

Decision No. 19244.**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of the BOARD OF SUPERVISORS, of Sacramento County, Howard K. Johnson, Chairman of said Board of Supervisors, for an Order authorizing the opening of a grade crossing over the Southern Pacific Railroad, (Walnut Grove Branch) 2220 feet below the present crossing at the town of Freeport, Sacramento County, State of California and the closing of the present crossing at the above mentioned town. Section 13, T.7 N., R. 4 E., M.D.B. & M.

Application No. 14225.

BY THE COMMISSION:

O R D E R

The Board of Supervisors of the County of Sacramento, State of California, filed the above entitled application with this Commission on the 18th day of November, 1927, asking for authority to construct a public road at grade across the track of Southern Pacific Company, in the vicinity of the Town of Freeport 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 Board of Supervisors of the County of Sacramento, State of California, to construct a county road at grade across the track of Southern Pacific Company at the location hereinafter particularly described and as shown by the maps, Sheets 2 and 3 of 3, submitted under date of December 14, 1927, and made a part of the application.

Description of Crossing

Beginning at a point on the Easterly line of the right-of-way of the Southern Pacific Railroad (Walnut Grove Branch) in Sacramento County, State of California; which said point is distant forty-five (45) feet, N.  $77^{\circ}56'$  E. from Engineer's Station 409-18.4 on said branch line railroad; running thence Southerly on said Easterly right-of-way line on a curve having a radius of 5774.65 feet and being concentric with the center line of the aforesaid railroad, a distance of forty (40.00) feet; thence S.  $77^{\circ}56'$  W. 65.00 feet, more or less, to a point on the Westerly line of the right-of-way of said railroad; thence Northerly on said Westerly right-of-way line on a curve having a radius of 5709.65 feet and being concentric with the center line of said railroad, a distance of eighty (80.00) feet, thence N.  $77^{\circ}56'$  E. 65.00 feet more or less, to a point on the Easterly line of right-of-way of said railroad; thence Southerly on said right-of-way line forty (40.00) feet to the place of beginning.

The above crossing shall be identified as Crossing No. AU-98.2.

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 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. No portion of the cost herein assessed to applicant for the initial construction 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 not more than eighty (80) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than one and one-half ( $1\frac{1}{2}$ ) per cent to the east and two and one-half ( $2\frac{1}{2}$ ) per cent to the west of Southern Pacific Company's track; shall be constructed substantially in accordance with Standard No. 3 as specified in General Order No. 72 of this Commission; shall be protected by a Standard No. 1 crossing sign as specified in General Order No. 75 of this Commission and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) An automatic flagman shall be installed for the protection of said crossing at the sole expense of applicant, said automatic flagman to be of a type and installed in accordance with Standard No. 3 as specified in General Order No. 75 of this Commission. The maintenance of said flagman shall be borne by Southern Pacific Company.

(4) A crossing gate, or gates, shall also be installed and maintained on the East side of the Southern Pacific Company's track by the applicant for further protection to said crossing. Said crossing gate, or gates, shall be of a type and installed in accordance with plans or data approved by this Commission.

(5) The existing public crossing of County Road located twenty two hundred and twenty (2220) feet north of the crossing herein authorized and numbered AU-97.7 shall be legally abandoned and effectively closed to public use and travel upon completion of the crossing herein authorized.

(6) Applicant shall, within thirty (30) days there-

after, notify this Commission, in writing, of the completion of the installation of said crossing.

(7) 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.

(8) 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 11<sup>th</sup> day of January, 1928.

Leon O'Connell  
Chairman  
Ernest J. ...  
Thomas D. ...

Commissioners.