

ORIGINAL

Decision No. 12914

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of the application of)
the County of Tulare for permission)
to construct a crossing of a public)
highway over a railroad of the Porter-)
ville Northeastern Railroad Company,)
the Southern Pacific Railroad Company)
and the Southern Pacific Company, on)
the Northwest quarter of the Southwest)
quarter of Section 24, in Township 21)
South, Range 28 East, Mt. Diablo Base)
and Meridian.)

Application No. 9414.

BY THE COMMISSION:

O R D E R

Board of Supervisors of the County of Tulare, State of California, having on September 29, 1923 filed with the Commission an application for permission to construct a public road at grade across the tracks of Southern Pacific Company, hereinafter called the Railroad, in said County of Tulare, as hereinafter indicated, and it appearing to the Commission that this is not a case in which a public hearing is necessary; that the Railroad has signified by letter that it will not object to the construction of

said crossing at grade, and it further appearing that it is not reasonable nor practicable to avoid a grade crossing with said track, and that the application should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED, that permission be and it is hereby granted the Board of Supervisors of the County of Tulare, State of California, to construct a public highway at grade across track of the Railroad described as follows:

Beginning at a point 1047.4 feet south and 345.39 feet south 89° east from the west quarter corner of Section 24, Township 21, South, Range 28 East M.D.B. & M., thence 26.56 feet south $26^{\circ} 45'$ west to a point, thence 106.24 feet south 83° east to a point, thence 53.12 feet north $26^{\circ} 45'$ east to a point, thence 106.24 feet north 83° west to a point, thence 26.56 feet south, $26^{\circ} 45'$ west to the point of beginning.

All of the above as shown by the maps (Exhibits A & B) attached to the application, said crossing to be constructed subject to the following conditions, namely:

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

(2) The crossing shall be constructed of a width not less than twenty four (24) feet and at an angle of Seventy degrees fifteen minutes ($70^{\circ} 15'$) to the railroad and with grades of approach not greater than four (4) per cent; shall 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) Applicant shall, at its own expense remove all underbrush and trees within the railroad right of way for a

distance of three hundred (300) feet on both sides of the crossing and shall remove all underbrush east of and adjacent to the right of way for a distance of one hundred and fifty (150) feet each way from the crossing.

(4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(5) The authorization herein granted for the installation of said crossing will lapse and become void one year from the date of this order unless further time is granted by subsequent order.

(6) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing 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 ten (10) days from the making thereof.

Dated at San Francisco, California, this 11th day of December, 1923.

Clarence
H. B. ...
Dwight ...
Commissioners.