregoing findings of fact the Commission concludes and decides that the application herein of the Utah Light & Traction Company for permission to remove its tracks and equipment from the Salt Lake-Ogden Highway, north of 15th North Street in Salt Lake City, Utah, should be granted.

IT IS NOW THEREFORE ORDERED, That the application herein of the Utah Light & Traction Company for permission to remove its tracks and equipment from the Salt Lake-Ogden Highway, north of 15th North Street in Salt Lake City, Utah, be, and the same is hereby, granted.

(Signed) G. F. McGONAGLE,
Commissioner.

We Concur:
(Signed) E. E. CORFMAN,
THOS. E. McKAY,
Commissioners.

(Seal)
Attest:
(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF UTAH

In the Matter of the Application of the UTAH LIGHT & TRACTION COMPANY, to construct, maintain, and operate an electric trolley coach transportation system on certain streets in Salt Lage City, Utah, and discontinue street car service on and remove its tracks from certain streets therein. (Routes Nos. 18 and 19).	Case No. 1293

Submitted: November 18, 1932. Decided: November 18, 1932.

Appearances:

A. C. Inman, Attorney, } for Applicant.

Leslie Frazer, Attorney, } for Salt Lake City.

H. S. Kerr, Chief Engineer, } for State Road Commission.

REPORT OF THE COMMISSION

By the Commission:

Under date of November 12, 1932, application was filed by the Utah Light & Traction Company, for permission to discontinue street car service on and remove its tracks from certain streets in Salt Lake City, Utah, and to construct, maintain, and operate an electric trolley coach transportation system in lieu thereof, on street car lines known as Routes Nos. 18 and 19. This matter came on for hearing before the Commission at Salt Lake City on November 17, 1932, after due and legal notice given to all interested parties. There were no protests filed to the granting of the application. Proof of publication of the notice of hearing was filed at the hearing.

From the evidence adduced for and in behalf of the interested parties, the Commission finds:

That the applicant is a corporation of the State of Utah, with its principal place of business at Salt Lake City, Utah; that it owns and operates an electric street and interurban railroad and bus system in Salt Lake City, and in Salt Lake and Davis Counties; and as a part thereof owns and operates street car lines known as Routes Nos. 18 and 19, from the intersection of 2nd South and Main Streets north and west to the intersection of 5th West where Route

No. 19 diverges north to 4th North Street, and Route 18 continues west to 9th West and turns north to 4th North thence west to 12th West Street.

That applicant proposes to have certain of these tracks removed, and to substitute over the entire routes electric trolley coach service; that the trackage over the viaduct will be removed affording that portion of the viaduct for an east bound lane of automobile traffic; that it is proposed also to remove the trackage west of the viaduct to 9th West Street, which is part of United States Highway No. 40, in order that the State Road Commission of Utah may pave North Temple Street between these points under Federal Aid Project No. 120; and that it is proposed to route the trolley coaches as follows:

> "Route 18: Beginning at the terminus of said line at the intersection of 4th North and 12th West Streets, thence east on 4th North to 9th West Streets, thence south on 9th West to North Temple Street, thence east on North Temple to 5th West Street;
>
> "Route 19: Beginning at the terminus of said line at the intersection of 5th West and 4th North Streets, thence south on 5th West to North Temple Street;
>
> "Both Lines: From the intersection of North Temple and 5th West Streets aforesaid, east on North Temple to Main Street, thence south on Main Street to 2nd South Street, thence west on 2nd South to West Temple Street, thence north on West Temple to North Temple Street, thence west on North Temple to 5th West Street, and thence to the respective termini of Routes Nos. 18 and 19 described above."

That it is proposed to discontinue and abandon all street car service formerly rendered on Routes Nos. 18 and 19; and that service to the Union Depot will be rendered at the same frequency via Routes Nos. 15 and 16.

That applicant has sufficient trolley coach equipment to serve over the proposed routes at all times, and should occasion demand during the State Fair, coaches could be taken from the Wasatch Springs line, and service over that route be rendered by the use of street cars.

That Salt Lake City, through its representative, expressed its approval to the granting of the application.

No material evidence was given as to the maintenance of the running surface of the viaduct, and it was agreed that a further hearing should be held with all interested parties, including representatives of the Union Pacific System lines, to determine this question.

From the foregoing findings, the Commission concludes and decides that the application herein should be granted, subject to further order of the Commission, after further hearing, upon the matter of determining the responsibility for the maintenance of the viaduct, as between the parties.

An appropriate order will follow.

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)
Attest:

(Signed) F. L. OSTLER, Secretary.

ORDER

Certificate of Convenience and Necessity No. 400

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, this 18th day of November, A. D., 1932.

In the Matter of the Application of the UTAH LIGHT & TRACTION COMPANY, to construct, maintain, and operate an electric trolley coach system on certain streets in Salt Lake City, Utah, and discontinue street car service on and remove its tracks from certain streets therein. (Routes Nos. 18 and 19).	Case No. 1298

This case being at issue upon application on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof made and filed a report containing its findings and conclusions, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That the application herein of the Utah Light & Traction Company, for permission to con-

struct, maintain, and operate an electric trolley coach transportation system, and to discontinue street car service on and remove its tracks from certain streets in Salt Lake City, Utah, over Routes Nos. 18 and 19, as hereinbefore specifically described in the Commission's Report above, be, and the same is hereby granted.

ORDERED FURTHER, That the matter of responsibility of maintenance of the viaduct shall be determined by the Commission, after further hearing to be held at some future date with all interested parties, including representatives of the Union Pacific System Lines.

By order of the Commission.

(Seal) (Signed) F. L. OSTLER, Secretary.

In the Matter of the Application of REED GRAFF, for a certificate of convenience and necessity to operate an automobile freight line between Salt Lake City, Utah, and points in Washington County, Utah. PENDING.	Case No. 1299
UTAH SHIPPERS TRAFFIC ASSOCIATION, Complainant, vs. BAMBERGER ELECTRIC RAILROAD CO., et al., Defendants. PENDING.	Case No. 1300
In the Matter of the Application of CLYNTON T. SYRETT, doing business under the name and style of SYRETT TRUCK COMPANY, for a permit to operate automobile trucks for the transportation of freight. PENDING.	Case No. 1301
In the Matter of the Application of G. R. LEONARD, ETHEL CLARK, H. V. LEONARD, and R. I. BRAFFET, THE MOAB GARAGE COMPANY, and SALT LAKE & EASTERN UTAH STAGE LINES, to operate separately under Certificate No. 399. PENDING.	Case No. 1302

INFORMAL DOCKETS HANDLED DURING THE YEAR 1932

No.	Description	Disposition	Amount Of Reparation
2.	Darrell T. Lane, vs. The Mountain States Telephone & Telegraph Co. Re: Additional listing in telephone book.	Closed for want of further prosecution.	
3.	Woods Cross Canning Co., vs. Oregon Short Line Railroad Co. Re: Claim for reparation in the amount of $569.93.	Def. willing to establish rate, but not to reparate.	
6.	William Rose, et. al., vs. Widtsoe Water Company. Re: Service and rates.	Pending.	
7.	Investigation of grade crossing over tracks of The Denver & Rio Grande Western RR. Co. at Brigham City, Utah.	Automatic Signal installed.	
16.	J. R. Munk, et. al., vs. The Denver & Rio Grande Western RR. Co. Re: Gates and cattle guards at crossing near M. P. T56 and T57, bet. Manti and Ephraim.	Matter closed. Necessary easements not furnished.	
20.	Fred Brown, vs. Peoples Light & Power Co. Re: Changes made, and practices in metering houses, and making extensions.	All customers to be placed on meter basis as soon as possible.	
23.	Lester Spencer, vs. Escalante Light & Power Co. Re: Poor service.	Closed for want of prosecution.	

No.	Description	Disposition	Amount Of Reparation
55.	Installation of flashing signal at crossing of tracks of D. & R. G. W. RR. Co. and S. L. & U. RR. Co., over highway 91 at Springville, Utah.	Installation completed early part of 1932.	
57.	Wheelwright Construction Co., vs. U. P. RR., O. S. L. RR., and L. A. & S. L. RR. Re: Claim for reparation for $39.50.	Carriers declined to reparate.	
122.	L. L. Sizemore, vs. The Denver & Rio Grande Western RR. Co. Re: App'n. for wagon crossing near Bridge 18-A.	Agreement prepared, but complainant failed to sign. Closed.	
127.	Farmers Union Mills, vs. Utah Power & Light Company. Re: Rates for power.	Closed for want of prosecution.	
129.	J. L. West, et. al., vs. The Mountain States Telephone & Telegraph Co. Re: Adjustment of rates in vicinity of 33rd South and Highland Drive.	Pending.	
130.	Mrs. Margaret Winter, vs. Utah Power & Light Co. Re: Cancellation of contract between Jens Winter and Defendant.	Closed for want of prosecution.	
131.	Lafe Bown, vs. Uintah Railway Co. Re: Shipment of car of corn from Westwater, originating at Nebraska point to Rainbow.	Interstate movement. Must be referred to I. C. C.	
132.	W. H. Wright & Sons Co., vs. Utah Power & Light Co. Re: Charges for service.	Closed for want of prosecution.	

No.	Description	Disposition	Amount Of Reparation
133.	Gunnison Sugar Co., vs. The Denver & Rio Grande Western RR. Co.	Authorized to refund.	$ 28.14
134.	Smith & Hancock Co., vs. The Denver & Rio Grande Western RR. Co.	Authorized to refund.	45.45
135.	Pacific Fruit & Produce Co., vs. The Denver & Rio Grande Western RR. Co.	Authorized to waive collection of undercharges.	60.60
136.	O. A. Thorn, vs. The Denver & Rio Grande Western Railroad Co.	Authorized to refund.	119.34
137.	Jensen & Kuhre, vs. The Denver & Rio Grande Western RR. Co.	Collection of undercharges waived.	42.38
138.	Newman Sheet Metal Works, vs. The Mountain States Telephone & Telegraph Co. Re: Disconnection of service for unpaid bill.	Service reinstated, and arrangements made for payment.	
139.	Woodside store, vs. The Denver & Rio Grande Western RR. Co.	Reparation authorized.	48.16
140.	Woodside Coal Co., vs. The Denver & Rio Grande Western RR. Co.	Collection of undercharge waived.	56.07
141.	Chase Lumber & Coal Co., vs. The Denver & Rio Grande Western RR. Co.	Collection of undercharge waived.	19.96

No.	Description	Disposition	Amount Of Reparation
142.	Silver King Coalition Mines Co., vs. The Denver & Rio Grande Western RR. Co.	Collection of undercharge waived.	108.79
143.	Ogden Pressed Brick & Tile Co., vs. Oregon Short Line RR. Co.	Collection of undercharge waived.	43.47
144.	Utah Idaho Sugar Co., vs. Salt Lake & Utah Railroad Co.	Collection of undercharge waived.	25.10
145.	Utah Granite & Marble Co. and Portland Cement Co., vs. The Denver & Rio Grande Western Railroad Co.	Collection of undercharge waived.	32.40
146.	Utah Idaho Sugar Co., vs. Oregon Short Line RR. Co. and Southern Pacific Co.	Reparation authorized.	258.16
147.	Sevier Valley Coal Co., vs. The Denver & Rio Grande Western RR. Co.	Reparation authorized.	35.00
148.	Tintic Standard Mining Co., vs. The Denver & Rio Grande Western RR. Co.	Reparation authorized.	11.13
149.	C. H. Stevenson Lumber Co., vs. Utah Railway Co. and Denver & Rio Grande Western RR. Co.	Reparation authorized.	14.88
150.	Nye & Nissen, Inc., vs. The Denver & Rio Grande Western RR. Co.	Collection of undercharge waived.	14.79
151.	Utah Oil Refining Co., vs. Western Pacific Railroad Co. and Tooele Valley Ry. Co.	Reparation Authorized.	42.86

No.	Description	Disposition	Amount Of Reparation
152.	Nephi Jensen, vs. Wasatch Gas Co.	Credit to Account.	10.23
153.	Max Daniels, vs. Utah Gas & Coke Co. Re: Gas bills for Arlington Apts.	Settlement made, complaint dismissed.	
154.	Glen Peterson, vs. Utah Power & Light Co. Re: Extension of service.	Extension made Complaint satisfied.	
155.	Kimball Apartments, vs. Utah Gas & Coke Co. Re: Excessive Gas bills.	Credit to account.	151.37
156.	Spring Canyon Coal Co., vs. Utah Railway Co.	Reparation authorized.	8.10
157.	C. C. Lewis, vs. Utah Gas & Coke Co. Re: Undercharge for gas billed to Mr. Lewis.	Informal Meeting held, and arrangements made for payment.	
158.	Nye & Nissen, Inc., vs. The Denver & Rio Grande Western RR. Co.	Collection of undercharge waived.	46.85
159.	Springville Floral Co., vs. Wasatch Gas Co.	Credit to Account.	150.00
160.	Spring Canyon Coal Co., vs. Utah Railway Co.	Reparation authorized.	170.10
161.	A. O. Thorn, vs. The Denver & Rio Grande Western RR. Co. and Los Angeles & Salt Lake RR. Co.	Reparation authorized.	22.34
162.	George D. Preston, vs. Oregon Short Line Railroad Co. Re: Protection of railroad crossing two miles south of Logan on Cache Valley Branch.	Investigation showed no further protection necessary.	

No.	Description	Disposition	Reparation Amount Of
163.	Investigation of grade crossing over tracks of D. & R. G. W. RR. at Midvale, Utah.	Pending.	
164.	Milton Bennion, vs. Utah Light & Traction Co. Re: Discontinuance of selling street car tickets.	Satisfactory arrangements made to handle tokens.	
165.	A. L. Hamilton, et. al., vs. The Denver & Rio Grande Western Railroad Co. Re: Discontinuance of Western Union Telegraph service at Fairview, Utah.	Investigation made. Patronage insufficient to maintain service.	
166.	J. H. Riley, vs. Utah Power & Light Co. Re: Charges and method of handling discounts.	Complaint satisfied.	
167.	George H. Bleazard, vs. Utah Power & Light Co. Re: Discontinuance of light service.	Service restored immediately.	
168.	George Havercamp, vs. Utah Gas & Coke Co. Re: Damage due to explosion of gas.	Satisfactory settlement made.	
169.	Porter Walton Floral Co., vs. Bamberger Electric RR. Co. Re: Right of way over tracks of B. E. RR. at Centerville, Utah.	After investigation, Defendant declined to allow crossing.	
170.	Oscar Lyman, vs. Dixie Power Co. Re: Method of billing for motor.	Complaint satisfied.	
171.	Chester C. Haskell, vs. Telluride Power Co. Re Power rates for pumping irrigation water in So. Milford Pumping District.	Meeting arranged, but Mr. Haskell did not appear. Matter closed.	

No.	Description	Disposition	Amount Of Reparation
172.	Pacific States Cast Iron Pipe Co., vs. The Denver & Rio Grande Western RR. Co.	Reparation authorized.	108.30
173.	Standard Fuel Co., vs. The Denver & Rio Grande Western RR. Co.	Collection of undercharge waived.	35.42
174.	Sevier Valley Mercantile Co., vs. The Denver & Rio Grande Western RR. Co.	Reparation authorized.	6.00
175.	Melvin Sparks, vs. Utah Power & Light Co. Re: Disconnection of service.	Jumper found on meter.	
176.	Mrs. Margaret Black, vs. Utah Gas & Coke Co. Re: Excessive gas bills.	Credit to Account.	3.00
177.	Sterling H. Nelson Co., vs. Southern Pacific Co., et. al.	Reparation authorized.	42.91
178.	Installation of automatic signal at crossing of Salt Lake & Utah RR. Co. at Springville, Utah.	Signal changed and approved by Commission.	
179.	Mrs. Katie R. Stevens, vs. Utah Power & Light Co. Re: Charges for service.	After meeting charges found to be in accordance with tariffs.	
180.	Robert T. Walker, vs. Utah Gas & Coke Co. Re: Damage done by explosion of gas furnace.	Informal meeting held. No jurisdiction.	
181.	Meyers Cleaning & Dyeing Co., vs. Utah Gas & Coke Co.	Credit to Account.	85.28

No.	Description	Disposition	Amount Of Reparation
182.	Pacific Fruit & Produce Co., vs. Railway Express Agency.	Collection of undercharge waived.	11.72
183.	San Diego Fruit & Produce Co., vs. The Denver & Rio Grande Western RR. Co.	Collection of undercharge waived.	214.41
184.	American Smelting & Refining Co., vs. The Denver & Rio Grande Western RR. Co.	Waive Collection of undercharge.	2,976.97
185.	Utah Fire Clay Co. to erect trestle with impaired clearances at Eureka, Utah.	Clearance Permit No. 10 issued.	
186.	Utah Idaho Sugar Co. to construct trackage in connection with beet loader with impaired clearance at Payson, Utah.	Clearance Permit No. 11 issued.	
187.	Stauffer Sand & Gravel Co. to maintain loading tipple at its North Salt Lake Plant with impaired clearances.	Clearance Permit No. 12 issued.	
188.	Vern Ekins, vs. Southern Pacific Co. Re: Excessive surcharge.	Surcharge found to be in excess of that authorized by I. C. C.	
189.	Salt Lake Hardware Co., vs. Barton Truck Line. Re: Claim for damage to shipment of sheet lead.	Parties agreed to each pay half of damage.	
	TOTAL		$5,049.68

SPECIAL PERMISSION ISSUED DURING THE YEAR 1932

Name	Number
American Railway Association, B. T. Jones, Agent	3
Bamberger Electric Railroad Company	4
Bingham & Garfield Railway Company	2
Bingham Stage Lines	1
The Denver & Rio Grande Western Railroad Company	68
Dixie Power Company	5
Eastern Utah Transportation Company	4
Hout, D. R.	2
Local Utah Freight Tariff Bureau	36
Los Angeles & Salt Lake Railroad Company	13
Millard County Telegraph & Telephone Company	1
The Mountain States Telephone & Telegraph Company	1
National Perishable Freight Committee	1
Oregon Short Line Railroad Company	21
Pacific Freight Tariff Bureau	5
Postal Telegraph-Cable Company	1
The Pullman Company	2
Railway Express Agency, Inc.	1
Rio Grande Motorway of Utah, Inc.	7
Salt Lake-Ogden Transportation Company	2
Salt Lake & Utah Railroad Company	4
Southern Pacific Company	5
Sterling Transportation Company	8
Union Pacific Railroad Company	17
Utah Central Transfer Company	2
Utah Central Truck Line	1
Utah Gas & Coke Company	1
Utah Idaho Central Railroad Company	25
Utah Light & Traction Company	5
Utah Power & Light Company	2
Utah Railway Company	2
Utah Rapid Transit Company	2
Wasatch Gas Company	1
Western Passenger Association, G. J. Maguire	3
TOTAL	258

GRADE CROSSING PERMITS ISSUED DURING THE YEAR 1932

Number	To Whom Issued	Location
169	Salt Lake & Utah Railroad Company	Salt Lake City, Ut.

CERTIFICATES OF CONVENIENCE AND NECESSITY ISSUED DURING THE YEAR 1932

Certificate No.	Case No.	Classification	Between	At*	And	To Whom Issued
391	1248	Auto Freight	Price		Ferron	W. R. Snow
392	1259	Auto Freight and Passenger	Salt Lake City		Tintic District	Los Angeles & Salt Lake RR. Co.
393	1261	Power and Light	*Springville			Utah Power & Light Co.
394	1267	Auto Freight and Passenger	Salt Lake City		Tintic District	George Forsey
395	1268	Auto Freight and Passenger	Delta		Fillmore	Moyle Sargent
396	1260	Auto Freight	Price		Sunnyside, Columbia, Hiawatha and Mohrland	Arrow Auto Line
397	1257	Auto Freight	Price and Helper		National, Consumers, & Sweets Mine	B. F. McIntire
398	1281	Auto Freight and Passenger	Ogden		Huntsville	Utah Rapid Transit Co.
399	1225	Auto Freight and Passenger	Salt Lake-Moab		Price, Thompson, Monticello, etc.	Salt Lake & Eastern Utah Stage Line
400	1298	Electric Trolley Bus	*Routes 18 and 19,		Salt Lake City	Utah Light & Traction Co.
401	1294	Auto Freight	Salt Lake City		Marysvale	Rio Grande Motorway, Inc.

AUTOMOBILE PERMITS ISSUED DURING THE YEAR 1932

Permit No.	Case No.	Nature	Between	And	To Whom Issued
12	1236	Auto freight and express	Salt Lake City	Price	Clay Larson

ELECTRIC LIGHT & POWER UTILITIES OPERATING IN UTAH, OPERATIONS FOR THE YEAR ENDED DECEMBER 31, 1931

	Utah Power & Light Co.	Telluride Power Co.	Dixie Power Company	Bountiful Light & Power Co.	Uintah Power & Light Co.
Operating Revenues:					
Sales of Current	$10,042,213.53	$ 257,640.41	$ 179,168.15	$ 38,823.78	$ 33,189.16
Auxiliary Operations	128,723.95	.....	.....	.....	
Miscellaneous Operating Revenues	16,294.77 Red	11,359.35	1,384.34	456.30	.....
Total Operating Revenues	$10,154,642.71	$ 268,999.76	$ 180,552.49	$ 39,280.08	$ 33,189.16
Operating Expenses:					
Steam Power Generation	$ 353,670.66	$	$	$	$
Hydro-Electric Generation	306,784.01	23,787.23	16,495.35		8,713.60
Gas Power Generation	.....	.....	16,128.32	.....	
Miscellaneous Production Expenses	533,594.94	17,014.55	1,217.70	15,398.40	
Transmission Expenses	205,280.31	8,290.80	4,728.18	.....	
Distribution Expenses	368,254.99	27,632.68	6,977.33	5,807.41	.....
Utilization Expenses	145,120.78	3,160.83	689.76	.....	577.42
Commercial Expenses	345,763.40	19,884.36	11,315.54	2,469.80	
New Business Expenses	335,807.52	8,167.35	2,126.99	.....	.....
General and Miscellaneous Expenses	634,074.04	81,389.76	25,093.92	9,066.40	8,462.54
Other Operating Expenses	98,911.50*	.....	.....	.....	.....
Total Operating Expenses	$ 3,327,262.15	$ 189,327.56	$ 84,773.09	$ 32,742.01	$ 17,753.56
Uncollectible Accounts	25,408.96	2,812.29	2,062.51	.....	500.00
Taxes	1,380,409.30	23,000.00	16,561.37	1,941.02	3,291.43
Total Revenue Deductions	$ 4,733,080.41	215,139.85	103,396.97	34,683.03	21,544.99
Operating Income	5,421,562.30	53,859.91	77,155.52	4,597.05	11,644.17
Plant Rental	849,749.23	.....	.....	.....	.....
Operating Income for Return	$ 4,571,813.07	$ 53,859.91	$ 77,155.52	$ 4,597.05	$ 11,644.17
Fixed Capital at End of Year	$82,216,603.11	$1,752,998.21	$1,430,114.80	$ 89,080.89	$542,531.86†

* Auxiliary operations. † Includes valuation of $150,000 placed on franchises.

ELECTRIC LIGHT & POWER UTILITIES OPERATING IN UTAH, OPERATIONS FOR THE YEAR ENDED DECEMBER 31, 1931

	Big Springs Power Co.	Western States Utilities Co.	Swan Creek Electric Co.	Goshen Electric Co.	Peoples Light & Power Co.
Operating Revenues:					
Sales of Current	$ 21,934.36	$ 16,387.82	$ 10,373.55	$ 5,505.10	$ 1,512.53
Other Operating Revenues	187.04	531.32 Red	.....		12.50
Total Operating Revenues	$ 22,121.40	$ 15,856.50	$ 10,373.55	$ 5,505.10	$ 1,525.03
Operating Expenses:					
Hydro-Electric Generation	$ 2,403.02	$	$ 3,730.47	$	$ 1,573.48
Miscellaneous Production Expenses	1,832.00	5,968.24	.....	1,778.92	.....
Transmission Expenses	347.29	.....	1,018.88	.....	285.74
Distribution Expenses	1,047.60	1,351.12	530.00	1,937.00	43.25
Utilization Expenses	29.24	440.24			
Commercial Expenses	834.24	1,703.56			
New Business Expenses	143.10	280.96	.....		.....
General and Miscellaneous Expenses	5,442.34	4,101.18	3,082.53	.....	201.20
Total Operating Expenses	$ 12,078.83	$ 13,845.30	$ 8,361.88	$ 3,715.92	$ 2,103.67
Uncollectible Accounts	55.00	151.03	.....	795.46	46.20
Taxes	1,430.39	845.18	322.60	125.62	255.00
Total Revenue Deductions	$ 13,564.22	$ 14,841.51	$ 8,684.48	$ 4,637.00	$ 2,404.87
Operating Income for Return	$ 8,557.18	$ 1,014.99	$ 1,689.07	$ 868.10	$ 879.84 Red
Fixed Capital at End of Year	$ 110,600.46	$ 56,379.08	$ 42,518.00	$ 11,360.00	$ 27,640.08

GAS UTILITIES OPERATING IN THE STATE OF UTAH, OPERATIONS FOR THE YEAR ENDED DECEMBER 31, 1931

	Utah Gas & Coke Company	Wasatch Gas Company	Ogden Gas Company	Uintah Gas Company
Operating Revenues:				
Metered Sales to General Consumers	$ 980,772.01	$ 361,412.40	$ 281,623.91	$ 24,891.06
Merchandise and Miscellaneous	74,911.28 Red	49,477.65 Red	22,400.36 Red	1,525.64
Total Operating Revenues	$ 905,860.73	$ 311,934.75	$ 259,223.55	$ 26,416.70
Operating Expenses:				
Gas Purchased	$ 650,519.63	$ 252,981.64	$ 187,205.20	$ 2,687.89
Transmission and Distribution Expenses	126,270.38	42,914.97	27,527.96	6,006.16
Commercial Expenses	58,613.48	21,738.29	18,411.11	.....
New Business Expenses	.....	.....	.....	548.54
Retirement Expense	99,186.62	64,188.35	34,026.16	.....
General and Miscellaneous Expenses	85,880.74	34,516.43	23,218.29	9,010.55
Total Operating Expenses	$ 1,020,470.85	$ 416,339.68	$ 290,388.72	$ 18,253.14
Uncollectible Accounts	3,505.01	176.43	304.74	.....
Taxes	61,397.60	24,024.48	14,753.74	2,017.30
Total Revenue Deductions	$ 1,085,373.46	$ 440,540.59	$ 305,447.20	$ 20,270.44
Operating Income	$ 179,512.73 Red	$ 128,605.84 Red	$ 46,223.65 Red	$ 6,146.26
Fixed Capital at End of Year	$ 8,968,384.24	$ 3,850,614.58	$ 1,788,557.64	$ 260,278.56*

*Includes Franchise valued at $100,000.00.

BINGHAM AND GARFIELD RAILWAY COMPANY

Operations Within the State of Utah, Entire Line,

Year Ended December 31, 1931

	Total		On Interstate Traffic	On Intrastate Traffic
Railway Operating Revenues:				
Rail Line Transportation Revenues	$254,764.19		$47,964.68	$206,799.51
Incidental Operating Revenues	3,288.25			3,288.25
Joint Facility Operating Revenues				
Total Railway Operating Revenues	$258,052.44		$47,964.68	$210,087.76
Railway Operating Expenses:				
Maintenance of Way and Structures	$ 78,681.74			
Maintenance of Equipment	66,509.35			
Traffic Expenses	17,258.08			
Transportation Rail Line Expenses	71,687.67			
Miscellaneous Operating Expenses	1,254.22			
General Expenses	54,723.54			
Transportation for Investment-cr				
Total Railway Operating Expenses	$290,114.60			
Net Operating Revenues	$ 32,062.16	Red		
Operating Ratio, Oper. Exp. to Oper. Rev	112.42	%		
Average Mileage of Road Operated	33.53			
Utah Taxes, Other than U. S. Government	$ 54,592.62			
Averages Per Mile of Road:				
Operating Revenues	$ 7,696.17			
Operating Expenses	8,652.39			
Net Operating Revenues	956.22	Red		

THE DENVER & RIO GRANDE WESTERN RAILROAD COMPANY

Operations Within the State of Utah,

Year Ended December 31, 1931

	Total	On Interstate Traffic	On Intrastate Traffic
Railway Operating Revenues:			
Rail Line Transportation Revenues	$ 7,961,822.65	Not Compiled	
Incidental Operating Revenues	91,935.07		
Joint Facility Operating Revenues	21,608.95		
Total Railway Operating Revenues	$ 8,075,366.67		
Railway Operating Expenses:			
Maintenance of Way and Structures	$ 890,654.49		
Maintenance of Equipment	1,475,942.39		
Traffic Expenses	204.273.74		
Transportation-Rail Line Expenses	2,412,069.26		
Miscellaneous Operating Expenses	56,044.15		
General Expenses	338,213.89		
Transportation for Investment-Cr	9,388.02		
Total Railway Operating Expenses	$ 5,367,809.90		
Net Operating Revenues	$ 2,707,556.77		
Operating Ratio, Oper. Exp. to Oper. Rev	66.47 %		
Average Mileage of Road Operated	715.00		
Utah Taxes, Other than U. S. Government	$ 730,694.94		
Averages Per Mile of Road:			
Operating Revenues	$ 11,294.22		
Operating Expenses	7,507.43		
Net Operating Revenues	3,786.79		

LOS ANGELES AND SALT LAKE RAILROAD COMPANY

Operations Within the State of Utah,

Year Ended December 31, 1931

	Total	On Interstate Traffic	On Intrastate Traffic
Railway Operating Revenues:			
Rail Line Transportation Revenues	$7,404,261.46	$6,291,178.60	$1,113,082.86
Incidental Operating Revenues	345,061.64	124,392.50	220,669.14
Joint Facility Operating Revenues	34,006.36		34,006.36
Total Railway Operating Revenues	$7,783,329.46	$6,415,571.10	$1.367,758.36
Railway Operating Expenses:			
Maintenance of Way and Structures	$1,045,787.96		
Maintenance of Equipment	1,100,411.58		
Traffic Expenses	338.386.55		
Transportation-Rail Line Expenses	2,441,703.41		
Miscellaneous Operating Expenses	244,226.32		
General Expenses	391,693.64		
Transportation for Investment-Cr	1,965.25		
Total Railway Operating Expenses	$5,560,244.21		
Net Operating Revenues	$2,223,085.25		
Operating Ratio, Oper. Exp. to Oper. Rev	71.44 %		
Average Mileage of Road Operated	570.33		
Utah Taxes, Other than U. S. Government	$ 520,686.04		
Averages Per Mile of Road:			
Operating Revenues	$ 13,647.06		
Operating Expenses	9,749.17		
Net Operating Revenues	3,897.89		

OREGON SHORT LINE RAILROAD COMPANY

Operations Within the State of Utah,

Year Ended December 31, 1931

	Total	On Interstate Traffic	On Intrastate Traffic
Railway Operating Revenues:			
Rail Line Transportation Revenues	$7,144,062.91	$6,689,717.66	$ 454,345.25
Incidental Operating Revenues	60,817.80	60,817.80	
Joint Facility Operating Revenues	1,148.06 *	1,148.06 *	.....
Total Railway Operating Revenues	$7,203,732.65	$6,749,387.40	$ 454,345.25
Railway Operating Expenses:			
Maintenance of Way and Structures	$ 543,124.20		
Maintenance of Equipment	579,942.64		
Traffic Expenses	84,924.42		
Transportation-Rail Line Expenses	1,220,710.33		
Miscellaneous Operating Expenses	71,341.34		
General Expenses	206,692.29		
Transportation for Inventment-Cr.			
Total Railway Operating Expenses	$2,706,735.22		
Net Operating Revenues	$4,496,997.43		
Operating Ratio, Oper. Exp. to Oper. Rev.	37.57 %		
Average Mileage of Road Operated	244.31		
Utah Taxes, Other than U. S. Government	$ 363,426.62		
Averages Per Mile of Road:			
Operating Revenues	$ 29,486.03		
Operating Expenses	11,079.10		
Net Operating Revenues	18,406.93		

* Denotes Debit.

SOUTHERN PACIFIC COMPANY

Operations Within the State of Utah,
Year Ended December 31, 1931

	Total		On Interstate Traffic	On Intrastate Traffic
Railway Operating Revenues:				
Rail Line Transportation Revenues	$4,403,553.33	*	$4,222,515.06	$ 36,062.61
Incidental Operating Revenues	55,891.70	*	52,635.04	934.93
Joint Facility Operating Revenues	21,830.66			21,830.66
Total Railway Operating Revenues	$4,481,275.69		$4,275,150.10	$ 58,828.20
Railway Operating Expenses:				
Maintenance of Way and Structures	$ 340,189.98			
Maintenance of Equipment	475,448.25			
Traffic Expenses	83,466.99			
Transportation-Rail Line Expenses	1,036,706.19			
Miscellaneous Operating Expenses	66,029.19			
General Expenses	143,317.45			
Transportation for Investment-Cr	7,219.67			
Total Railway Operating Expenses	$2,137,938.38			
Net Operating Revenues	$2,343,337.31			
Operating Ratio, Oper. Exp. to Oper. Rev	47.71	%		
Average Mileage of Road Operated	259.51			
Utah Taxes, Other than U. S. Government	$ 284,372.04			
Averages Per Mile of Road:				
Operating Revenues	$ 17,268.22			
Operating Expenses	8,238.37			
Net Operating Revenues	9,029.85			

* Includes operating revenues that cannot be allocated to either Interstate or Intrastate Traffic.

UNION PACIFIC RAILROAD COMPANY

Operations Within the State of Utah,

Year Ended December 31, 1931

	Total	On Interstate Traffic	On Intrastate Traffic
Railway Operating Revenues:			
Rail Line Transportation Revenues	$3,125,705.21	$3,007,723.37	$ 117,981.84
Incidental Operating Revenues	51,861.01	51,861.01	
Joint Facility Operating Revenues	3,338.73	3,338.73	
Total Railway Operating Revenues	$3,180,904.95	$3,062,923.11	$ 117,981.84
Railway Operating Expenses:			
Maintenance of Way and Structures	$ 267,241.05		
Maintenance of Equipment	564,279.00		
Traffic	61,271.20		
Transportation-Rail Line Expenses	825,272.15		
Miscellaneous Operating Expenses	46,322.69		
General Expenses	127,609.26		
Transportation for Investment-Cr.	31.23		
Total Railway Operating Expenses	$1,891,964.12		
Net Operating Revenues	$1,288,940.83		
Operating Ratio, Oper. Exp. to Oper. Rev.	59.48 %		
Average Mileage of Road Operated	110.34		
Utah Taxes, Other than U. S. Government	$ 248,703.03		
Averages Per Mile of Road:			
Operating Revenues	$ 28,828.21		
Operating Expenses	17,146.67		
Net Operating Revenues	11,681.54		

UTAH RAIWAY COMPANY

Operations Within the State of Utah,

Year Ended December 31, 1931

	Total	On Interstate Traffic	On Intrastate Traffic
Railway Operating Revenues:			
Rail Line Transportation Revenues	$1,365,209.01	$ 613,722.36	$ 751,486.65
Incidental Operating Revenues	850.12		850.12
Joint Facility Operating Revenues			
Total Railway Operating Revenues	$1,366,059.13	$ 613,722.36	$ 752,366.77
Railway Operating Expenses:			
Maintenance of Way and Structures	$ 168,183.27		
Maintenance of Equipment	319,627.98		
Traffic Expenses	4,466.65		
Transportation-Rail Line Expenses	313,532.42		
Miscellaneous Operating Expenses			
General Expenses	70,039.24		
Transportation for Investment-Cr	979.06		
Total Railway Operating Expenses	$ 874,870.50		
Net Operating Revenues	$ 491,188.63		
Operating Ratio, Oper. Exp. to Oper. Rev	64.04 %		
Average Mileage of Road Operated	111.10		
Utah Taxes, other than U. S. Government	$ 112,908.90		
Averages Per Mile of Road:			
Operating Revenues	$ 12,295.76		
Operating Expenses	7,874.62		
Net Operating Revenues	4,421.14		

THE WESTERN PACIFIC RAILROAD COMPANY

Operations Within the State of Utah,

Year Ended December 31, 1931

	Total	On Interstate Traffic	On Intrastate Traffic
Railway Operating Revenues:			
Rail Line Transportation Revenues	$1,691,816.07	$1,583,751.15	$ 108,064.92
Incidental Operating Revenues	59,418.98	14,834.64	44,584.34
Joint Facility Operating Revenues	6,053.89		6,053.89
Total Railway Operating Revenues	$1,757,288.94	$1,598,585.79	$ 158,703.15
Railway Operating Expenses:			
Maintenance of Way and Structures	$ 236,030.71		
Maintenance of Equipment	265,639.58		
Traffic Expenses	95,669.12		
Transportation-Rail Line Expenses	651,929.84		
Miscellaneous Operating Expenses	60,930.72		
General Expenses	68,430.31		
Transportaton for Investment-Cr.	30,572.21		
Total Railway Operating Expenses	$1,348,058.07		
Net Operating Revenues	$ 409,230.87		
Operating Ratio, Oper. Exp. to Oper. Rev.	76.71 %		
Average Mileage of Road Operated	143.43		
Utah Taxes, Other than U. S. Government	$ 150,461.88		
Averages Per Mile of Road:			
Operating Revenues	$ 12,251.89		
Operating Expenses	9,398.72		
Net Operating Revenues	2,853.17		

SMALL STEAM RAILROADS OPERATING IN THE STATE OF UTAH, OPERATIONS FOR THE YEAR ENDED DECEMBER 31, 1931

	The Uintah Railway Co. *	Tooele Valley Railway Co.	Carbon County Railway Co.	Deep Creek Railroad Co.
Railway Operating Revenues:				
Rail Line Transportation Revenues	$ 288,025.23	$ 96,247.39	$ 56,202.04	$ 9,321.79
Incidental Operating Revenues	5,686.16	1,639.92		139.06
Joint Facility Operating Revenues				
Total Railway Operating Revenues	$ 293,711.39	$ 97,887.31	$ 56,202.04	$ 9,460.85
Railway Operating Expenses:				
Maintenance of Way and Structures	$ 58,370.80	$ 6,483.19	$ 20,829.85	$ 7,022.19
Maintenance of Equipment	51,552.22	29,001.76	1,673.44	847.33
Traffic Expenses	2,008.25	5,457.82	2,351.51	185.18
Transportation-Rail Line Expenses	64,294.04	71,207.61	12,581.79	5,260.30
Miscellaneous Operating Expenses	1,795.44	.....	.....	.....
General Expenses	62,728.78	11,626.35	8,957.55	1,287.84
Transportation for Investment-Cr.				
Total Railway Operating Expenses	$ 240,749.53	$ 123,776.73	$ 46,394.14	$ 14,602.84
Net Revenue from Railway Operations	$ 52,961.86	$ 25,889.42 Red	$ 9,807.90	$ 5,141.99 Red
Railway Tax Accruals	23,176.27	7,142.35	2,367.90	1,334.71
Railway Operating Income	$ 29,785.59	$ 33,031.77 Red	$ 7,440.00	$ 6,476.70 Red
Mileage of Road Operated	68.46	7.27	6.10	47.15

* Figures cover operations of company in Colorado and Utah. Figures for Utah only not available.

ELECTRIC RAILROADS, OPERATIONS WITHIN THE STATE OF UTAH, YEAR ENDED DECEMBER 31, 1931

	Bamberger Electric R. R. Co.	Salt Lake & Utah R. R. Co.	Salt Lake Garfield & Western Ry. Co.	Utah-Idaho Central R. R. Co. †
Railway Operating Revenues:				
Total Revenue from Transportation	$ 408,491.20	$ 622,420.69	$ 118,594.43	$ 501,786.68
Total Revenue from Other Railway Oper.	10,173.32	12,342.07	1,482.12	48,870.37
Total Railway Operating Revenues	$ 418,664.52	$ 634,762.76	$ 120,076.55	$ 550,657.05
Railway Operating Expenses:				
Way and Structures	$ 62,866.06	$ 87,561.73	$ 10,722.32	$ 80,935.12
Equipment	39,679.98	61,906.92	20,883.51	61,010.70
Power	56,303.22	83,448.38	17,722.26	72,645.32
Conducting Transportation	63,683.66	151,947.35	18,602.41	141,382.73
Traffic	17,167.76	31,528.27	6,845.17	11,776.12
General and Miscellaneous	124,685.01	179,763.86	18,174.11	82,451.49
Transportation for Investment-Cr.				.....
Total Railway Operating Expenses	$ 364,385.69	$ 596,156.51	$ 92,949.78	$ 450,201.48
Net Revenue, Railway Operations	$ 54,278.83	$ 38,606.25	$ 27,126.77	$ 100,455.57
Taxes Assignable to Railway Operations	31,855.10	42,250.82	5,838.18	45,142.66
Operating Income	$ 22,423.73	$ 3,644.57 Red	$ 15,679.66 Red *	$ 55,312.91
Mileage of Road Operated	36.90	76.10	16.73	118.74
Operating Ratio, Oper. Exp. to Oper. Rev.	87.03 %	93.92 %	77.48 %	81.76 %

* After Auxiliary Operations.

† Figures cover operations of company in Idaho and Utah. Figures for Utah only not available.

STREET RAILROADS

Operations Within the State of Utah, Year Ended December 31, 1931

	Utah Light & Traction Co.	Utah Rapid Transit Co.
Railway Operating Revenues:		
Revenue from Transportation	$1,293,461.28	$ 172,411.24
Revenue from Other Railway Oper.	12,599.63	1,433.16
Total Railway Operating Revenues	$1,306,060.91	$ 173,844.40
Railway Operating Expenses:		
Way and Structures	$ 91,759.29	$ 15,605.01
Equipment	150,512.53	27,607.66
Power	201,524.61	29,787.93
Conducting Transportation	359,067.50	74,253.11
Traffic	17,019.80	2,397.80
General and Miscellaneous	158,504.14	31,931.07
Transportation for Investment-Cr.	60.97	
Total Railway Operating Expenses	$ 978,326.90	$ 181,582.58
Net Revenue, Railway Operations	$ 327,734.01	$ 7,738.18 Red
Taxes Assignable to Railway Oper.	97,599.39	5,131.96
Operating Income	$ 230,134.62	$ 12,870.14 Red
Oper. Ratio, Oper. Exp. to Oper. Rev.	82.4 %	104.45 %
Miles of Road Oper. at Close of Year	94.64	38.29

THE MOUNTAIN STATES TELEPHONE & TELEGRAPH COMPANY

Operations Wthin the State of Utah, Year Ended December 31, 1931

Operating Revenues:		
Exchange Revenues	$2,410,574.19	
Toll Revenues	937,683.47	
Miscellaneous Revenues	70.287.89	
Telephone Operating Revenues		$ 3,418,545.55
Operating Expenses and Deductions:		
Commercial Expenses	$ 335,678.30	
Compensation Net	24,265.95	
Maintenance Expenses	1,052,516.45	
Traffic Expenses	703,641.74	
General Expenses	138,923.43	
Uncollectible Operating Revenues	29,400.17	
Taxes	321,821.28	
Non-Operating Revenues	5,435.09 *	
Rent and Other Deductions	48,420.19	
Total Oper. Expenses and Deductions		$ 2,649,232.42
Operating Income		$ 769,313.13

FIXED CAPITAL ACCOUNTS

Tangible:		
Exchange Plant	$9,934,717.70	
Toll Plant	2,237,772.81	
Total Physical Plant		$12,172,490.51
Intangibles and Miscellaneous:		
Going Value	$ 744,380.90	
Interest During Construction	394,116.61	
Estimated Working Capital	541,454.16	
Construction Work in Progress	62,626.47	
Total Intangibles and Miscellaneous		$ 1,742,578.14
Total Fixed Capital Accounts		$13,915,068.65

* Denotes Credit.

STATISTICAL INFORMATION TAKEN FROM ANNUAL REPORTS OF SMALL TELEPHONE UTILITIES OPERATING IN THE STATE OF UTAH, YEAR ENDED DECEMBER 31, 1931

Name of Telephone Company	Location	Number of Customers	Investment At End of Year	Total Operating Revenues	Total Operating Deductions	Operating Income	
Bear River Valley Telephone Co.	Tremonton, Utah	500	$ 52,229.77	$17,075.95	$15,089.86	1,986.09	
Big Springs Power Co.	Fountain Green, Utah	80	4,158.78	1,548.96	1,550.26	1.30	Red
Castle Dale Telephone Co.	Castle Dale, Utah	60	2,211.75	1,338.02	1,455.05	117.03	Red
Gunnison Telephone Co.	Gunnison, Utah	243	26,813.24	6,436.89	7,128.85	691.96	Red
Kamas-Woodland Telephone Co.	Kamas, Utah	111	10,000.00	3,984.50	4,034.20	49.70	Red
Manti Telephone Co.	Manti, Utah	370	15,000.00	6,160.04	4,746.58	1,413.46	
Midland Telephone Co.	Moab, Utah	224	42,200.16	12,418.58	10,693.28	1,725.30	
Millard County Teleg. & Tel. Co.	Fillmore, Utah	401	93,586.99	22,211.17	21,416.01	795.16	
Moroni Telephone Co.	Moroni, Utah	94	5,901.12	2,454.70	2,930.20	475.50	Red
North Logan Tel. & Elec. Light Co.	North Logan, Utah	32	9,107.94	2,845.35	2,001.99	843.36	
Utah-Wyoming Independent Tel. Co.	Randolph, Utah	107	9,364.00	2,598.45	2,660.63	62.18	Red
TOTALS		2,222	$270,573.75	$79,072.61	$73,706.91	$5,365.70	

STATISTICAL INFORMATION TAKEN FROM ANNUAL REPORTS OF PRIVATE WATER UTILITIES OPERATING IN THE STATE OF UTAH, YEAR ENDED DECEMBER 31, 1931

Name of Water Utility	Location	Number of Customers	Investment At End of Year	Gross Revenues	Total Operating Deductions	Operating Income	
Birch Creek Canyon Water Co.	Ogden, Utah	129	$ 20,846.00	$ 1,615.26	$ 1,361.23	$ 254.03	
Echo Water System Co.	Echo, Utah	35	2,125.00	270.32	244.67	25.65	
Henefer Pipe Line Co.	Henefer, Utah	63	12,600.00	283.53	480.85	197.32	Red
Layton Water System	Layton, Utah	201	64,078.94	4,869.44	4,851.91	17.53	
Mammoth Mining Co. of Nev.	Mammoth, Utah	94	63,814.20	5,221.39	8,420.95	3,199.56	Red
Moab Pipe Line Co.	Moab, Utah	152	10,900.00	3,230.81	2,473.63	757.18	
Pleasant Green Water Co.	Magna, Utah	758	48,368.10	11,882.40	11,019.10	863.30	
Riverton Pipe Line Co.	Riverton, Utah	235	52,445.41	5,669.76	6,872.47	1,202.71	Red
Ukon Water Co.	Garland, Utah	94	60,199.35	657.67	289.93	367.74	
TOTALS		1,761	$335,377.00	$33,700.58	$36,014.74	$2,314.16	Red

STATISTICAL INFORMATION TAKEN FROM ANNUAL REPORTS OF AUTOMOBILE PASSENGER AND FREIGHT LINES OPERATING UNDER CERTIFICATES IN THE STATE OF UTAH, YEAR ENDED DECEMBER 31, 1931

Name of Line or Operator	Route Between	And	Nature *	Total Investment	Total Operating Revenues	Total Operating Deductions	Operating Income	
Arrow Auto Line	Price	Hiawatha	PE	$ 4,870.00	$ 10,514.65	$ 7,706.83	$ 2,807.82	
Bamberger Transportation Co.	Salt Lake City	Ogden	P	21,771.27	7,018.91	8,922.62	1,903.71	Red
Barton & Lund Truck Line	Cedar City	St. George	F	20,000.00	15,527.26	8,063.48	7,463.78	
Barton Truck Line	Tooele	Salt Lake City	F	6,483.40	5,032.66	8,978.05	3,945.39	Red
Bee Hive Stages	Salt Lake City	Park City	PE	9,670.14	11,817.97	18,012.69	6,194.72	Red
Bingham Stage Lines Co.	Salt Lake City	Bingham	PE	24,489.86	17,487.23	26,120.37	8,633.14	Red
B. & O. Transportation Co.	Salt Lake City	Murray, Sandy	F	4,876.19	2,047.73	2,146.85	99.12	Red
Brighton Stage Line	Salt Lake City	Brighton	PF	3,600.00	1,379.81	1,735.55	355.74	Red
Duke, E. J.	Heber City	Park City	PF	800.00	1,755.90	1,574.86	181.04	
Eastern Utah Transportation Co.	Price	Vernal	F	17,784.54	38,842.72	37,652.98	1,189.74	
Eureka Dividend Stage Line	Eureka	Dividend	P	10,452.00	4,011.00	3,625.63	385.37	
Hout, Don R.	Salt Lake City	Coalville	PE	1,648.38	2,670.97	2,974.39	303.42	Red
Hurricane Truck Line	Cedar City	Hurricane	F	3,075.00	2,299.06	2,055.95	243.11	
Interstate Transit Lines, Inc. (1)	Utah-Wyo. Line	Utah-Ariz. Line	P	2,742,434.34	197,868.73	214,314.76	16,446.03	Red
Lion Coal Company	Wattis	Price	PF	995.00	1,051.00	2,102.50	1,051.50	Red
Magna Garfield Truck Line	Salt Lake City	Garfield	F	3,781.88	3,034.92	3,380.74	345.82	Red
McIntire, B. F.	Price	Gibson	PE	4,000.00	6,634.23	7,652.17	1,017.94	Red
Milne, J. J.	Cedar City	St. George	F	9,770.86	16,219.52	14,772.29	1,447.23	
Moab Garage Co. (2)	Thompson	Blanding	PFE	5,350.00	5,865.04	8,644.78	2,779.74	Red
Petty & Lunt, Inc.	Cedar City	Kanab	F	4,400.00	12,520.30	11,169.79	1,350.51	
Rio Grande Motor way of Ut., Inc.	Salt Lake City	Marysvale	PFE	(60,370.15	82,401.74	82,401.26	.48	
Rio Grande Motor Way, Inc.	Salt Lake City	Price	F	(.....	4,977.74	5,275.59	297.85	Red
Salt Lake & Eastern Ut. St. L. (3)	Salt Lake City	Moab, Blanding	FE	18,600.00	20,543.07	19,575.87	967.20	
Salt Lake Bingham Freight Line	Salt Lake City	Bingham	F	8,202.51	5,786.62	5,921.57	134.95	Red
Salt Lake Grantsville Truck Line	Salt Lake City	Grantsville	F	1,152.00	826.70	1,514.44	687.74	Red
Salt Lake Ogden Transportation Co.	Salt Lake City	Ogden	F	40,502.26	31,905.51	40,762.65	8,857.14	Red
Salt Lake & Tooele Stage Lines	Salt Lake City	Tooele, Grants	PE	12,763.97	12,853.43	17,403.89	4,550.46	Red
Spring Canyon Stage Line (4)	Helper	Mutual	P	6,250.00	579.25	1,479.55	900.30	Red

STATISTICAL INFORMATION TAKEN FROM ANNUAL REPORTS OF AUTOMOBILE PASSENGER AND FREIGHT LINES OPERATING UNDER CERTIFICATES IN THE STATE OF UTAH, YEAR ENDED DECEMBER 31, 1931

(Continued)

Name of Line or Operator	Route Between	And	Nature *	Total Investment	Total Operating Revenues	Total Operating Deductions	Operating Income
Sterling Transportation Co.	Salt Lake City	Vernal	F	$ 28,613.47	$ 20,941.97	$ 29,924.05	$ 8,982.08 Red
Utah Central Transfer Co.	Provo	Silver City	PF	6,761.78	10,058.44	7,867.29	2,191.15
Utah Central Truck Line	Salt Lake City	Provo	F	28,678.00	21,732.33	20,735.94	996.39
Ut. Idaho Central R. R. Co. (Bus)	Ogden	Preston, Idaho	P	20,709.22	19,267.86	31,675.11	12,407.25 Red
Utah Parks Co. (5)	Cedar City	Scenic Points	PFE	3,634,327.07	408,998.73	656,503.23	247,504.50 Red
TOTALS				$6,776,183.29	$1,004,473.00	$1,312,647.72	$308,174.72 Red

* P Denotes passenger line. F denotes freight line. E denotes express line.

(1) Investment figure is for system. Operating figures cover Utah operations only.

(2) For six months' period ended June 30, 1931.

(3) For six months' period ended December 31, 1931.

(4) For five months' period ended May 31, 1931.

(5) Figures given include operations in Utah and Arizona.

STATEMENT OF PASSENGERS AND FREIGHT TRANSPORTED BY, AND ROAD TAX ASSESSED AGAINST, AUTOMOBILE LINES OPERATING IN THE STATE OF UTAH, DECEMBER 1, 1931 TO NOVEMBER 30, 1932

RECAPITULATION

	Total Passengers Carried	Hard Surface Tax	Other Surface Tax	Total Taxes Assessed
Certificate Holders	454,111	$ 35,344.88	$ 7,147.74	$ 42,492.62
Non-Certificate Holders	56,755	10,563.15	1,944.42	12,507.57
Total Passenger Lines	510,866	$ 45,908.03	$ 9,092.16	$ 55,000.19

	Total Tons Transported	Hard Surface Tax	Other Surface Tax	Total Taxes Assessed
Certificate Holders	22,147	$ 7,015.58	$ 1,593.25	$ 8,608.83
Non-Certificate Holders	29,874	10,423.46	1,793.64	12,217.10
Total Freight Lines	52,021	$ 17,439.04	$ 3,386.89	$ 20,825.93

TOTAL TAXES ASSESSED:	
Total Passenger Lines	$ 55,000.19
Total Freight Lines	20,825.93
Grand Total Taxes Assessed	$ 75,826.12

STATEMENT OF PASSENGERS CARRIED BY, AND ROAD TAX ASSESSED AGAINST, AUTOMOBILE PASSENGER LINES IN THE STATE OF UTAH, DECEMBER 1, 1931 TO NOVEMBER 30, 1932

Certificate Holders:	Total Passengers Carried	Hard Surface Tax	Other Surface Tax	Total Taxes Assessed
Arrow Auto Line	769	$ 3.97	$ 17.80	$ 21.77
Bamberger Transportation Co.	11,176	799.66		799.66
Bingham Stage Lines Co.	4,412	292.73		292.73
Duke, E. J.	111	5.08	.....	5.08
Forsey, George	470	2.80	.45	3.25
Hout, Don R.	355	30.34	2.36	32.70
Hout, Howard	1,709	124.28	5.06	129.34
Interstate Transit Lines, Inc.	70,062	27,663.00	5,827.31	33,490.31
Lion Coal Corporation	20	.....	.50	.50
McIntire, B. F.	2,736	41.43	1.76	43.19
Moab Garage Co.	30		1.72	1.72
Petty & Lunt, Inc.	..... *	.....	1.18	1.18
Pickwick Stage Lines, Inc.	4,286	1,027.03	353.64	1,380.67
Rio Grande Motor Way of Utah, Inc.	5,220	910.50	27.94	938.44
Salt Lake & Eastern Utah Stage Lines	3,268	393.31	199.21	592.52
Salt Lake Grantsville Stage Line	1,888	99.32	3.72	103.04
Salt Lake Tooele Stage Line	2,494	152.17	6.57	158.74
Salt Lake Transportation Co.	340	22.97	.34	23.31
Sanderson, N. S.	10,680	.....	42.72	42.72
Sargent, Moyle	89	2.14	2.64	4.78
Tooele Valley Railway Co.	154	.05	.28	.33
Uintah Basin Stages, Inc.	1,400	147.64	127.83	275.47
Utah Central Transfer Co.	1,098	36.19	7.12	43.31
Utah Idaho Central Railroad Co., The	30,970	1,389.61	119.54	1,509.15
Utah Light & Traction Co.	292,568	2,078.08	91.78	2,169.86
Utah Parks Co.	3,234	2.17	306.27	308.44
Utah Rapid Transit Co.	4,572	120.41	.....	120.41
TOTALS	454,111	$ 35,344.88	$ 7,147.74	$ 42,492.62

STATEMENT OF PASSENGERS CARRIED BY, AND ROAD TAX ASSESSED AGAINST, AUTOMOBILE PASSENGER LINES IN THE STATE OF UTAH, DECEMBER 1, 1931 TO NOVEMBER 30, 1932

Non-Certificate Holders:	Total Passengers Carried	Hard Surface Tax	Other Surface Tax	Total Taxes Assessed
Colorado Utah Motorway, Inc.	732	$ 84.69	$ 128.00	$ 212.69
Consolidated Coach Lines	60	35.55	6.66	42.21
Dekkers, R. P.	129	17.74	3.09	20.83
DeLuxe Stages	1,443	749.67	140.39	890.06
Hayden, Edward J.	90	12.38	2.16	14.54
Johnson Taxi & Transfer Co.	458	4.96	3.16	8.12
Lincoln Limousine Lines	105	48.56	17.12	65.68
Morton Salt Co.	4,804	.....	57.63	57.63
Omaha Rapid Transit Lines	2,429	334.00	58.30	392.30
Pacific Greyhound Lines, Inc.	15,958	2,314.31	1,180.72	3,495.03
Salt Lake & Ely Stages	914	137.10	65.80	202.90
Schade, Ralph C. or Don	177	24.34	4.25	28.59
Seerey, Harry	327	44.97	7.84	52.81
Tourist Travel Bureau	39	9.79	1.86	11.65
Union Pacific Stages, Inc.	26.491	5,327.07	.....	5,327.07
West Coast Stages	2,599	1,418.02	267.44	1,685.46
TOTALS	56,755	$ 10,563.15	$ 1,944.42	$ 12,507.57

STATEMENT OF TONS OF FREIGHT TRANSPORTED BY, AND ROAD TAX ASSESSED AGAINST, AUTOMOBILE FREIGHT LINES IN THE STATE OF UTAH, DECEMBER 1, 1931 TO NOVEMBER 30, 1932

Certificate Holders:	Total Tons Transported	Hard Surface Tax	Other Surface Tax	Total Taxes Assessed
Arrow Auto Line	579	$ 8.53	$ 31.70	$ 40.23
B & O Transportation Co.	226	14.10	.....	14.10
Barton & Lund Truck Line	56	7.59	4.85	12.44
Barton Truck Line	284	61.09	3.72	64.81
Bingham Stage Lines Co.	12	1.45	.....	1.45
Bolinder, Lester A.	160	39.75	2.31	42.06
Duke, E. J.	33	4.27	.....	4.27
Eastern Utah Transportion Co.	2,821	216.47	562.19	778.66
Forsey, George	100	1.37	.25	1.62
Hout, Don R.	62	15.56	.72	16.28
Hout, Howard	53	10.75	.09	10.84
Hurricane Truck Line	145	35.98	2.14	38.12
Interstate Transit Lines, Inc.	20	16.41	3.21	19.62
Lion Coal Corporation	16	.....	.72	.72
Magna Garfield Truck Line	434	54.80	.....	54.80
McIntire, B. F.	32	1.05	.86	1.91
Milne, J. J.	79	28.74	.....	28.74
Moab Garage Company	76	.....	12.43	12.43
Petty & Lunt, Inc.	102	30.67	12.13	42.80
Pickwick Stage Lines, Inc.	3	1.58	.43	2.01
Rio Grande Motor Way of Utah, Inc.	3,895	3,411.07	51.06	3,462.13
Rio Grande Motor Way, Inc.	1,195	500.73	166.32	667.05
Salt Lake Bingham Freight Line	419	75.42	.....	75.42
Salt Lake & Eastern Utah Stage Lines	2,179	469.56	365.59	835.15
Salt Lake Grantsville Stage Line	81	18.79	1.16	19.95
Salt Lake Ogden Transportation Co.	3,378	808.82	.....	808.82
Salt Lake Tooele Stage Line	64	13.43	.67	14.10
Sargent, Moyle	196	13.16	14.80	27.96
Sterling Transportation Co.	877	262.47	251.41	513.88
Streeper, Wells R.	366	91.86	6.70	98.56
Tooele Valley Railway Co.	140	.05	.66	.71
Utah Central Transfer Co.	1,017	187.09	25.81	212.90
Utah Central Truck Line	2,134	610.41	.....	610.41
Utah Parks Co.	913	2.56	71.32	73.88
TOTAL	22,147	$ 7,015.58	$ 1,593.25	$ 8,608.83

STATEMENT OF TONS OF FREIGHT TRANSPORTED BY, AND ROAD TAX ASSESSED AGAINST, AUTOMOBILE FREIGHT LINES IN THE STATE OF UTAH, DECEMBER 1, 1931 TO NOVEMBER 30, 1932

Non-Certificate Holders:	Total Tons Transported	Hard Surface Tax	Other Surface Tax	Total Taxes Assessed
Arrowhead Freight Lines	1,593	$ 1,894.18	$ 291.52	$ 2,185.70
Ashton, Leslie & Sons	803	5.06	173.96	179.02
Ashworth Transfer Co	219	60.43	76.36	136.79
Atkinson, V. D	328	70.17	11.94	82.11
Ault, J. W. Transfer Co	34	12.88	.50	13.38
Barlow Truck Line	350	308.94		308.94
Benson, Ezra T	551	44.12	.....	44.12
Black, Martin	67	5.81	1.35	7.16
Bollschweiler, Mrs. E. F	48	8.72	.....	8.72
Borden Western Co. Milk Haulers	6,735	119.58	80.06	199.64
Bradley, Isaac	157	48.35	.26	48.61
Brown, Lyle H	1	.38	.02	.40
Calder, Edgar G	73	23.86	28.69	52.55
Caldwell, Ernest	23	7.79	7.45	15.24
Capson, Carl	586	125.46	22.05	147.51
Campbell, William	75	19.49	9.62	29.11
Chase, W. B	91	36.38	30.40	66.78
Clement, J. L	40	10.22	.81	11.03
Colby, F. L	114	60.93	18.28	79.21
Cole, R. C. Transfer Co	9	2.39	.08	2.47
Cornwall Truck Lines	983	582.35	34.88	617.23
Cowles & Sons	9	8.30	2.92	11.22
Dornan, J. P., Jr	28	10.46	1.71	12.17
Eldredge, Earl	102	15.24	21.73	36.97
Elsmore, George A	48	9.97	.....	9.97
Ford, L. W	7	8.21	1.82	10.03

STATEMENT OF TONS OF FREIGHT TRANSPORTED BY, AND ROAD TAX ASSESSED AGAINST, AUTOMOBILE FREIGHT LINES IN THE STATE OF UTAH, DECEMBER 1, 1931 TO NOVEMBER 30, 1932

(Continued)

Non-Certificate Holders:	Total Tons Transported	Hard Surface Tax	Other Surface Tax	Total Taxes Assessed
Fuller & Toponce Trucking Co.	814	$ 254.12	$ 8.30	$ 262.42
Garrett Transfer & Storage Co.	4,336	2,383.97	129.32	2,513.29
Gross, F. L.	44	1.16	.17	1.33
Hadley Transfer & Storage Co.	73	32.69	3.39	36.08
Hales, William & Loren	327	296.81	33.39	330.20
Harwood, Homer	364	94.38	1.06	95.44
Haycock, J. B.	25	.....	.51	.51
Hess, Max Holt	54	13.68	.....	13.68
Houston, Sam	37	16.62	5.21	21.83
J. & M. Transfer & Storage Co.	26	6.76	.18	6.94
Jensen, J. H.	398	78.02	.....	78.02
Jepson, Jesse N.	4	6.15	1.15	7.30
Johnson Taxi & Transfer Co.	30	14.23	.14	14.37
Kendall, Joseph	67	19.58	.....	19.58
Larson, Clay	143	57.60	19.80	77.40
Lewis, E. D.	12	4.06	3.45	7.51
Lindsay, W. C.	117	21.61	.....	21.61
Los Angeles Salt Lake Fast Freight	157	250.18	43.94	294.12
Malnor, J. S.	6	1.80	1.80	3.60
Maw, John & Sons	29	7.58		7.58
Messinger, Blake	882	43.92		43.92
Millard, Ed	543	137.86	.....	137.86
Miller, T. O.	14	1.69	4.20	5.89
Motor Express Co. of Wyoming	565	77.29	7.84	85.13
Mutual Creamery Co. Milk Haulers	566	47.08	18.20	65.28
Ogden Transfer & Storage Co.	94	47.94	5.84	53.78
Orange Transportation Co., Inc.	88	53.50	2.43	55.93

STATEMENT OF TONS OF FREIGHT TRANSPORTED BY, AND ROAD TAX ASSESSED AGAINST, AUTOMOBILE FREIGHT LINES IN THE STATE OF UTAH, DECEMBER 1, 1931 TO NOVEMBER 30, 1932

(Continued)

Non-Certificate Holders:	Total Tons Transported	Hard Surface Tax	Other Surface Tax	Total Taxes Assessed
Paxton, Wallace B.	18	$ 25.09	$ 5.36	$ 30.45
Railway Express Agency, Inc.	21	1.68	.04	1.72
Randall, Alfred	472	18.84	7.06	25.90
Rowley, F. J.	9	.....	.12	.12
Salt Lake Ely Transportation Co.	666	256.49	106.60	363.09
Salt Lake Transfer Co.	136	30.64	.47	31.11
Savage Transportation Co.	949	350.73	178.79	529.52
Showalter & Puffer	17	14.32	2.94	17.26
Siefert, G. W.	4	2.43	.11	2.54
Sim, L. S.	474	122.87	30.49	153.36
Slade Transfer Co.	11	3.82	.01	3.83
Spafford, W. N.	5	3.83	.39	4.22
Stohl, Irvin	61	32.41	.34	32.75
Sypher, J. C.	69	16.90	.98	17.88
Syrett, T. C.	57	60.12	13.26	73.38
Thornley, J. H.	217	27.13		27.13
Tietjen, J. E.	94	38.49	.....	38.49
Timpson, H. E.	544	4.85	28.95	33.80
Truitt, J. M.	58	21.40	.94	22.34
Union Pacific Stages, Inc.	13	10.26	.....	10.26
Utah California Motor Express	1,089	1,720.42	302.16	2,022.58
Utah Wyoming Motor Transport	1,046	62.19	.....	62.19
Walker, LaMont	20	1.33	.90	2.23
Weber Central Dairy Ass'n. Milk Haulers	800	47.23	.28	47.51
Williams, David J.	122	61.57	3.27	64.84
Woodbury, Grant	13	18.47	3.45	21.92
TOTALS	29,874	$ 10,423.46	$ 1,793.64	$ 12,217.10

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, this 18th day of August, A. D., 1932.

In the Matter of the Substitution of Straight Bill of Lading Form No. 326, for Uniform Bill of Lading on Sugar Beets moving intrastate in Utah.

GENERAL ORDER NO. 27

TO ALL STEAM AND ELECTRIC RAILROADS OPERATING IN THE STATE OF UTAH:

It appearing that for some time past, the Utah Idaho Sugar Company has used in connection with shipments of sugar beets in Utah, Straight Bill of Lading Form No. 326, which gives reference as follows:

> "This Bill of Lading is subject to the terms and conditions set forth in the uniform bill of lading as incorporated in Consolidated Freight Classification No. 6, supplements thereto and re-issues thereof, as fully as though printed hereon in full."

It also appearing that the Utah Idaho Sugar Company has been notified by representatives of at least one steam railroad, that it cannot accept Form No. 326, but that the Utah Idaho Sugar Company must use Uniform Bill of Lading form as prescribed by the Interstate Commerce Commission.

It further appearing that compliance with such notification would impose a financial hardship upon the Utah Idaho Sugar Company for the reason that a supply of uniform bills of lading would have to be printed.

IT IS THEREFORE ORDERED, That on intrastate shipments of sugar beets between points in the State of Utah, Straight Bill of Lading Form No. 326 may be used in lieu of Uniform Bill of Lading as prescribed by the Interstate Commerce Commission, it being understood that all of the terms and conditions of the uniform Bill of Lading as referred to in Form 326, be binding as though they were printed on this form.

By the Commission.

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,

(Seal) Commissioners.
Attest:

(Signed) F. L. OSTLER, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION OF UTAH

At a Session of the PUBLIC UTILITIES COMMISSION OF UTAH, held at its office in Salt Lake City, Utah, this 24th day of October, A. D., 1932.

In the Matter of Promulgating Standard Rules and Regulations Covering the Protection of Railroad Crossings at Grade by Signals and Signs.

GENERAL ORDER NO. 28

TO ALL STEAM, ELECTRIC, AND STREET RAILROADS OPERATING IN THE STATE OF UTAH:

The Public Utilities Commission of Utah under date of September 21, 1931, requested all steam and electric railroad companies operating in Utah to first secure its approval as to types of all installations, whether new or replacements, of signals and signs at railroad grade crossings. This request was made in the interest of establishing uniform grade crossing protection within the State of Utah.

On August 24, 1932, the Commission held a meeting with representatives of the steam, electric, and street railroads operating within the State, and the State Road Commission of Utah, for the purpose of considering the advisability of formally adopting "American Railway Association Bulletin No. 1—Railroad Highway Grade Crossing Protection—Recommended Standards". On September 16, 1932, a committee which had been appointed by the Commission at the aforesaid meeting on August 24, 1932, to act in an advisory capacity reported and recommended that said American Railway Association Bulletin No. 1 be adopted with certain modifications. After giving careful consideration to the report and recommendations of the said committee, the Commission finds that the report and recom-

mendations of the committee should be adopted.

IT IS THEREFORE ORDERED, That "American Railway Association Bulletin No. 1—Railroad Highway Grade Crossing Protection—Recommended Standards", be, and it is hereby adopted as the standard for all future installations of signals and signs at railroad grade crossings in the State of Utah, with the following modifications:

1. Advance warning Sign Fig. 1, to be placed as required by local conditions, not less than 200 feet (in cities not less than 100 feet), nor more than 450 feet from the crossing.

For important crossings where public authorities consider it necessary this advance warning sign to be equipped with reflector buttons.

2. The Standard Railroad crossing sign similar to Fig. 2 to be used at all crossings where manual or automatic protection is not provided.

3. At crossings on heavily traveled highways where conditions justify, either of the following standard visible warning signals should be installed.

(a) Wig Wag type—Fig. 3, 4, 5, 6.

(b) Flashing light type—Fig. 7, 8, 9, 10.

4. At crossings where wig wag or flashing light signals are used, one should be placed on each side of the track, except that in certain local situations where the conditions justify it, the Commission may authorize the installation of one Signal only.

The use of signs reading "Stop When Swinging" and "Stop on Red Signal" and the illuminated letters "S-T-O-P" shown on Fig. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 will not be required, except when specified by the Commission. In Cities and Towns where the street is of sufficient width, signals may be located in the center of the Street—Fig. 5, 6, 9, 10, 13.

5. Circuits for automatic operation of wig wag or flashing light signals shall be arranged so that crossing signals will operate until rear of train reaches or clears crossing.

6. Bell should be used on crossing signals only when required by local conditions.

7. ASPECT—An electrically or mechanically-operated

signal used for the protection of highway traffic at railroad crossings shall present toward the highway, when indicating the approach of a train, the appearance of a horizontally swinging red light and/or disc.

8. MOUNTING—The railroad standard highway crossing sign and the signal shall be mounted on the same post. Either a signal of the flashing light type or one of the wig wag type may be used, but both should not be placed on the same post.

9. OPERATING TIME—Automatic signal devices used to indicate the approach of trains shall so indicate for not less than 20 seconds before the arrival of the fastest train operating over the crossing.

NOTE: Local conditions may require a longer operating time; however, too long an operation by slow trains is undesirable.

FLASHING LIGHT TYPE

10. HEIGHT—The lamps should preferably be not less than 7 feet nor more than 9 feet above the surface of the highway.

11. LAMPS—Lamps when arranged in pairs, back to back, shall be mounted horizontally 2 feet 6 inch centers, and arranged to shine in both directions along the highway. They shall open at the front and be designed so that the door will move to the side or downward.

12. FLASHES—Lights shall flash alternately. The number of flashes of each light per minute shall be 30 minimum, 45 maximum.

13. HOODS AND BACKGROUNDS—Lamp units shall be properly hooded. Backgrounds, 20 inches in diameter, shall be painted black on both sides.

14. RANGE—When lamps are operated at normal voltage, the range, on tangent, shall be at least 300 feet on a clear day, with a bright sun at or near the zenith.

15. SPREAD—The beam spread shall be not less than 3 degrees each side of the axial beam under normal conditions. This beam spread is interpreted to refer to the point at the angle mentioned where the intensity of the beam is 50 per cent of the axial beam under normal conditions.

16. LENSES AND ROUNDELS—Lenses and roundels

shall be 5⅜ inches minimum, 8⅜ inches maximum.

17. TRANSMISSION VALUES (For red lenses and roundels) Transmission values based on A. R. A. standard scale, should be 150 to 220 where plain cover glass with reflector is used; 220 to 300 where signals are used without reflectors or where a ribbed Spreadlite lens is used in front of the reflector.

18. SHORT RANGE INDICATION—Signal shall display a satisfactory short range indication.

19. PEEP HOLES—Peep holes may be used.

WIGWAG TYPE

20. LENGTH OF STROKE—Length of stroke is the length of chord which subtends the arc, determined by the center of the disc in its extreme positions, and shall be 2 feet 6 inches.

21. DISC—Size and painting of disc shall be as shown on A. R. A. Signal Section 1553.

22. NUMBER OF CYCLES—Movement from one extreme to the other and back constitutes a cycle. The number of cycles per minute shall be 30 minimum, 45 maximum.

23. DIRECTION OF LIGHTS—Signal lights shall shine in both directions along the highway.

GENERAL REQUIREMENTS

Provided, however, that if at any time, in a particular case or instance, the owner and operator of a railroad desires an exemption under the orders of the Commission hereinbefore made, an application may be filed with the Commission therefor, and upon a proper showing made that such exemption would subserve the public safety and interest, the Commission will grant such exemption.

This order shall become effective on and after the 1st day of November, A. D., 1932.

(Signed) E. E. CORFMAN,
THOS. E. McKAY,
G. F. McGONAGLE,
Commissioners.

(Seal)
Attest:

(Signed) F. L. OSTLER, Secretary.

OPINION OF THE ATTORNEY GENERAL THE STATE OF UTAH

Office of the Attorney General

December 13, 1932.

Public Utilities Commission,
State of Utah,

Building.

Gentlemen:--

In your recent letter addressed to this office you ask whether or not the case of Public Utilities Commission of Utah vs. George Paulos, 75 Utah 527 was in point with the reference to operation of trucks for compensation over the public highways without a permit as required under Chapter 42, Laws of Utah, 1927. You state in your letter that it is not clear in the Paulos case whether or not the Supreme Court took into consideration the provisions of Chapter 42, Laws of Utah, 1927.

We are of the opinion that the Supreme Court did take into consideration provisions of said Chapter. It will be noted that in the complaint in the Paulos case in paragraph 5 as set out on page 531 of 75 Utah, it is alleged that:

> "At no time has there been issued or granted to said defendant by said Commission a franchise or certificate of convenience and necessity **or a permit** to operate as a common carrier or public utility over the public highways of this State, or at all, and that said defendant does not have, and has not had, at any of the times hereinafter mentioned, such franchise or certificate of convenience and necessity **or permit.**"

Then you will observe that the court refers to this language on page 537 of the opinion as follows:

> "The complaint alleges that the defendant 'has undertaken to operate and is now operating for public service within the State a freight truck line, and in so doing is carrying freight and merchandise for hire and for compensation over the public highways of this State between Salt Lake City, Salt Lake County and Vernal, Uintah County, Utah, via Duchesne, Duchesne County, Utah, serving points within said basin without having received from said Commission

a certificate of convenience and necessity **or permit,** or without authorization so to do, and in violation of the provisions of Title 91, Compiled Laws of Utah, 1917, and amendments thereto' ".

From the language thus used we conclude that the Supreme Court did have in mind the provisions of said Chapter 42 and that, therefore, the case is in point with respect to any automobile company for hire engaged in transacting the business of transporting passengers, freight and merchandise or other property over the public highways. In other words, it would be necessary under the Paulos Case for the automobile company for hire to operate over an established route before a permit would be required. This conclusion, we believe, is also borne out by Section 2 of Chapter 44 wherein is the following language:

> "It shall be unlawful for any automobile company for hire, as defined in Section 1 of this Act, to engage in or transact the business of transporting passengers, freight, merchandise or other property over the public highways of the State of Utah **along established routes,** outside of cities or towns without first obtaining a permit therefor from the Public Utilities Commission of the State of Utah * * *".

Very truly yours,

(Signed) GEO. P. PARKER, Attorney General

IN THE SUPREME COURT OF THE STATE OF UTAH

Los Angeles & Salt Lake Railroad Company, Plaintiff, vs. Public Utilities Commission of Utah, and E. E. Corfman, Thomas E. McKay, and G. F. McGonagle as Members of and Constituting said Commission, Defendants ,	No. 5285

WOLFE, District Judge.

The petitioner sued out a writ of certiorari to have reviewed a decision of the Public Utilities Commission denying an application to change St. John Station on its main

line in Tooele County, Utah, from an agency to a non-agency station, and to have reviewed an order which denied a petition for a rehearing. The decision on the application to discontinue St. John as an agency station and the order refusing to grant the petition for rehearing stand on somewhat different footings. We shall, therefore, consider separately the record made on the application to discontinue the agency station, and thereafter the record made on the hearing had upon the petition for a rehearing. The application for permission to discontinue the operating of the station at St. John as an agency station was based on the fact that the revenues derived from the business handled at said station were not sufficient to justify the maintaining and operating of said station as an agency station, and that the plaintiff could furnish adequate and reasonable facilities to serve the public in the business conducted at such station without the presence of a day agent. The record consists of testimony offered by the railroad on the one hand and by objecting stock raisers and farmers on the other. A decision denying the application resulted.

Subsec. 2 of Sec. 4783, Comp. Laws Utah 1917, as far as material to this case, reads as follows:

> "Every public utility shall furnish, provide, and maintain such service, instrumentalities, equipment, and facilities as shall promote the safety, health, comfort, and convenience of its patrons . . . and the public, and as shall be in all respects adequate, efficient, just and reasonable."

Sec. 4834, Comp. Laws Utah 1917, provides in part as follows:

> " . . . The review shall not be extended further than to determine whether the commission has regularly pursued its authority, including a determination of whether the order or decision under review violates any right of the petitioner under the constitution of the United States or of the State of Utah. The findings and conclusions of the commission on questions of fact shall be final and shall not be subject to review. Such questions of fact shall include ultimate facts and the findings and conclusions of the commission on reasonableness and discrimination. . . . "

The matter of determining exactly what questions are before us has not been altogether free from difficulty. Perhaps the best approach to a determination of that matter

can be had by determining first what question the Commission had before it and the legal principles to be considered in the determination of that question. The question before the Commission may be stated as follows: In view of the gross operating revenues properly accredited to St. John Station, would the requirements of Subsec. 2 of Sec. 4783, as above set out, be satisfied by maintaining and operating said station as a non-agency station? This is the bald and shortest way of stating the question. Elaborated, it could be restated as follows: In view of the cost of maintaining an agency station at St. John, and in view of the gross operating revenue properly chargeable to said station, could the public obtain, without an agent, the adequate, efficient, just, and reasonable services which the public utility is required to furnish under Subsec. 2 of Sec. 4783?

One of the first questions which should be discussed and decided is the question of what, if any, relationship there is between service and revenue. There is no absolute standard of a reasonable, adequate, or efficient service. There is a point at which almost anyone might say that services were inadequate, and there is a point above which almost anyone could say that the railroad company was giving more in the way of facilities than it should be required to give. But in between these points it would be somewhat a matter of each man's judgment as to what the quantum of service should be to satisfy the requirements of Subsec. 2 of Sec. 4783. From a strictly logical standpoint one might ask why the question of revenues should have any place in the discussion. That is to say, why the quantum of facilities or services which satisfies the requirements of Sec. 4783 should be variable, depending on the question of revenues. It might be argued that if you determine what service or facility is reasonable, efficient, adequate, or just for the community, then such service and facility is not the more or less adequate or reasonable because of the question of revenues. As a practical matter, however, the quantum of facilities or services which is necessary to satisfy the requirements of Subsec. 2 of Sec. 4783 does depend upon the revenues which the station produces or helps to produce. As a practical matter, it seems perfectly obvious that the railroad can afford to give and should give more, or a service of a higher or better type or character and provide better or more facilities where the station yields ample and sufficient revenue to do so, than where the station is a low producer of revenue. See St. Louis & S. F. R. Co. vs. Newall, 25 Okla. 502, 106 Pac. 818.

However, we cannot accept the principle that the revenue chargeable or accredited to a certain station should be the sole controlling factor in determining the services of facilities to be provided. It is quite true that in certain cases the railroad cannot be compelled to carry on the business of transportation at a loss. A railroad may go out of business altogether. See Brooks-Scanlon Co. vs. Railroad Commission of Louisiana, 251 U. S. 396. In this case it was held that:

> "A carrier cannot be compelled to carry on even a branch of business at a loss, much less the whole business of carriage." Citing Northern Pacific Ry. Co. vs. North Dakota, 236 U. S. 585, and Norfolk & Western Ry. Co. vs. West Virginia, 236 U. S. 605." ". . . It is true that if a railroad continues to exercise the power conferred upon it by a charter from a State, the State may require it to fulfill an obligation imposed by the charter even though fulfillment in that particular may cause a loss."

This is quite a different case than that contended for here by the plaintiff. We do not believe it has ever been held that every facility or every service of the railroad must be made to pay or that it can be discontinued. In the case of Vandalia Railroad Co. vs. Schnull etc., 255 U. S. 113, it was held that "A railroad rate fixed by state authority violates the Fourteenth Amendment if it does not yield the carrier a reasonable return upon the class of traffic to which it applies". The railroad company contended:

> "That the revenue from traffic to which the rates apply is the test of their legality and any deficiency in them cannot be made up by rates on some other traffic; . . ."

The contention of the defendants in error was:

> "That the revenue from all of the intrastate business of the Railroad Company is to be taken into account, and , if it be sufficient to remunerate the Railroad Company, the particular rates, though unremunerative, are nevertheless legal."

The court held with the railroad's contention.
It was held in the West Virginia case above cited that the state

> "has no arbitrary power over rates; . . . and that the State may not select a commodity, or class of

traffic, and instead of fixing what may be deemed to be reasonable compensation for its carriage, compel the carrier to transport it either at less than cost or for a compensation that is merely nominal."

In the North Dakota case above cited the court held that the legislature

> "has a wide range of discretion in the exercise of the power to prescribe reasonable charges, and is not bound to fix uniform rates for all commodities or to secure the same percentage of profit on every sort of business . . . . It is not bound to prescribe separate rates for every individual service performed, but it may group services by fixing rates for classes of traffic."

And in the Schnull case the Court said:

> "This court will not sit in judgment upon such action and substitute its judgment for that of the legislature when reviewing 'a particular tariff or schedule which yields substantial compensation for the services it embraces, when the profitableness of the intrastate business as a whole is not involved. But a different question arises when the State has segregated a commodity, or a class of traffic, and has attempted to compel the carrier to transport it at a loss or without substantial compensation even though the entire traffic to which the rate is applied is taken into account.' "

We think that the mere quoting of the language above stated will amply reveal the distinction between those cases and a case where it is claimed that every single service or facility must be made to pay or the railroad has the right in law to discontinue it. A railroad cannot be required to perform the actual services of transportation for which it is constituted at a loss, but that does not mean that every service or facility embraced or involved in the transportation must itself be made to pay or else be discontinued. It is somewhat a matter of degree and whether the service is severable from its integrated business of transportation.

In the case of Bullock vs. State of Florida, 254 U. S. 513, we have the same question decided as we have had in the Brooks-Scanlon Company case, wherein it was decided that:

> "Apart from statute or express contract people

> who have put their money into a railroad are not bound to go on with it at a loss if there is no reasonable prospect of profitable operation in the future. Brooks-Scanlon Co. vs. Railroad Commission of Louisiana, 251 U. S. 396. No implied contract that they will do so can be elicited from the mere fact that they have accepted a charter from the State and have been allowed to exercise the power of eminent domain."

From the principle that a railroad company may give up its charter and discontinue its entire business and not be compelled to operate its road at a loss, cannot be deduced the principle that it can discontinue every part of its services that it cannot continue at a profit.

Plaintiff rightly draws a distinction between those services on the one hand which are of the essence of the absolute or primary duty of the carrier, that is, its duty to transport passengers and freight, and those services which are necessary to insure the safety of the public, and on the other hand those services which are incidental to its primary or absolute duty or not required in its duty to insure safety. See Oregon R. R. & N. Co. vs. Fairchild, 224 U. S. 510. This case holds that the expense incurred by the carrier should be considered in determining the type, nature or extent of the facility or service to be furnished even when such service or facility is part of or necessary to the performance of its absolute duty, and that where it is a service or facility not included in the absolute duty of the railroad the question of expense is of more controlling importance. See also Seward vs. Denver & Rio Grande R. R. Co., 17 N. M. 557, 131 Pac. 980, 46 L. R. A. (N. S.) 242.

In the case of San Juan Coal & Coke Co. vs. Santa Fe, S. J. & N. R. R., 35 N. M. 336, 298 Pac. 663, it was recognized that the cost of maintaining an agency is one of the necessary ingredients in establishing the question as to whether the railroad commission had the power to require the carrier to establish an agency station. It will be noted that this case, as also the Seward case cited above, is from the jurisdiction of New Mexico where the Supreme Court itself by the constitution, upon the evidence, determines the reasonableness and lawfulness of the order made by the commission. The question, therefore, that the Supreme Court of New Mexico decided is entirely a different question than may be decided by this court under Section 4834, Comp. Laws Utah, 1917 as we shall later more fully explain in a

further consideration of the Seward case hereunder.

Under the constitution of New Mexico the Supreme Court had the right to take the record and determine the lawfulness and reasonableness of the commission's order, just as if the Supreme Court had itself sat for the first time. It could weigh the evidence and draw its own conclusions to determine whether the commission's order was lawful or reasonable, whereas, under Sec. 4834 the scope of the review accorded to this court is of a different nature.

In another New Mexico case entitled Randall, et al., vs. Atchison, T. & S. F. Ry. Co., 34 N. M. 391, 281 Pac. 479, it was held that:

> "In testing the reasonableness of an order requiring a railroad agent at a point where not needed for public safety, both the public convenience to be served and the increased cost of the service are to be considered."

These factors, which the Supreme Court of New Mexico considered under its broad power of review given to it under the constitution of New Mexico, are exactly the same factors which the Commission should consider in determining the question as to whether the agency should be continued. This court in reviewing the decision of the Commission does not directly measure, consider or determine these two factors and come to an independent decision which, if in conformity with the Commission's decision, would work an affirmance of that decision, and if contrary work a reversal. The province of this court, under Sec. 4834, is to determine first whether the Commission has considered those two factors and whether there is any substantial evidence upon which it could, as reasonable men, come to the conclusion it did come to.

In St. Louis & S. F. R. Co. vs. Newall, 25 Okla. 502, 106 Pac. 818, the court held as follows:

> "But the facilities afforded at any station to the general public must in a measure be commensurate with the patronage and receipts from that portion of the public to whom the service is rendered. Otherwise, not only would an injustice be done the railway company, which would be required to furnish the services at a financial loss, but the other portions of the general patronizing public would be required to pay an additional charge for the service rendered to

> them, over and above that necessary to pay the expenses of such services, and a fair and reasonable dividend on the investment of the railway company, in order to make up the deficit for the additional services required at such places."

We can, therefore, agree with the plaintiff that the matter of revenue chargeable to or produced by a certain station is one of the controlling factors in determining the nature, type, character and extent of the service or facility to be provided, but we cannot agree that it is the sole controlling factor. There must be some rough ratio between expense and service, some rough balancing of these factors. Not only is the relationship between the cost of service and the revenue accredited or chargeable to the station an important factor, but the necessity or convenience of the service or facility is also an important factor. The cost-revenue relationship is a controlling, but not the sole, guide to the type, nature, character and extent of the service or facility to be furnished. In the last analysis, if the station is to continue at all, there may be a certain minimum of service or facility which would have to be furnished regardless of the cost-revenue factor in order to satisfy Subsec. 2 of Sec. 4783. In other words, we cannot accept the proposition that the service or facility to be furnished is so dependent on the revenue factor that it could be indefinitely reduced in extent or change in character accordingly as the revenue was reduced. A close reading of the case of Chicago, R. I. & P. Ry. Co. vs. State, 24 Okla. 370, 103 Pac. 617, and cases therein considered will reveal that they are not contrary to what has been said above in a case such as we have before us. Where the service or facility is a part of the total sum of services or facilities to be provided by the railroad in order to produce a total revenue and not such a severable part of the railroad's operation, such as a branch line or rate upon a certain commodity, which, as we have seen, the railroad would not be required to maintain at a loss, there must be a minimum of service which is necessary to satisfy the requirements of Subsec. 2 of Sec. 4783. Expressed in mathematical language, the service is not completely a variable dependent of the cost-revenue factor. There may be cases where, even if it costs more to operate an agency station than the revenues accredited to it amout to, the requirement of rendering reasonable and adequate service to the public could still demand that it continue. If, in such a case, the Commission should require the railroad to continue it as an agency station, could

this court say as a matter of law that the Commission should have granted the application? We think not.

It was held in the case of Chicago, R. I. & P. Ry. Co. vs. Nebraska State Railway Commission, 85 Neb. 818, 124 N. W. 477, 26 L. R. A. (N. S.) 444, that:

> "The mere fact that the income from the expenditure at a particular point upon its line may not earn a fair return upon the capital invested at that point can only be considered in connection with the revenue from the entire operation of the road within the state at least. In such an appeal from an order to establish a station, the whole demand for both freight and passenger service must be considered; and if, taking all the circumstances into consideration, the order is not unreasonable, the appeal will be dismissed."

See also Morgan's L. & T. R. & S. S. Co. vs. Railroad Commission, 109 La. 247, 33 So. 214. It was held in the case of State ex rel. Railroad & W. Commission vs. Northern P. R. Co., 90 Minn. 277, 96 N. W. 81:

> "that the sole question of expense in the operation of a railway station, or the diminution of the profits secured therefrom, will not justify the removal or change thereof, where the rights of the public have become affected to such an extent that a substantial interference therewith would be a disadvantage to the patrons of the company . . ."

The court in this case put its decision upon the principle that,

> "the discontinuance of an established railway station, which their patrons have been permitted to use for years, upon the faith of whose location the people of a village and the surrounding country have depended, cannot be determined solely by the consideration whether a railway station is profitable to the road; nor upon its convenience and the adaptation of its affairs to the increased advantages and methods of transacting its business; nor by the test whether the continuance of a station will require it to incur increased expense."

In the case of Delaware, L. & W. R. Co. vs. Railroad Commissioners, 79 N. J. L. 154, 74 Atl. 269, the court said, in

discussing the right of a railway company to abandon a station:

> ". . . that the withdrawal of railroad facilities which had been given the public, and upon which they were justified in relying 'might be held to be reasonable if it had been shown that from changes naturally resulting an altered condition existed, such as the falling off of population; or the drifting of trade into new channels, and a depreciation of business resulting therefrom, in consequence of which a continuance of such facilities became unnecessary; or that the public was requiring service at a prohibitive cost.'" See note 26 L. R. A. (N. S.) 445.

In the case of Darlaston Local Board vs. London & N. W. R. Co., 2 Q. B. 694, it was held that a railroad company was not bound to maintain a station which was operated at a loss, and might lawfully close it. In the case of Louisiana & A. Ry. Co. vs. State, 91 Ark. 358, 121 S. W. 284, "a special act of the legislature . . . which required the construction and maintenance of a station at a point in a sparsely settled community with meager business interests, which would result in a large expense to the railway company without any corresponding benefit to it or the public" was held void.

> "But upon an earlier appeal of the last case (see 85 Ark. 12, 106 S. W. 960), it was held that the fact that the cost of erecting and maintaining a railway station at such point would be greatly in excess of, and out of proportion to, the revenues possibly to be derived from the business therefrom, does not render unenforceable such special act of the legislature, but that such fact would be important for the court to consider in determining whether such requirement was arbitrary and unreasonable, and whether there was any corresponding necessity for such station." See note 26 L. R. A. (N. S.) 445.

In the cases of Mobile & O. R. Co. vs. People, 132 Ill. 559, 22 Am. St. Rep. 556, 24 N. E. 643, and Chicago & A. R. Co. vs. People, 152 Ill. 230, 26 L. R. A. 224, 38 N. E. 562, it was held that a railway company cannot be compelled to establish a station and construct a depot at a point where the cost of maintenance will exceed the profits resulting therefrom. See also note to M., St. P., & S. Ste. M. R. Co. vs. Railroad Commission, 136 Wis. 146, 116 N. W. 905, 17

L. R. A. (N. S.) 821.

The above cases mostly relate to the matter of compelling a railroad company to establish a railroad station or refusing to permit it to discontinue a railroad station, and not to the matter of discontinuing an agent merely; yet they throw some light upon the question of whether the fact that a railroad may lose money on a station is itself sufficient in law to justify the refusal to establish a station or the discontinuance of an already existing station.

While the relation of cost to revenue would be a very important factor in the court's determining whether or not the Commission had erred in refusing to grant the application, because it would be an important guide to the determination of the type, character and extent of the service which could be called reasonable and adequate, yet there is a certain minimum of service which would be necessary to satisfy the statutory requirements, and if there was any substantial evidence to justify a finding that an agent was needed to give that sort of service the court would have to affirm the decision of the Commission. Each situation must stand on its own legs. It is impossible to lay down a rule which would fit each case. Certainly, if it appeared that the revenue was greatly incommensurate with the service or facility which the community demanded and further appeared that what might be called the quantum of necessity was such as to make the continuance of the service unquestionably an incommensurate burden upon the railroad, then it might be that if the Commission denied the application to discontinue the service it would be considered unjust, arbitrary and unreasonable and a denial to the applicant of due process of law because it resulted in the confiscation of property.

We have purposely discussed the case where the cost of maintaining the service was even greater than the revenue which could be accredited as having accrued from the service. We have no figures in evidence which would show whether, if we subtracted from each dollar of gross operating revenue all of the operating expenses and taxes allocated to each dollar of revenue, the difference would be less than the cost of maintaining the agency station at St. John allocated to each dollar of gross revenue accredited to St. John Station. The plaintiff, in its reply brief, stated that in the year 1930 the plaintiff paid 83.38 cents out of every dollar of its earnings for operating expenses and taxes, and for the first eight months of 1931 this figure was

88.71 cents. These figures, of course, include station costs as a part of the content of operating expenses, being averaged at 3.65 cents and 3.99 cents per dollar of operating revenue for the years 1930 and 1931, respectively. While this is contained in the brief it was not introduced in evidence. As stated above, even had it appeared in evidence it would still be a question for the Commission to decide whether, in view of such facts, the plaintiff should not continue the agent at St. John in order to satisfy the requirements that the community of St. John and its hinderlands be provided with just, reasonable and adequate service. If this court could not say, upon the review of such evidence, that the Commission had acted unreasonably because there was substantial evidence to justify its finding that such service, even in view of the cost-revenue factor, was necessary, this court would have to affirm the decision of the Commission denying the application of the plaintiff, although with such evidence it could be said that the quantum and nature of the service or facilities which would be considered adequate and reasonable to meet the public necessity and convenience at St. John would need only be such as would be required actually to handle the business at St. John with the minimum of cost, without subjecting the shippers to great inconvenience or actual probability of monetary loss.

Having stated that the question which the Commission was called upon to decide was whether, in view of the cost-revenue factor at St. John, adequate and reasonable service as required by Subsec. 2 of Sec. 4783 could be furnished by maintaining a non-agency station there, and the Commission having decided that it could not, what is the question which is before this court on review? Referring again to Sec. 4834, Comp. Laws Utah 1917, quoted heretofore, this court can only determine whether the Commission has regularly pursued its authority or whether its order or decision violates any right of the petitioner under the Constitution of the United States or of this State, and, further, which is not part of Sec. 4834, but which this court by virtue of its inherent power has the right to determine, whether the findings of fact and conclusions of the Commission are supported by any substantial evidence, and whether, if the findings and conclusions are not so supported, there is substantial evidence to support its decision.

Since the petitioner has relied upon several cases from the jurisdiction of New Mexico, the scope of the review of this court under Sec. 4834 may be made more clear, we

believe, by considering those cases and especially the cases of Seward vs. D. & R. G. R. Company, mentioned heretofore. This case discusses the right of review of the Supreme Court of New Mexico under Sections 7 and 8 of Article 11 of the Constitution of that state. We may then note the difference in the power of the courts of that jurisdiction to review a decision of its commission as compared with the power of this court to review a decision of our commission. It was held there:

> "That said sections provide for a review by the supreme court of the reasonableness and lawfulness of an order made by the state corporation commission, upon the evidence adduced before the commission; . . . the court not being bound **by the findings of the commission, and the party affected having the right, on the original hearing, to introduce evidence as to all material points.** . . . ." And that: The supreme court under the constitutional provisions, upon the evidence, determines the reasonableness and lawfulness of the order made by the commission; if it finds such order to be reasonable and lawful, it enforces it; if, on the other hand, it finds such order to be unreasonable or unlawful, it refuses to enforce the same." (Italics ours; quotations from syllabus.)

The Constitution of New Mexico provides that either party may remove the cause from the commission to the Supreme Court within a time limited. If the Seward case and the case of Randall vs. Atchison, T. & S. F. Ry. Co., 34 N. M. 391, 281 Pac. 479, and the San Juan Coal & Coke Company case above cited, another New Mexico case, are all carefully examined it can be readily seen that the Supreme Court of New Mexico has quite different powers on a record coming from the commission than has this court. The question as to whether Sec. 4834 provide due process of law has not been raised by either party and we are assuming for the purposes of this case, that the right of review as circumscribed by the provisions of that section is due process. If the power of this court to review the proceedings and the evidence before the Commission were the same as given to the Supreme Court of New Mexico, we could review the evidence and determine whether **in our opinion** the Commission's judgment was correct, and we could determine from the evidence itself, as if the question had been before this court for the first time, whether the application of the railroad should not be granted. Under

the New Mexico procedure the commission on appeal is considered analogous to a referee taking testimony and submitting recommendations. The court may or may not follow the recommendations; its judgment operates directly on the evidence and not on the decision of the commission. But we cannot do that under the provisions of Sec. 4834.

Technically stated our power of review goes to the extent of determining whether there was any substantial evidence to support the decision of the Commission. But the decision of the Commission was as to a question of indefinite nature and content. The difficulty in applying the rule as to whether there is substantial evidence to support the decision arises, not from the rule, but from the nature of the question which the Commission had to decide. It had to decide what was or what was not reasonable and adequate service for the community of St. John considered in the light of the cost-revenue factor. Now, whether or not there is substantial evidence in the record to support its decision that discontinuance of the agency would not provide such reasonable and adequate service, depends, on analysis, upon the question of what one's judgment is as to what is reasonable and adequate. To one mind the visualization of the use the patrons of the railroad could make of the facilities provided by the railroad after discontinuance of the agent would not be reasonable and adequate; consequently to such minds there would be ample evidence to sustain the decision of the Commission. In the judgment of another mind the use and method of use of such proposed facilities to which patrons would be required to conform would be reasonable and adequate service in the light of the cost-revenue factor and as to such minds the decision would not be supported by substantial evidence. We thus see that the difficulty in applying the rule comes from the nature of the question to be decided and the indefinite content which lies in the words "reasonable", "efficient", "adequate" and "just". These are indefinite measuring words which vary somewhat with the mind which must give them content.

In the ordinary case where a jury, tribunal, commission or official is the factfinder, we have a case where certain underlying facts must be determined and after they are once determined a definite conclusion flows. This court then need only determine whether there is evidence which, reasonably interpreted, supports the underlying facts as found by the factfinder and whether the deduction made

therefrom is the one which must in law or logic flow therefrom. For instance, taking an example from the Industrial Commission, whether a man was injured by an accident in the course of his employment depends upon finding the fact of accident plus resulting injury plus the fact of employment, which latter fact may depend upon a legal relationship and what the man was actually doing at the time he purports to have been injured. We examine the record to determine whether there is any substantial evidence which can be interpreted to spell accident and injury, or in other words which support the subsidiary facts found by the Industrial Commission and if so, regardless of whether we agree, then determine whether the decision or ultimate fact is properly deducible or flows from those subsidiary facts as found. It is, in such case, a comparatively simple process to determine whether there is substantial evidence to support the decision of the Commission. In the instant case, however, the ultimate fact to be determined by the Commission depends not on a single deduction which must, of necessity, flow from certain underlying facts found, but on a matter of judgment as to a question with an indefinite content. The ultimate fact rests not alone on the mental process of correct weighing and interpreting of evidence and of correct deduction therefrom, but on the weighing and interpreting of evidence plus the judgment of the individual weighing and interpreting such evidence. And the judgment varies with the training, the experience, the general mental makeup and other rather intangible "determiners" of the judges. What we are really asked to review, therefore, is the question of the judgment of the Commission as applied to the evidence. But we cannot, like can the Supreme Court of New Mexico, substitute our judgment for the judgment of the Commission. We must determine whether any reasonable mind could have come to the same judgment as the Commission on the evidence controlled by the principles of law heretofore discussed. If there is any evidence upon which any reasonably judging mind could come to the same conclusion that the Commission came to, then we must affirm the decision. It is analogous to the test applied by the courts where they are asked to set aside a verdict. A court must not set aside a verdict merely because it disagrees with the verdict, but only if it is such that the court could say that no person in a reasonable state of mind, free from passion, bias or prejudice, following the principles of law given it, could have so found under the evidence. This

court must not determine whether its supposedly reasonable minds differ from the minds of the Commission in the exercise of their judging faculties, but whether any reasonable mind could have agreed with the decision in view of the law and the evidence.

How stands the matter in view of such a test? We have two factors to consider in determining whether the Commission's minds operated reasonably upon the evidence, or, put in another way, whether the commission's judgment can be justified under any reasonable view of the evidence —the cost-revenue factor and the reasonable service factor.

The plaintiff introduced evidence showing that the Union Pacific System revenue accredited to St. John Station in 1930 was $15,813.84; that during the first eight months of 1931 it was $7,187.99. System revenue accredited to St. John consisted of all revenues derived from transportation of passengers and freight terminating or originating at St. John Station which accrued to the whole Union Pacific System and which included revenue from less than carload lots forwarded and received, revenue from carload lots forwarded and received, passenger revenue in 1930 of $309.06 and in eight months of 1931 of $147.43, and miscellaneous during 1930 of $244.80 and during the eight months of 1931 of $192.16, and during the whole twenty months a total of $17.58 from Western Union telegrams. It should be stated that since much of the revenue comes from range to range carload shipments of sheep and cattle, a large part of which occurs in October and November, and since no revenues for the year 1931 were included past August of 1931, some of the discrepancy between the proportions for the two years may be accounted for upon that fact. For instance, for the first eight months of 1930, 167 carloads of all freight moved in and out of St. John. In 1931, for the first eight months, 105 carloads moved in and out. In the last four months of 1930, 169 carloads were forwarded from or received at St. John, or two more carloads than the total number of which were moved in the first eight months of the same year. In 1929 a total of 278 carload lots were moved, of which 137 moved in the first eight months and 141 in the last four months. It is, therefore, not to be assumed from the evidence that the revenue for the entire year of 1931 would have dropped off so greatly as the figures $15,813.84 and $7,187.99 seem to indicate. If the same proportion of revenues could be allocated to the last four months of 1931 as were credited to the last four

months of 1930, we could expect a total revenue from carload lots in 1931 of $14,780.99 as against $15,813.84 for 1930. The total expense of operating the station at St. John in 1930 was $2,337.31 and for the first eight months of 1931 was $1,317.93. The gross operating revenue of the plaintiff in 1930 was $23,000,000.00; the entire station expense was $832,000 for the same year. The ratio of station expense to gross operating revenue was therefore 3.61, or put in another way the station expense was 3.61% of the gross operating revenue, or, still another way, 3.61 cents of every dollar taken in by the road went for station expenses. Using this ratio St. John Station would have had to take in in 1930 approximately $64,000.00 in order that it might conform to the ratio of total station expenses to total gross operating revenue. And in 1931, in order to conform to this figure, St. John would have had to take in during the whole year $54,161.00. Fifteen cents of every dollar of gross operating revenue accredited to St. John Station went in 1930 for station expense, and in 1931, based on an estimated revenue of $14,780.99 and upon a total station cost of $1,976.88, (being three halves of $1,317.93), 13.6 cents of each dollar of revenue. It is argued, therefore, by the plaintiff that this excess of the portion of each dollar of revenue accredited to St. John used for station cost there over and above the average figure of 3.61 shows that the revenues at St. John are far incommensurate with the services and that the revenues do not justify the agency service. The deduction is not altogether sound because the percentage of total line station cost to total gross operating revenue is not a sound test of whether a service is justified or not. If it were followed to its logical conclusion it would end in an absurdity. The ratio of total station cost to total gross operating revenue involves an average. The total cost of all stations are lumped together and the proportion which this bears to the total gross operating revenue is found, thus showing what portion of each dollar of total gross operating revenue goes to total station expenses. But if each station's expense, which was above the average, were cut down so that the expense at that station would bear the same relation to the gross operating revenue chargeable to that station as the total station expense bears to the total gross operating revenue, then the new total of station cost proportioned to the gross operating revenue; granted that the latter remain the same, would give a new average, and by that same test the station costs would again have to be revised and cut down to conform to that new norm, which process could be repeated indefinitely until all the station costs

would tend to zero. All costs would be eliminated finally by the elimination of all services in order to keep conforming to a decreasing norm affected by each succeeding deduction to conform to the last ascertained norm. The truth is that this ratio is enlightening only as it shows us what portion of each dollar of the total gross operating revenue of the whole road goes to total station costs, but is no test as to what portion of any particular station's gross revenue should be consumed in giving adequate and reasonable services. There are probably many stations on the road where the very minimum of service required would cost more than was reflected by this ratio. It cannot furnish any norm to which station costs must tend to conform. A station that yielded great revenue with comparatively little cost helps to bring down this average. It would be quite unsound to make the test of the service at any station such as would cost that amount as would make it conform to the ratio of total line station expense to total gross operating revenue. The question is not how much greater are the station costs at St. John than some other station costs per dollar of revenue or how far from conforming to a norm the costs of St. John are, but can the station costs at St. John be reduced and still give the services required by Subsec. 2 of Sec. 4783. In fact, there is no reason why a railroad should spend for services at any station, regardless of how much revenue was accredited to that station, any more than was needed to furnish the required reasonable and adequate services to the public. As suggested by the plaintiff, any more expenditure than was necessary to furnish the required services might, in the end, lay a burden on the shipper and the public, and especially in these times which call for every economy.

As to the cost-revenue factor, therefore, it is not apparent from the evidence, as stated above, that the railroad was actually losing money in maintaining a day agency station at St. John, and, as stated above, even if it were we would not be prepared to say that that fact alone should have, as a matter of law, controlled the minds of the Commission to the extent of making it inexorable upon them to grant the application. Even then the case would have to be decided upon all the facts and circumstances. If it should transpire that by subtracting from each dollar of accredited revenue at St. John Station that portion used for station expenses the remainder of each dollar would be insufficient to bear its proportion of the railroad's operating expenses and taxes without being wholly or more than

wholly consumed, the Commission might still be justified in refusing the application if such circumstances appeared as would require the continuance of the services in order to reasonably satisfy the requirements of Subsec. 2 of Sec. 4783, and provided, of course, that there was substantial evidence to support that judgment. We have heretofore discussed that question.

Now, as to the factor of the service to be rendered reasonably to satisfy the requirements of Subsec. 2 of Sec. 4783. Can we say from the evidence that no reasonable mind could have concluded otherwise than that, in view of the cost of maintaining St. John as an agency station and in view of the revenues accredited to it, the service and facility furnished by a non-agency station would, as a matter of law, satisfy the requirements of Subsec. 2 of Sec. 4783. If reasonable minds could differ, the judgment of the Commission should prevail. We have heretofore discussed the soundness of the argument which is based on the ratio of total station cost to total gross operating revenue and have already concluded that we could not say that reasonable minds could not differ on the question as to whether the costs of service were incommensurate with the revenue accredited to St. John. It remains to consider the evidence to determine whether, in view of that cost-revenue relationship, the evidence is such that a reasonable mind could not have adjudged that the adequate and reasonable service required by Subsec. 2 of Sec. 4783 would not demand the continuance of an agency station at St. John.

The evidence showed that the protestants were mainly farmers and livestock growers operating at St. John or in territory tributary thereto, and that the great bulk of the freight shipped from and received at St. John Station were carload lots of sheep and cattle. There was no substantial evidence which would justify the Commission in refusing the application of plaintiff to discontinue the agency because of the passenger business or on account of less than carload shipments moving in or out of St. John so we do not need to consider the evidence or the effect non-agency would have on such services. We can say that the manner in which such business would be handled without an agent would, as a matter of law, satisfy the requirements of the statute. It appears to us no reasonable minds could differ that such service would be reasonable service as required by the statute. The objections to the discontinuance of

the agent in reference to this carload business fell under two or three headings. First, difficulty and inconvenience in obtaining information (a) as to when "empties" could be ordered and "spotted," (b) when they would be picked up after being loaded, and (c) when consignments of livestock would arrive or could be expected for the purpose of unloading; (2) the manner of prepaying freight when carload or less than carload lots were shipped from a non-agency station to St. John or from St. John to a non-agency station; and (3) miscellaneous matters, such as telegraph services not pertaining to transportation and such accommodations as friendly humans give other humans when dealing face to face.

The railroad maintained that the shipper could order cars by letter or postcard or through the agent at Stockton or some other agent along the line by using the telephone at St. John Village (which is about five miles from St. John Station), or by ordering through any train conductor or through the section foreman or through the wife of the section foreman (the section foreman lived close to the station), and the section foreman or his wife could obtain the information by using the train dispatcher's telephone circuit. It is claimed that information could be obtained through the same mediums as to the time cars would be spotted and as to the time consignments to St. John would arrive and as to the probable times that loaded cars or sheep or cattle would be picked up at St. John. The station agent at Stockton could only be reached from St. John Village by a party line through the Tooele exchange. There was considerable evidence that in the case of shipments of livestock that the matter of feedings and watering them required very close attention, and that shippers would have to know fairly accurately when a loaded car would be carried out of St. John and when a car consigned there would arrive for the purpose of unloading; otherwise, the livestock might lose weight or require extra feed and water to be brought while they were waiting for the car to be picked up. There is also evidence that unless the shippers could be assured of expeditious service in the "spotting" of cars for the loading of livestock, buyers might change their minds or the shippers might lose money on account of the change in the market. There was some evidence, also, that the telephone service between St. John and Stockton through Tooele was not very efficient and had required shippers to wait for hours in order to receive a reply, and sometimes failed altogether. There was also evidence that

the section foreman was out on duty most of the day and that he could be reached in the morning and evening and that word could be left with his wife; that a station agent can keep in communication through the dispatcher's circuit with the various agents on the road and get very much more timely information as to when consignments will arrive or when loaded cars might be picked up. The evidence also shows that most of the shipping of livestock, most of the shipping of any kind, during the years of 1929, 1930, and 1931, occurred in the months of April, May, October, and November, with fairly heavy shipping in September, and in the year of 1929 in March and in the year of 1930 in February. In 1929 there was also fairly heavy shipping in September, but during the years of 1929, 1930 and 1931 the carload lots that moved in and out of St. John during June, July and August, and in January, were comparatively small.

The evidence seems to establish with fair conclusiveness that shippers could order cars and obtain information as to when they would be supplied without an agent, but that the services of an agent were quite helpful and convenient and perhaps resulted in financial gain or at least aided in preventing losses when it came to obtaining information as to when cars loaded with livestock would be picked up or when they would arrive, and that there was some doubt as to whether the telephone service at St. John Village or information obtained from train conductors or by means of the section foreman would be adequate or reasonable service. At least, laying aside all that the shipper could expect by way of courtesy or friendly accommodation of an agent that they personally knew or through telegraph service for their own business purposes that an agent might be able to give them, which we hardly believe that the railroad would be required to furnish, there appears to be substantial evidence upon which the Commission could come to the conclusion that at least during the months of heavy shipments an agent is required to give the type of service required by the statute.

To recapitulate: The cost-revenue factor in the determination of what is a reasonable and adequate service is one of the main and important factors, but not the sole factor; such determination depends upon all of the circumstances and facts bearing upon the situation and not upon the cost-revenue factor alone; even though the cost of rendering a service would be more than the actual revenue

received, it could not be said in law that that fact alone would be sufficient to permit the railroad to discontinue this service or facility; that in this case it does not appear that if we take from each dollar of gross operating revenue the fact of the operating expenses, (excluding station expenses) fixed charges and taxes which each dollar must bear; the remainder would be less than that portion of each dollar of gross operating revenue credited to St. John Station used for station expenses at St. John; that there is sufficient evidence in this case to sustain the judgment of the Commission that a non-agency station would not give reasonable and adequate service at least during the heavy months of shipping; that the original application of the plaintiff did not include suspension of the agency during a part of the year nor was the matter of discontinuing the agency for certain months of the year adequately called to the attention of the Commission during the original hearing or a point made of it; that, therefore, the application of the plaintiff to discontinue the agency throughout the entire year was properly denied.

The plaintiff asked for a rehearing, filing an elaborate amended petition for the same. A hearing upon the application for a rehearing was held on the 15th day of January, 1932, at which time the plaintiff offered to install a telephone at St. John Station so as to meet the objection that it was necessary for the patrons to search for the section foreman, which telephone would be connected with the station at Stockton and would give twenty-four hours service. The idea was that this would obviate the entire objection that the shippers had that they could not get information. The plaintiff also argued that the evidence on the original hearing showed that the great bulk of the shipping of carlod lots in and out of St. John occurred over a period of four months and the Commission should have granted its application to discontinue the agency at least for a portion of the year during those months when the shipments in and out of St. John were scattered and few. This petition for rehearing was not like the ordinary petition in that regard, in that it was not just an attempt to show wherein the Commission had erred in weighing or construing the evidence or where it had misapplied or mistaken legal principles, but a new element was introduced, that is, the proffer to install a telephone. It may be that the Commission took the view that the petitioner could not make an application for permission to do a certain thing and tnen, upon being refused, come in with some new or

additional proposition, because that would mean that each time the petitioner found its application denied it could try some new offer; or the Commission may have decided that it had already sufficient evidence before it from which it could reasonably judge that public telephone service installed at St. John Station would not be reasonable or adequate service under the requirements of Subsec. 2 of Sec. 4783. The denial of the petition for rehearing does not disclose on what ground the Commission refused to grant the rehearing. The evidence does show that the offer to install the telephone at St. John was not for the purpose of pulling out of the fire a lost cause, or something which could reasonably have been offered when the original application was filed, but that it was the outgrowth of a situation which was revealed by the evidence at the original hearing. It is, then, in the nature of and analogous to a case in which newly discovered material and relevant evidence is found which might be likely to change the result of the trial, where it was shown that the party moving for the new trial had not lacked diligence in uncovering such evidence. So that if the Commission refused to consider the matter of the telephone on the application for the rehearing because of procedural reasons, we believe the Commission erred. In that regard it should have been considered as an original application. It would seem unnecessary to file a new original petition with this element in it. If, on the other hand, the Commission refused to grant the hearing because it believed that the installation of the telephone would not provide the reasonable and adequate service required by the statute, we can say that we find no evidence in the record on the application for the rehearing or in the record of the testimony taken at the hearing on the original application sufficient for the Commission to come to such a conclusion. There is nothing in the evidence adduced at the hearing on the application for the rehearing or the other testimony which the Commission could conclude that the installation of this telephone, together with all the other means available to the shippers, would not be reasonable and adequate service required by the statute. We cannot say that it would or would not. That is not our province. It may be that the installation of a telephone would still leave the situation such that the shipper could not obtain the reasonable and adequate service required by the statute. It may be that he would still have the inconvenience of locating the agent at Stockton or that there are certain services which he would be entitled to that he could not

get over the bell telephone or that an agent could obtain through the dispatcher's circuit so much more expeditiously as to make its omission more than just a minor inconvenience. On the other hand, it may be that the installation of the telephone might solve the problems to an extent where all reasonable minds could say that all that the shippers would suffer would be some slight inconveniences which they might not have to submit to if they had an agent personally present. Those are matters which only a hearing on that question would disclose. We do not believe that the Commission sufficiently explored the possibilities which the installation of a telephone would accomplish. In that respect we believe that the Commission erred in denying the application for a rehearing. We also believe that the Commission erred in denying the application for a rehearing when it was pointed out to them that there were some months during the year in which there was very little shipping of carload lots in and out of St. John, an element which we believe they were sufficiently excused from considering on the original application because it was not properly called to their attention or a point really made of it. But, in view of finding No. 9 of their decision, we believe they should have given consideration to that matter, which the record does not show was given. It may be that if evidence is adduced upon a rehearing that it will be revealed that over a series of years the periods of heavier shipments are so uncertain as to require an agent to be there all the year round.

The case of Oregon S. L. R. Co. vs. Public Utilities Com. of Idaho, 47 Ida. 482, 276 Pac. 970, is peculiarly like the present case with at least two exceptions. Heyburn, the station at which it was desired to discontinue the agency was 6.1 miles from Rupert and only 2.2 miles from Burley, Idaho. And it did not appear in that case that livestock was shipped in bulk from that station. Moreover, the section was fairly thickly settled and cultivated and not semi-desert country. But the railroad there as here proposed to keep the station warm in winter for passengers, proposed to provide a locked place for less than carload lots with available key. Outbound carload lots would be handled by telephoning orders for cars to either Burley or Rupert and the manner of proposed handling of bills of lading would be the same as proposed in this case. The court held that:

> "Based upon the finding of the commission that 'public convenience and necessity will require **during**

> **the shipping season** the continuation of the maintenance of said reporting agency at Heyburn,' the evidence clearly did not justify the conclusion that the railroad company was not entitled to any relief whatever; and it is apparent from the finding that during the months other than what is termed the shipping season (specified in the findings as from July to November, inclusive) an agent was not required. We are of the opinion, therefore, that the commission did not regularly pursue its authority in failing to allow the discontinuance of the station agent at Heyburn during months of the year not included in the shipping season."

We cannot say as a matter of law from the evidence in this case that the Commission should have granted the plaintiff some relief by permitting it to discontinue the agency at St. John during a portion of the year. There is not sufficient evidence in the record to be able to state conclusively whether, over a series of years, there can be blocked out what may be called a shipping season, but we can say that the Commission did not regularly pursue its authority when it refused the application for a rehearing and thereby refused to take evidence on that question, especially in view of its finding No. 9 which tends to support the assertion that there is a shipping season and a season when there is very little shipping of carload lots. The Idaho case cannot be a precedent on the facts because the situation at St. John is different than that at Heyburn and especially in view of the fact that the railroad filed an application for permission to discontinue the agency at Faust which is the next station 12.8 miles westerly from St. John. Furthermore, since the Commission has the duty to exercise its own judgment on the facts the opinion of no court on similar facts can be a precedent. In the Idaho case there was a definite finding by the commission that public convenience and necessity required, during the shipping season, an agent; consequently a decision that an agency was required all the year was not supported by the finding. In the instant case the error of the Commission is not in making a decision not supported by the finding, but in not giving a hearing on the possibilities of dispensing with the agency service during a portion of the year at least, and all year, perhaps, if a telephone were installed at St. John Station. The Commission in this respect failed to pursue its authority.

The case of St. Louis & S. F. R. Co. vs. Newall, 25 Okla. 502, 106 Pac. 818, held that an order requiring the railroad to install telephone bulletining service at one of its stations without evidence as to the number of passengers handled at the station and the receipts of the company from that portion of the traveling public was error. Whether the Commission makes an order requiring a service on insufficient evedence or whether it makes an order denying an application without having sufficient evidence to support the denial can make no difference in principle.

For the reason above mentioned the order denying the petition for rehearing will be set aside with instructions to the Commission to hold a hearing upon the question of whether the installation of the telephone at St. John would satisfy the requirements of the statute as to reasonable and adequate service, and as to whether at all events the petitioner should not be allowed to discontinue the agent for certain months of the year, and to make its findings and render judgment upon these questions.

WE CONCUR:

(Cherry, C. J. did not participate herein.)

IN THE SUPREME COURT OF THE STATE OF UTAH

Los Angeles & Salt Lake Railroad Co., Plaintiff,
vs.
Public Utilities Commission of Utah, and E. E. Corfman, Thomas E. McKay and G. F. McGonagle, as Member of and Constituting said Commission, Defendants.

No. 5286

WOLFE, District Judge.

The petitioner sued out a writ of certiorari to have reviewed a decision of the Public Utilities Commission denying an application to discontinue the operation of Faust on its main line in Tooele County, Utah, as an agency sta-

tion, and also to have reviewed an order denying a petition for rehearing. The record consists of testimony offered by the railroad on the one hand and by objecting farmers on the other. No objections by livestock raisers, as was the case of the application for the discontinuance of St. John as an agency station, were made, although the evidence shows that there were in and outbound shipments of sheep to and from Faust, mostly range to range movements. The record of carload shipments forwarded and received during the years of 1929, 1930 and eight months of 1931 showed that the great bulk of these carload shipments took place during several months of the year only. In 1930 the carload freight fell off considerably from 1929. During that year there was forwarded, 6 carloads during January, 3 during February, 1 during March, 13 during April, 1 during May, 20 during June, 3 during July, 1 during August, 1 during September, 5 during October, 8 during November and 2 during December, a total of 64 cars forwarded. Carload lots received during the same year were, 1 during January, 3 during February, none during March, April, May, June, July, August and September; 1 during November, 4 during December, a total of 9, or a total of forwarded and received during 1930 of 73 carload lots as against 285 carload lots forwarded and received during 1929. The main bulk of carload lots forwarded and received from Faust station during 1929 were during the months of March, April, May, June and October. During 1930 the bulk of carload lots forwarded and received were during the months of April and June. During the eight months of 1931 there were 14 carload lots forwarded in June, 1 for the month of March, April, July and August respectively; 6 for January and none for February and May. Carload lots received were, 1 for February weighing nine tons; none for any of the other eight months. It can thus be seen that the bulk of the shipments occurs within four or five months of the year if we take the experience of three years. During the eight months of 1931 there were only 25 cars forwarded and received showing the marked decrease in business. Probably the great majority of these carloads were range to range shipments of sheep.

The system revenue derived from carload lots forwarded and received at Faust amounted, in 1929 to $13,395 in round figures. In 1930 it was $5,169. During eight months of 1931 it was $1,993. The falling off of revenue during the years 1930 and 1931 as compared with 1929 was therefore very marked. The system passenger revenue ac-

cruing to Faust for 1929 was $262.77; for 1930, $172.95; for the eight months of 1931, $58.10. Freight revenue for less than carload lots forwarded and received during 1929 was $587; during 1930 it was $255; during the eight months of 1931 it was $130. There were other miscellaneous revenues, including revenues from Western Union business, which amounted to $412.33 in 1929; $176.66 in 1930; $78.62 during the eight months of 1931. The agent's pay in 1929 was $2,603.75; in 1930, $2,105.37, and $1,319.78 for the eight months of 1931. If the agent's wages for twelve months of 1931 was in the same proportion as for the eight months' period and revenue was also in the same proportion for the twelve months for all passenger, carload lots, less than carload lots and miscellaneous revenues, system revenues for the full year chargable to Faust station would be $3,387 and the cost of the agent $1,978. The agent's salary would, in other words, be more than one-half of the revenues for all passenger traffic and freight received and forwarded from Faust and all miscellaneous revenue. The revenue could not be considered as having been earned at Faust. It would be contributed to by many services rendered over the whole system. There were some other costs at the Faust station besides the agent's salary which we have not taken into consideration on the theory that the discontinuance of the agency would not affect a saving in these items, such as maintenance, miscellaneous station supplies, coal and stationery, although it would, perhaps, require less coal if there were no one in the station a good part of the time and less, if any stationery; maintenance and miscellaneous station supplies might be practically the same.

The petitioner contends that the high cost of the agent as compared to the revenues credited to the station require the Commission, as a matter of law, to grant the petition for discontinuance of the agent. In the case of the Los Angeles & Salt Lake R. Co. vs. Public Utilities Com. of Utah, et al., ... Utah ....., 15 P (2d) 358, hereinafter called the St. John station case, we considered at length the effect of the cost-revenue factor in the matter of an application to discontinue an agency. We held there that the amount of the revenue which can be credited to a station compared to the station expenses is one, but not the sole controlling factor in determining the nature, type, character and extent of the services or facilities to be provided; that there must be some rough relationship between the amount of service and the revenue; that there might be rare cases where the agency service would have to be

continued in order to give the just and reasonable service required by the statute even though the cost was more than the revenues derived. For a discussion of these principles the reader is referred to that case. The part of the statutes which specifically governs in this case; as in the St. John case, is Subsec. 2, Sec. 4783, Comp. Laws Utah 1917, reading, as far as material in this case:

> "Every public utility shall furnish, provide, and maintain such service, instrumentalities, equipment, and facilities as shall promote the safety, health, comfort, and convenience of its patrons * * * and the public, and as shall be in all respects adequate, efficient, just and reasonable."

And Section 4834, which provides in part as follows:

> "* * * The review shall not be extended further than to determine whether the commission has regularly pursued its authority, including a determination of whether the order or decision under review violates any right of the petitioner under the constitution of the United States or of the State of Utah. The findings and conclusions of the commission on questions of fact shall be final and shall not be subject to review. Such questions of fact shall include ultimate facts and findings and conclusions of the commission on reasonableness and discrimination * * *".

In the St. John station case we considered at length the scope of the inquiry which this Court could entertain in a case of certiorari from the Commission under section 4834. We held that we had no authority to determine from our own judgment whether, under the evidence, the agency should be discontinued, and thus put ourselves in the place of the Commission, but we must determine whether any reasonable mind could come to the same judgment as the Commission came to on the evidence controlled by the principles of law discussed in that opinion. If there is any evidence upon which any reasonable judging mind could come to the same conclusion that the Commission came to it would be our duty to affirm the decision of the Commission. How stands the matter in view of such test? We have already given the figures as to the revenue chargeable to Faust station during the years 1929, 1930 and eight months of 1931, and the cost of maintaining the agency. The railroad further introduced evidence that the average cost of station maintenance over the entire line was 3.65

of every dollar of gross revenue. In the St. John station case we uncovered the fallacy of this ratio as a criterion to be applied to all stations, pointing out that it would not be of service as an argument to impel the commission to permit such a discontinuance of agency service when the cost-revenue factor did not conform to such average. In this case, however, as pointed out before, the station expenses for 1931, based on the figures for eight months of that year (exclusive of coal, stationery, general maintenance charges and supplies) were $1,978 or nearly 60% of the $3,387 of gross revenue credited from all sources. But as stated in the St. John Station case the fact that there was a high percentage of station costs to revenue would not alone be sufficient to justify the discontinuance of the agency. The question raised in that case, as in this case, was whether the service to be provided when the agency was discontinued would be adequate, efficient, just and reasonable as required by Subsec. 2 of Sec. 4783, Comp. Laws Utah 1917, in view of the cost-revenue factor and the question for this Court would be whether any reasonable mind could have found, under the evidence of this case, that it was necessary to continue the agency in order to give such services. Let us examine the evidence from that standpoint. The railroad maintained that a shipper of less than carload lots could be served with slight inconvenience by leaving the freight in a storehouse which would have two locks, the key to one to be in the hands of some responsible person, the key to the other to be in the hands of the signal maintainer and the section foreman, both of whom reside at Faust. The bills of lading would be placed in the waybill pocket located outside of the building. The local freight conductor would look in the box, obtain the bills of lading, unlock the door and load the freight, sign the bills of lading, replace them in the waybill box where the shipper would regain them and send them to the consignee. Unless the shipper is present when the local freight conductor arrived he would be required to make one trip to deliver the freight to the storehouse and another to regain the bills of lading. If there were an agent he would only be compelled to make one trip instead of two. This is the only difference as far as we can see in the case of less than carload lots forwarded. When less than carload lots of freight arrived, as distinguished from those to be forwarded, they would be placed by the conductor in the storehouse under lock and notification sent by the next recording station agency to the consignee who would call for it. The freight received would have to be prepaid. In such case there

would be no extra trip on the part of the consignee as he would have to come for the freight whether the agent was there or not, the only difference being that he would be notified, not by an agent at Faust, but by an agent at some other station.

In view of the very small amount of revenue derived from less than carload lots forwarded and received and in view of the comparatively small inconvenience attached to the handling of such freight without an agent as compared with that which would not have to be suffered were there an agent present we do not believe that any reasonable mind can say that an agent should be kept at Faust for the purpose of handling less than carload lots forwarded and received; nor do we believe, under the evidence, in view of the small passenger revenue from passengers arriving at or leaving Faust station could it be said that any reasonable mind could justify the continuance of the agency for taking care of the passenger business. We now come to consider the services which would be given in the absence of an agent in case of carload lots forwarded and received as compared with that given in relation to such services by a resident agent. The method proposed by the railroad for handling carload lots was as follows: On carload lots received the freight would have to be prepaid. The agent at the next reporting station would send notification through the mail of the arrival of the car at Faust and the consignee would come and unload. This is no less than an agent at Faust would do. When carload lots were to be forwarded from Faust the shipper desiring to load would order his car by mail or telephone from any agent or from any conductor or through the section foreman or signal maintainer. These later would give the information by telephone to the chief train dispatcher at Salt Lake who would cause the car to be "spotted". The shipper would load it out, place the bill of lading in the waybill pocket as in the case of less than carload lots and when the car was picked up the conductor would sign the bill of lading, replace it in the box wherein the shipper would regain it and send it to the consignee. It was complained that this would require two trips, one to load the car and one to regain the signed bill of lading, unless the shipper waited for the conductor to arrive at the station. But is appeared that all the protestant shippers shipped from Dunbar, a station seven miles west of Faust, and not from Faust, and were in the habit of going to Faust to get the agent there to receipt for the loaded car and make out and sign the bill of

lading. This practice, however, is irregular because the agent has no right to receipt before the car is picked up. Further, in such case it would be necessary to make the trip to Dunbar to load and then a trip from Dunbar to Faust in order to obtain the signature of the agent at Faust to the bill of lading. The question as to whether this one trip to Dunbar and another trip from Dunbar to Faust or from Vernon to Faust was any more inconvenient than two trips to Dunbar does not specifically appear but if it were less convenient it would seem to be very little so. And if the practice of having the agent at Faust receipt for freight set out at Dunbar before the car was picked up should be discontinued by the railroad then of course the shippers at Dunbar would have to go through exactly the same procedure at Dunbar as they would be expected to go through if they shipped from Faust without an agent because Dunbar is a non-agency station and whether or not there is an agency at Faust would make no difference to them. A Mr. Pearson testified to an incident in which it was necessary to obtain information as to lighting a heater in a box car to prevent freezing of seed potatoes where it transpired that he telephoned the dispatcher who informed him that he was infringing upon the rules. We cite it because it reveals the real attitude of the shipper. He further testified:

> "Now, if we could in some way use the telephone at Dunbar to call Faust or other stations where there might be an agent that would help us considerably, but we don't want to use the phone and be humilated by infringing on, or told that, as long as we are giving business to your company."

The conclusion is inescapable from the evidence, that if a telephone were installed at Faust and possibly at Dunbar those who were in the habit of going to Faust in order to obtain cars from the agent there to ship from Dunbar and then of going there again to have their bills of lading signed, they could obtain cars practically as well by the telephone as through the agent at Faust and for the purpose of regaining the signed bill of lading after the car was picked up, if indeed they did not contact with the conductor, it would be but little more inconvenient, if any, to return to Dunbar for the bill of lading than it would be to go to Faust. Consequently as to those shippers who used Dunbar as a shipping point discontinuance of the agency would not affect them materially if a telephone were in-

stalled at Faust. And if a telephone were also installed at Dunbar it would seem they would gain convenience by the change.

As stated before while there were no protesting livestock growers—the protestants being carload shippers of agricultural products, calcite and clay—it did appear from the evidence that there were range to range shipments of sheep from Faust. An incidental question arises as to whether the Commission in this case could take into account the evidence which was adduced in the St. John station case regarding the shipping of sheep and the incidents attendant thereto. St. John station is 12.8 miles east of Faust. The physical conditions at both stations are practically the same. It is semi-desert country. But no evidence was introduced in the Faust case concerning any inconvenience to shippers of livestock from or to Faust. Can the Commission take into consideration the knowledge that it received at the hearing in the St. John Station case as to the methods, practices and incidents attendant to the shipping of livestock to and from St. John and apply it to this case because the two stations exist under essentially similar physical conditions and serve communities engaged in similar pursuits and living under similar conditions? Naturally if shippers of livestock to and from St. John would have certain difficulties or inconveniences regarding the forwarding or receiving of carload lots of sheep it would not take a very great imagination to conceive that shippers of sheep patronizing a station 12.8 miles west situated under essentially the same conditions, would have the same difficulties. But can the Commission consider such fact without specific evidence introduced in this case? If the two hearings had been consolidated there would have been no question. But there were separate applications to the Commission, separate hearings were had so consequently they constitute separate cases. The evidence adduced in the St. John station case in this regard cannot be considered as evidence adduced in this case. While the same counsel for the railroad may have appeared in both cases, and the same witnesses testified for the railroad in both cases, a fact which we would have to confirm by going outside of this record and consulting the St. John station case record, yet the cross-examination which the railroad counsel might direct in the Faust case to the witnesses who appeared in the St. John case, if they appeared in the Faust case, might vary materially because of the new witnesses who appeared in the Faust case. The Commission, like a jury, can consider such facts in relation to

evidence adduced which constitute the common facts of life and which form the common knowledge of mankind and can take judicial knowledge of such facts as a court may take judicial notice of. Such facts permit the fact finder to interpret evidence and articulate it to the general facts of life. The Commission may also, perhaps, take judicial notice of such facts and practices as are generally known throughout the whole field of railroad transportation; that is such facts which are practically universal among operatives in the field to which the jurisdiction of the Commission extends although they may not be known to the world generally, but it cannot take its special knowledge which it may have gained from experience or from other hearings and base any findings or conclusions upon such knowledge. That is fundamental. In Atchison T. & S. F. Ry. Co. vs. Commerce Commission, (Ill.) 167 N. E. 831, p. 837, it was held:

> "The commissioners cannot act on their own information. Their findings must be based on evidence presented in the case, with an opportunity to all parties to know of the evidence to be submitted or considered, to cross-examine witnesses, to inspect documents and to offer evidence in explanation or rebuttal, and nothing can be treated as evidence which is not introduced as such."

See also United States vs. Abilene & Southern Ry. Co., 265 U. S. 274, p. 289, also United States vs. Los Angeles & S. L. R. Co., 273 U. S. 299, p. 312, where it was held that "Data collected by the Commission as a part of its function of investigation, constitute ordinarily evidence sufficient to support an order, if the **data are duly made part of the record in the case in which the order is entered".**

This case therefore must stand upon the evidence actually introduced in the case. From the evidence so introduced we are forced to the conclusion that, in view of the high cost of maintenance of an agency at Faust as compared with the present system revenue credited to the Faust station, and in view of the services which could be given if telephones were installed at Dunbar and Faust stations accessible to patrons of the road, the Commission erred in not holding that such services would be adequate, efficient, just and reasonable. We can say in this case what we could not say in the St. John case that by all reasonable judgment, under the evidence of this case, such substituted services would be adequate and reasonable in view of the high cost of maintaining an agent as compared with the revenue

chargeable to the Faust station. In fact the only evidence of any inconvenience which would be suffered by taking away the agent at Faust would be to shippers who used the Dunbar station and they would only be inconvenienced, if at all, because they would not be able to continue the practice of having the agent at Faust sign the bills of lading before the cars were picked up, which practice was irregular and might be stopped by the railroad. We must therefore conclude that there is no substantial evidence to support the conclusion contained in paragraph 8 of the findings of the Commission that "there is great public need for the services of an agent there, more especially in view of the fact that the station at Dunbar is also dependent upon Faust for its agency service", and consequently no evidence to support its decision denying the application. We assume that the Commission took into consideration, in denying the petition for rehearing, the offer of the railroad company to install a telephone at Faust. We are making what would appear to be the reasonable assumption that the Commission, in denying the petition for rehearing, considered the effect which the installation of a telephone at Faust, and perhaps at Dunbar, would have, upon the services furnished under such conditions to the shippers at Dunbar and Faust, and that it still considered the services which would be furnished by the railroad by the installation of those telephones as being unreasonable and inadequate. As we pointed out in the St. john station case the proffer to install a telephone must either be considered as having come in the original application for the discontinuance of the agency and the decision of the Commission in denying the petition for rehearing be considered as tantamount to a decision denying the original application with that proffer contained in it or it must be considered that the Commission determined that the offer to install the telephone could not be considered in any case because it came too late. Under either theory, however, the decision of the Commission would have to be set aside. If we consider the denial of the petition for rehearing as equivalent to a denial of the application for the discontinuance of the agency with the proffer of the installation of a telephone included in said original application, then the decision denying the said application would have to be set aside. If, on the other hand, we consider that the Commission took the view that it would not consider the question of whether the services would be adequate and reasonable with a telephone installed because the offer came too late, then, as stated in the St. John station case we believe the Commis-

sion erred in not granting the petition for rehearing because such view would have been erroneous. The upshot of the matter is that we decide that, as a matter of law, the Commission should have found that, with the installation of telephones at Dunbar and Faust, the shippers who had formerly depended upon the Faust station, whether shippers from Dunbar or from Faust, would be adequately, efficiently and reasonably served in compliance with the requirements of Subsec. 2, Sec. 4783, Comp. Laws Utah 1917. In accordance with the power given this Court by Sec. 4834, Comp. Laws Utah 1917, judgment is hereby entered setting aside the decision of the Commission denying the application and the decision of the Commission denying the rehearing.

We Concur:

(Cherry, C. J. did not participate herein)

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In the Index, the following abbreviations are used:

B E RR	Bamberger Electric Railroad Co.
D & R G W RR	Denver & Rio Grande Western Railroad Co., The
L A & S L RR	Los Angeles & Salt Lake Railroad Co.
M S T & T Co.	Mountain States Tel. & Tel. Co., The
O S L RR	Oregon Short Line Railroad Co.
P U C U	Public Utilities Commission of Utah
S P Co.	Southern Pacific Company
U. P RR	Union Pacific Railroad Co.
U I C RR	Utah Idaho Central Railroad Co., The
U L & T Co.	Utah Light & Traction Co.
U P & L Co.	Utah Power & Light Co.
U R T Co.	Utah Rapid Transit Co.
W P RR	Western Pacific Railroad Co., The

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