

Decision No. 12080

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of the application of)
the Board of Supervisors of the County)
of Mono, State of California, for per-)
mission to construct six grade crossings) Application No. 8909
over the tracks of the Southern Pacific)
Company between Chalfant and the state)
line in said County.)

Charles L. Hayes, for applicant.

BY THE COMMISSION:

O P I N I O N

This is an application under Section 2694 of the Political Code wherein the Board of Supervisors of the County of Mono asks for permission to construct six crossings at grade over the narrow gauge line of Southern Pacific Company between Chalfant Station and the state line in Mono County.

A public hearing was held on this matter in Bridgeport May 2, 1923 before Examiner Satterwhite.

Mono County is constructing a public road from the Inyo County line through Chalfant Valley, Hammil Valley and Benton Station to the Nevada State line, where it will connect with the public road to Mina and Reno, Nevada. The Southern Pacific operates and maintains a single track narrow gauge railroad through this same territory.

The topography and the location of farms are such that the proposed road is to cross the railroad track at six different places within a total distance of about twenty-seven miles.

The existing public road through this territory is in

poor condition and not properly located for permanent improvement. This existing road crosses the railroad at five locations and these crossings should be closed to public use and travel. The applicant agrees to the closing of these crossings if this application is granted. The new road, when completed, will make an all winter auto route between Reno, Nevada and Los Angeles, California. The property owners adjacent to the road are all in favor of the new road and have donated the right-of-way.

The Southern Pacific Company has signified by letter that it has no objection to the installation of the crossings at grade, providing that the crossings be made at approximately ninety degrees with the track; that the applicant assume all the expense of construction of the crossings and installation of any necessary protective devices; and, that the applicant will legally close and cause to be abandoned for all public purposes, except railroad use by the Southern Pacific, the existing crossings in the vicinity of the new crossings.

As the road is located, crossing No. 1 south of Chalfant Station would make an angle of about eighteen degrees to the track. The evidence shows that the land in that vicinity is level and that the crossing would be less hazardous if constructed at right angles to the track just north of cattle guard No. 499-A or a distance northerly from the proposed location about 400 ft. Crossing No. 3 near mile post 487, crossing No. 4 near Hammil Station, and crossing No. 6 north of Denton Station are properly located as laid out on the ground. Crossing No. 2 near mile post 495 is located at an angle of about twenty-six degrees to the track, and testimony shows that if this crossing were changed to right angles with the track, the grade of approach would be on so steep a grade as to make the crossing more dangerous than it would

be as laid out. This crossing, therefore, should be constructed as located on the ground. Crossing No. 5 south of Denton Station is laid out at an angle of approximately fourteen degrees to the track. The country in that vicinity is comparatively level and the crossing would be much less hazardous if constructed at right angles to the track. The applicant agreed to change the angles at crossings No. 1 and 5.

Southern Pacific Company operates one mixed train in each direction daily, except Sunday, and there are three light engine movements southbound per week. A maximum of approximately one hundred vehicles will probably pass over the crossings in one day.

The view of approaching trains is good at all the crossings and no protective devices, other than the usual crossing and advance warning signs, appear to be necessary at any of the crossings at this time.

It further appears that it is not reasonable nor practicable to avoid grade crossings with the track of Southern Pacific Company and that this application should be granted.

O R D E R

The Board of Supervisors of the County of Mono having made application for permission to construct a public highway at grade across the track of Southern Pacific Company, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision,

IT IS HEREBY FOUND AS A FACT that public convenience and necessity require the establishment of public crossings at grade at the points hereinafter described, therefore,

IT IS HEREBY ORDERED, that permission be and it is hereby granted the Board of Supervisors of the County of Mono, State of California, to construct a public road at grade across

the track of Southern Pacific Company at six locations described as follows:

Crossing No. 1 - Beginning at the southwest corner of Section 16, Township 5 south, Range 33 east, M.D.B. & M., thence 1475 feet, more or less, east along south line of said Section 16 to the center line of Southern Pacific Company's track, thence 304 feet, more or less, northerly along said center line to the point of crossing. Said point of crossing being at or near engineer's station 11153 or 30 feet, more or less, northerly from cattle guard 499-A and being located in the southwest quarter of said Section 16.

Crossing No. 2 - Beginning at the southeast corner of the southwest quarter of Section 30, Township 4 south, Range 33 east., M.D.B. & M., thence 550 feet, more or less, north along east line of said southwest quarter of Section 30 to the center line of Southern Pacific Company's track, thence 570 feet, more or less, northwesterly along said center line to the point of crossing. Said point of crossing being located at or near engineer's station 10906 and being 1980 feet, more or less, distant northwesterly from mile post 495 and located in the said southwest quarter of Section 30.

Crossing No. 3 - Beginning at the northwest corner of the northwest quarter of Section 24, Township 3 south, Range 32 east, M.D.B. & M., thence 75 feet, more or less, east along the north line of said Section 24 to the center line of the Southern Pacific Company's track, thence twenty feet, more or less, southerly along said center line to point of crossing. Said point of crossing being located at or near engineer's station 10489 and being distant 1406 feet, more or less, northerly from mile post 487. Said point of crossing is located in the northwest quarter of said Section 24.

Crossing No. 4 - Beginning at the southwest corner of the southeast quarter of Section 28, Township 2 south, Range 32 east, M.D.B. & M., thence 1840 feet, more or less along the west line of said southeast quarter of Section 28 to the center line of Southern Pacific Company's track, thence 606 feet, more or less, southeasterly along said center line to the point of crossing. Said point of crossing being located at or near engineer's station 10211 and being distant southerly 2417 feet, more or less, from mile post 481. Said point of crossing is located in the southeast quarter of said section 28.

Crossing No. 5 - Beginning at the northeast corner of Section 17, Township 2 south, Range 32 east, M.D.B. & M., thence 1537 feet, more or less, along north line of said Section 17 to the center line of Southern Pacific Company's track, thence 147 feet, more or less, southerly along said center line to the point of crossing. Said point of crossing being at or near engineer's station 10055 and 2517 feet, more or less, northerly from mile

post 479. Crossing is located in northeast quarter of said Section 17.

Crossing No. 6 - Beginning at the center of Section 8, Township 1 south, Range 32 east, M.D.B. & M. thence 525 feet, more or less, east along east and west center line of said Section 8 to the center line of Southern Pacific Company's track, thence 850 feet, more or less, southerly along said center line to the point of crossing. Said point of crossing being at or near engineer's station 9706 and distant 455 feet, more or less, northerly from mile post 472. Crossing is located in the southeast quarter of said Section 8.

Said crossings to be constructed subject to the following conditions, namely:

(1) The entire expense of constructing the crossings shall be borne by applicant. The cost of their maintenance up to lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossings between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific Company.

(2) The crossings shall be constructed of width not less than twenty-four (24) feet and with grades of approach not greater than four per cent; shall each be protected by a suitable crossing sign and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) The crossings shall be constructed with the following angles to the track.

Crossing No. 1	-	90 degrees
Crossing No. 2	-	26 degrees
Crossing No. 3	-	81 degrees, 31 minutes
Crossing No. 4	-	44 degrees, 22 minutes
Crossing No. 5	-	90 degrees
Crossing No. 6	-	68 degrees, 27 minutes

(4) The following described existing public crossings shall be legally abandoned and effectively closed to public use and travel.

Crossing A - Located 2000 feet, more or less, southerly from mile post 497 and in the northwest quarter of Section 4, Township 5 south, Range 33 east at or near engineer's station 10998.

Crossing B - Located 3147 feet, more or less, southerly from Shealy Station, or 549 feet, more or less, northerly from mile post 492 in northeast quarter of Section 13, Township 4 south, Range 32 east, M.D.B. & M.

Crossing C - Located approximately 1000 feet southerly along Southern Pacific Company's track from mile post 484.

Crossing D - Being distant 95 feet northwest-erly along center line of Southern Pacific Com-pany's track from crossing No. 3.

Crossing E - Beginning at the center line of Southern Pacific Company's main track opposite the north end of Benton depot building, thence 743 feet, more or less southerly along said center line to point of crossing. Said point of crossing being dis-tant 524 feet, more or less, southerly from mile post 476.

(5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the in-stallation of said crossings.

(6) The authorization herein granted for the installa-tion of said crossings will lapse and become void one year from the date of this order unless further time is granted by subse-quent order.

(7) The Commission reserves the right to make such further orders relative to the location, construction, operation, mainte-nance and protection of said crossings as to it may seem right and proper and to revoke its permission if, in its judgment, the pub-lic convenience and necessity demand such action.

This order shall become effective three (3) days from the making thereof.

Dated at San Francisco, California, this 15th day of May, 1923.

Clarence

Dwight Martin

J. M. Whittney
Commissioners.