

ORIGINALDecision No. 17238

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 The People of the State of California,
 on relation of the Department of Pub-
 lic Works, Division of Highways, for
 an order authorizing the construction
 of a State Highway crossing at grade over
 the tracks of the Southern Pacific Rail-
 road, near Owenyo, Inyo County, Cali-
 fornia.

Application No. 14118.

BY THE COMMISSION:

ORDER

The People of the State of California, on relation of the Department of Public Works, Division of Highways, filed the above entitled application with this Commission on the first day of October, 1927, asking for authority to construct a State Highway extending between Mojave and Owenyo, and designated as Road IX-Inyo-23-I, at grade across the track of Southern Pacific Company south of Olanoha, (erroneously designated as near Owenyo in the application), in the said County of Inyo as hereinafter set forth. Said Southern Pacific Company has signified by letter that it has no objection to the construction of said crossing at grade, and 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 with said track at the point mentioned in this application, 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 The People of the State of California, on relation of the Department of Public Works, Division of Highways, to construct a State Highway, designated as Road IX-Iny-23-I, at grade across the track of Southern Pacific Company at California Highway Commission Station 344+68.22 and Railroad Station 5862+36.0, in Section 4, T. 20 S, R. 37 E, M.D.B. & M. and as shown by the map attached to the application.

The above crossing shall be identified as Crossing BAM 489.7.

Said crossing shall be constructed subject to the following conditions and not otherwise:

1. The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing 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. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of Southern Pacific Company.

2. The crossing shall be constructed of a width not less than twenty-four (24) feet and at an angle of approximately forty-eight (48) degrees to the railroad and with grades of approach not greater than five (5) per cent; shall be constructed substantially in accordance with Standard No. 2, as specified in General Order No. 72 of this Commission; 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. Upon completion of the crossing herein authorized the existing public crossing of County Road located eight-tenths (8/10) of a mile south of proposed crossing and designated as

Crossing No. BAM-488.9 shall be legally abandoned and effectively closed to public use and travel.

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

5. 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.

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 10th day of January ~~October~~, 1928.

Leon Whitall

Al Seaver

Edmund [unclear]

Thos S. Lovitt

M. J. [unclear]

Commissioners.