

ORIGINAL

Decision No. 12951

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)
Siskiyou County to construct)
crossing at grade in McCloud) Application No. 9400.
Road District, Siskiyou County,)
across the tracks of the Central)
Pacific Railroad.)

A. O'Connor, for applicant.

J. A. Given, for Southern Pacific Company.

C. F. Nelson and D. W. Neal, protestants.

BY THE COMMISSION:

O P I N I O N

This is an application under Section 2694 of the Political Code of the State of California wherein the Board of Supervisors of the County of Siskiyou asks permission to construct a public road at grade across the main line track of Southern Pacific Company in the south one-half of the northeast quarter of Section 21, Township 40 North, Range 4 West, M.D.B. & M. approximately one-fourth mile south of the town of Sisson.

A public hearing was held on this matter in Yreka on October 25, 1923 before Examiner Satterwhite.

There now exists a public road which extends southerly from Sisson situated easterly of the railroad tracks, for about one-fourth mile to the right of way of Southern Pacific Company, then turns southeasterly, parallels the railroad track for about

four hundred feet, then turns southwesterly across the railroad track and connects with a road leading to Mott and other roads serving the territory west of the railroad track.

It is proposed to relocate that part of the road in the vicinity of the crossing and move the crossing about four hundred feet northwesterly. This road change will start from a point in the county road about three hundred feet southwesterly from the existing crossings and then run in a northerly direction to and across the railroad track to a connection with the public road north of the track.

Due to the fact that the present road parallels the track and then makes an abrupt turn when crossing the railroad, develops quite a hazardous condition in that southbound vehicles cannot easily observe the approach of southbound trains and that the view of approaching trains is also somewhat obstructed by trees and underbrush. It appears from the testimony that the proposed crossing will be at right angles to the track, will have grades of approach of four per cent; and that the view of approaching trains will be good.

It was contended by the protestants that due to the fact that the present crossing has existed for about forty years it should not be moved, and furthermore that the people living along the road southwest of the railroad would be inconvenienced. It would appear from the testimony, however, that the road change would not, in fact, deprive anyone of access to a public road and that the road and crossing relocation would be a decided improvement not only for the community but for the traveling public as a whole.

It further appears that it is not reasonable nor practicable to avoid a grade crossing 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 Siskiyou 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 fact, the matter being under submission and ready for decision,

IT IS HEREBY ORDERED, that permission be and it is hereby granted the Board of Supervisors of the County of Siskiyou, State of California to construct a public road at grade across the track of Southern Pacific Company, the intersection described as follows:

Beginning at the center of Section 21, Township 40 North, Range 4 West, M.D.B. & M. thence 324 feet North 54°44' east, thence 945 feet north 59°29' east, thence 346 feet north 34°49' east, thence 562 feet north 00°4' east, thence 60 feet north 35°4' east to the point of intersection between the center line of the main track of Southern Pacific Company and center line of road.

All of the above as shown by map marked Exhibit "A" filed in the above entitled application; said crossing to be constructed subject to the following conditions, viz:

(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 rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the 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 ninety (90) degrees 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). The following described existing public crossing shall be legally abandoned and effectively closed to public use and travel:

Commencing at the center of Section 21, Township 40 North, Range 4 West, M.D.B. & M. thence 1890 feet north 52° east to the point of intersection between the center line of main track of Southern Pacific Company and center line of existing public road.

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

(5) 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 27th day of December, 1923.

Chas. J. ...

J. ...
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Commissioners.