

Decision No. 18633

**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of application of SOUTHERN PACIFIC COMPANY for an order authorizing the construction at grade of a spur track across Main Street in the vicinity of Ivanhoe Station, County of Tulare, State of California.

Application No. 13896.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above-entitled application with this Commission on the 29th day of June, 1927, asking for authority to construct a spur track at grade across Main Street and to abandon and remove existing spur across said street, all in the vicinity of Ivanhoe Station, County of Tulare, State of California, as hereinafter set forth. No franchise or permit from the Board of Supervisors of said County of Tulare is required for the construction of said crossing at grade as an agreement entered into on June 26, 1913 between Southern Pacific Railroad Company, Southern Pacific Company and County of Tulare, reserves the right to the railroad companies to construct such additional tracks across Main Street as they may desire. (See Application No. 720.) It appears to this Commission that the present proceeding is not one in which a public hearing is necessary; that it is neither reasonable nor practicable at this time to provide a grade separation or to avoid a grade crossing at the point mentioned in this application with said Main Street, and that this application should be granted subject to the conditions hereinafter specified, therefore

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to Southern Pacific Company to construct a spur track at grade across Main Street in the vicinity of Ivanhoe Station, County of Tulare, State of California, at the location hereinafter particularly described and as shown by the map (San Joaquin Div'n Dwg. A-2838 Sheet 2 revised June 15, 1927) attached to the application.

Description of Crossing.

COMMENCING at the intersection of the northerly line of Second Street with the easterly line of Main Street, as shown on that certain map entitled "Venice Hill," S.W. 1/4 of Section 1, Township 18 South, Range 25 East, M.D.B. & M. Said map filed for public record April 6, 1913, in the office of the County Recorder, in Volume 12, Page 41 of Maps, Tulare County Records; thence south one degree three minutes East along said easterly line of Main Street produced southerly a distance of 271.85 feet to point of beginning of center line of proposed team and house track hereinafter described; thence north forty-three degrees thirty minutes west a distance of 88.90 feet to an intersection with the westerly line of said Main Street produced southerly, to end of center line of said track being described.

The above crossing shall be identified as Crossing No. BC-249.3.

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

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

(2) Said crossing shall be constructed equal or superior to type shown as Standard No. 2, in General Order No. 72 of this Commission and shall be constructed without superelevation and of a width to conform to that portion of said street now graded, with the tops of rails at same elevation as main line rails and flush with the roadway, and with grades of approach not exceeding one (1)

per cent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

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

(4) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(5) The existing spur track crossing shown on said map (A-2838) shall be removed at the time the crossing herein authorized is installed.

(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.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 13<sup>th</sup> day of July, 1927.

*Ernest W. ...*

*Chas. ...*

*Leon. ...*

Commissioners.