

2710

August 7, 1943

Harnsworth & Van Cott
Attorneys-at-Law
The D. & R.G.W.R.R. Co.
Walker Bank Bldg.
Salt Lake City, 1,
Utah

ATTENTION: R. C. Jensen

Gentlemen:

Enclosed herewith are two (2) certified copies of the Commission's Report and Tentative Order in Case No. 2710.

In conformity with the requirements of the Order, please have the substance of the order published in a newspaper of general circulation in Utah County, Utah, for two issues, said publication to be completed on or before August 22, 1943.

Proof of publication should be filed with the Commission on or before August 27, 1943.

Very truly yours,

DEPARTMENT OF BUSINESS REGULATION
Public Service Commission

Theodore L. Thain
Acting Secretary

TNT:jp
Encls.

AE - Ex 9

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application of)
THE DENVER and RIO GRANDE WESTERN)
RAILROAD COMPANY, a Corporation, and)
Wilson McCarthy and Henry Swan, Trus-)
tees of the property thereof, in Re-)
organization Proceedings for permis-)
sion to construct, maintain and op-)
erate a standard gauge railroad track)
over and upon a state highway, No.)
U-114, and seven county highways in)
Utah County, Utah.)

Case No. 2710

REPORT
and

TENTATIVE ORDER

DECREED

By the Commission:

The above-entitled application of The Denver and Rio Grande Western Railroad Company, a corporation, and Wilson McCarthy and Henry Swan, Trustees, was filed with the Commission July 16, 1945.

The Commission ordered the matter handled under summary procedure according to its rules of practice and procedure which provide for an investigation and the issuance of a tentative order, subject to the right of any interested parties to protest within the time specified in the order.

From the investigation made by the Commission, and from the record and file in this matter which are hereby made a part hereof by reference, the Commission makes the following findings:

That The Denver and Rio Grande Western Railroad Company is a corporation, organized and existing under and by virtue of the laws of the State of Delaware, and is authorized to do business in the State of Utah as a common motor carrier of property and persons; that Wilson McCarthy and Henry Swan are Trustees of the property of said railroad company in reorganization proceedings under Section 77-B of the Bankruptcy Act as amended; and that the said The Denver and Rio Grande Western Railroad Company, a corporation, is subject to the jurisdiction of the Public Service Commission of the State of Utah.

That the applicants own and operate a line of standard gage railroad, among other places, in Utah, between Provo, Utah County, Utah, and Salt Lake City, Salt Lake County, Utah; that the main line of said railroad near Geneva, Utah County, Utah, now crosses certain county roads and state highway U-114 at grade; that the applicants propose to construct a second main track near said

Geneva, Utah, parallel to the said main line track, which said second main track will, when constructed, cross at grade said highways at the following described locations:

A county highway, at m.p. 703 plus 1433 feet of the main line of the D. & R.G.W.R.R., in the NW-1/4 of Sec. 2 Twp. 7 south, R. 2 E., Utah County, approximately 350 feet south and 700 feet east from the NW corner of Sec. 2, and 418 ft. southeasterly along the center line of present main track from the north line of said Sec. 2.

A county highway, at m.p. 704 plus 1803 feet of the main line of the D. & R.G.W.R.R., in the NE-1/4 of Sec. 34, Twp. 6 South, R. 2 E., Utah County, approximately 1850 feet south and 475 feet east from the northwest corner of the NE-1/4 of Sec. 34, and 2100 feet southeasterly along the center line of present main track from the north line of said Sec. 34.

A county highway, at m.p. 704 plus 3290 feet, on Section line between Sec. 27 and 34, Twp. 6 South, R. 2 E., Utah County at a point 1830 feet east from the SW corner of said Sec. 27.

A county highway, at m.p. 705 plus 4597 feet, on Section line between Sec. 21 and 28, Twp. 6 South, R. 2 E., Utah County, at a point approximately 3050 feet west from the northeast corner of said Sec. 28.

A county highway, at m.p. 706 plus 2365 feet, on line between the NW-1/4 and SW-1/4 of Sec. 21, Twp. 6 south, R. 2 E., Utah County, at a point approximately 1825 feet east from the west line of said Sec. 16.

A county highway, at m.p. 707 plus 178 feet, on Section line between Sec. 16 and 21, Twp. 6 South, R. 2 E., Utah County, at a point approximately 310 feet east from the southwest corner of said Sec. 16.

State highway U-114 at m.p. 707 plus 835 feet on Section line between Sec. 16 and 17, Twp. 6 South, R. 2 E., Utah County, at a point approximately 560 feet north from the southwest corner of said Sec. 16.

A county highway crossing to Geneva Steel Plant at m.p. 708 plus 995 feet, on Section line between Sec. 8 and 17, Twp. 6 South, R. 2 E., Utah County, at a point approximately 2700 feet west from the northeast corner of said Sec. 17.

as shown by blueprint attached to application, and by reference hereby made a part hereof.

That the construction, operation and maintenance of the proposed second main track will be in the public interest and will not create any undue hazards to motorists or others using the crossing, and will facilitate the movement of traffic to the Geneva Steel Plant at Geneva, Utah, without interruption of traffic moving on the main line of said applicants.

STATE OF UTAH
DEPARTMENTAL MEMORANDUM

From
DEPARTMENT

DATE: July 20, 1943

DIVISION Inspection

FILE:

To
DEPARTMENT Public Service Commission

SUBJECT: Report of investigation made regarding application made by The Denver and Rio Grande Western Railroad Company to construct a second main line track paralleling their present main line track in Utah County.

DIVISION



To the Commission:


On July 16, 1943, the Denver and Rio Grande Western Railroad Company filed an application with the Public Service Commission requesting permission to construct a second main line track parallel to their present main line track in Utah County between mile post 702 plus 3,136 feet and mile post 708 plus 2,240 feet. In the application the Railroad Company asks for permission to cross eight highways six of which are designated as County Roads and two of which are designated as State Highways; namely, U114 and SR78. The purpose of this second main line track is to serve the Geneva Steel Plant without interruption to their main line of traffic.

On July 19, 1943, I made an inspection of the crossing sites, and I recommend to the Public Service Commission that this application be granted; that the Denver and Rio Grande Western Railroad Company be required to properly bond the tracks in order that the crossing signals will give the necessary warning to motorists; and that the new track be constructed at grade with the other main line track in case of the necessity of improvement to the present State Highway.

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I was informed by officials of the State Road Commission that there was no objection to this work being done providing this track was built at grade with the present track. I have also been informed that the officials of Utah County will approve this program as outlined by the Denver and Rio Grande Western Railroad Company.

Respectfully submitted,


Robert N. Slaughter
Inspector

COMMISSIONERS
E. J. HARWOOD, Chairman
W. J. JOHNSON
G. W. CLARK
C. A. SEARS, Deputy Clerk
ERNEST M. HAZEN,
Att'ny County Auditor



UTAH COUNTY
STATE OF UTAH

PROVO, UTAH

July 23, 1943

FRANK D. HALL, Sheriff
FRANK T. BRIDGEMAN, Assessor
GEOFFREY A. WILSON, Recorder
LAWRENCE H. STROUD, Auditor
AROLD C. RUTLAND, Engineer
LUTHER D. BRIDGEMAN, Surveyor



Honorable Board of County Commissioners
City & County Building
Provo, Utah

Gentlemen:

I went over the D. & R.G. RR. today, from the viaduct on West Center Street north to the Geneva plant and inspected grade crossings as indicated on the blueprint, and report and recommend as follows:

Highway Crossing at M.P. 703+ 1433'. Visibility clear, except for a few useless trees on the East side of track. Highway road grade good. Highway Crossing at M.P. 704 + 1803'. Visibility clear. County Road grade both sides of R.R. track should be raised to grade of track for a distance from tracks of at least 100 feet. Highway Crossing M.P. 704 + 3890'. Visibility clear, except for a few trees on east side of R.R. track. County road grade on West side should be raised to grade of tracks. Highway Crossing M.P. 705+ 4597'. Visibility clear. Highway grade should be raised to level of R.R. tracks on the west side. Highway Crossing M.P. 706 + 2365'. Visibility clear, Highway grade ok. Highway Crossing M.P. 707 + 173'. Visibility clear, except for best loading station on West side of tracks. Highway grade from the west and between the two R.R. tracks should be raised to grade of R.R. track. Highway Crossing 707 + 835' ok. Highway crossing 708 + 993', Entrance into Steel Plant. Visibility clear. Highway grade should be raised on west side.

I find no reason why the request of the Denver & Rio Grande Western R.R. Company should not be granted.

Very truly yours,

Robert L. Wilson
Utah County Surveyor

RLW/bcb

400 W.
Crossing

MP 708+224.0'
End Proposed
2nd Main Track

Love

MP 708+995'
Highway Xing

Geneva
(Steel Mill)

MP 707+835'
Teeed Highway Xing

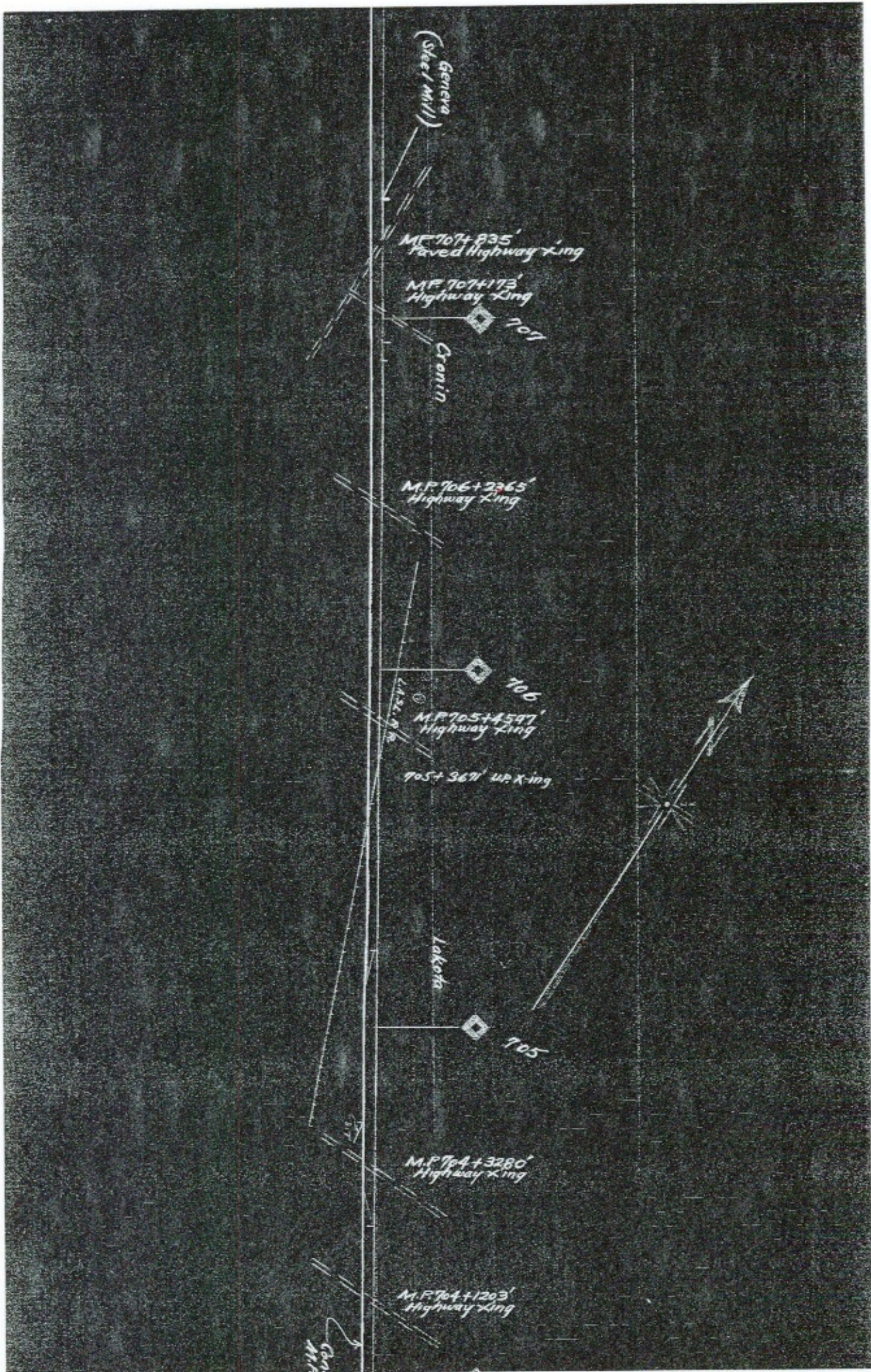
MP 707+173'
Highway Xing

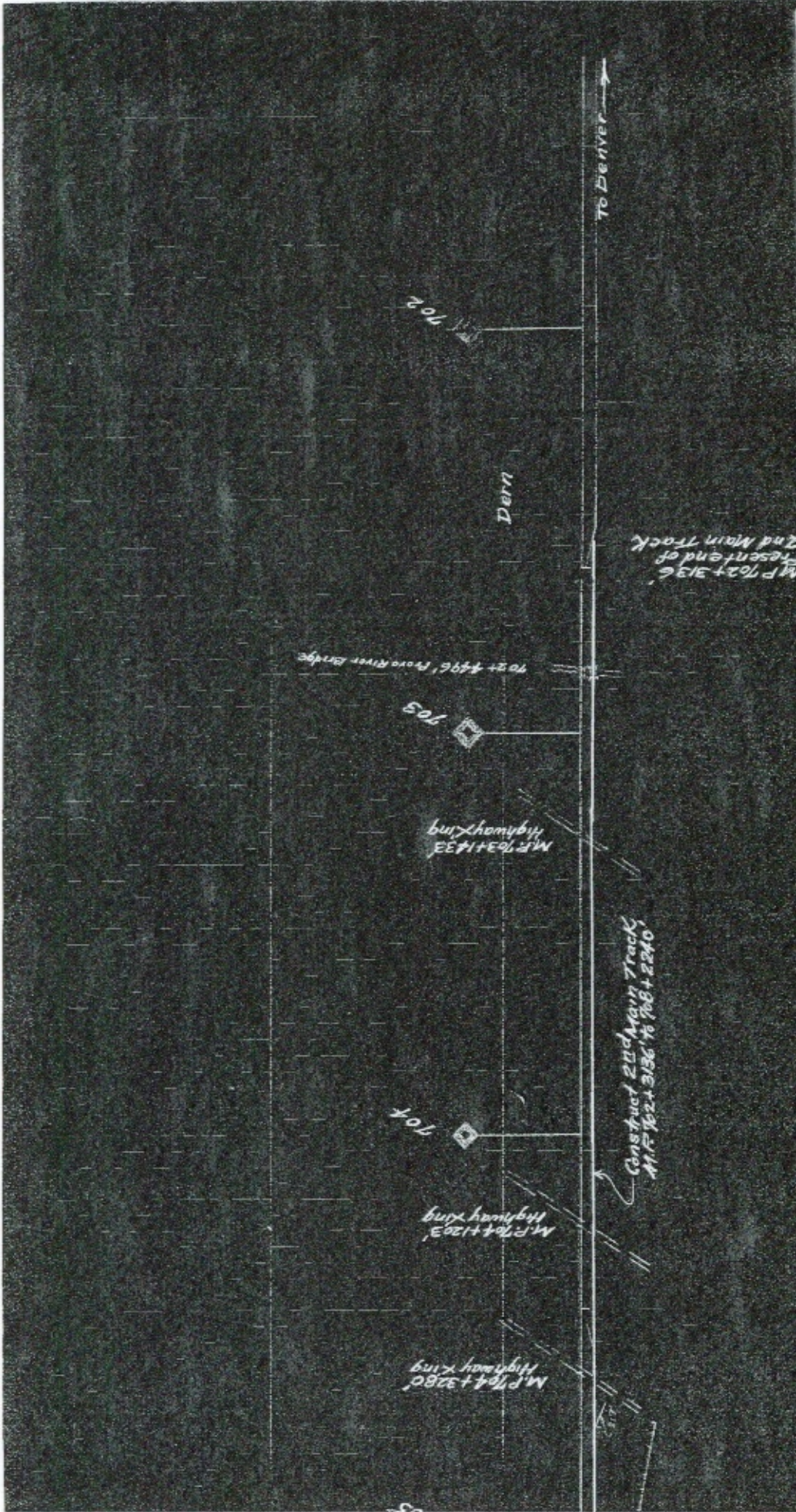
Cranin

MP 706+2365'
Highway Xing

400 S
Crossing
at
Geneva
Road

-400 S
Crossing





Legend
 2nd Main Track Ext'n --- Yellow
 Highways to be crossed --- Shaded Yellow
 The Denver & Rio Grande Western R.R.
 Salt Lake Division
 Proposed 2nd Main Track Extension
 MP 702+3136 to MP 706+2240 and
 Crossings of Public Highways.
 No Scale
 Div. Eng'g Office 6-30-43