

Decision No. 12086

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of the application)
of Southern Pacific Company for)
an order authorizing the construc-)
tion at grade of 3 lead tracks,)
and the shifting of 3 existing lead)
tracks across roadway.)

Application No. 8872.

ORIGINAL

BY THE COMMISSION:

ORDER PENDING FINAL DECISION

Southern Pacific Company, a corporation, having on April 3, 1923, filed an application for permission to relocate three lead tracks and to construct three additional lead tracks at grade across a certain road in the vicinity of Newcastle, County of Placer, State of California, a public hearing having been held, it appearing that there is question as to the legal status of said road, and that final determination of this matter should be made only after the filing of briefs by the interested parties, applicant having requested that it be given temporary permission to construct, but not to operate, four lead tracks at grade across said road pending the final determination of the above entitled proceeding, and it further appearing that such temporary permission should be granted subject to certain conditions,

IT IS HEREBY ORDERED, that temporary permission be and it is hereby granted Southern Pacific Company to construct, but not to operate, four lead tracks at grade across a certain road in the vicinity of Newcastle, County of Placer, State of California, in the location shown in red on the map (Sacramento Division Drawing S-312-a) attached to the application, subject to the following conditions:

(1) The entire expense of constructing the crossings, together with the cost of their maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossings shall be constructed of a width and type of construction to conform to that portion of said road now graded, and with grades of approach not exceeding six (6) per cent; and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) No locomotive, train or car shall be operated over said crossings until express authority so to do has been granted by subsequent order herein.

(4) Nothing in this order contained is, or shall be construed to be in prejudice to any right that the applicant, the County of Placer or any interested party may hereafter be found to have in the premises.

(5) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings as to it may seem right and proper, and to revoke its permission if, in its judgment, the public convenience and necessity demand

such action.

This order shall become effective one (1) day
after the making thereof.

Dated at San Francisco, California, this 16th
day of May, 1923.

C. Sweeney

Dwight Martin

J. F. Whitney
Commissioners.