

Decision No. 20466.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of Application of The People of the State of California, on relation of the Department of Public Works, Division of Highways, for an order authorizing the construction of a State highway crossing at grade over the tracks of the Southern Pacific Railroad, between Olancha and Cottonwood Creek, Inyo County.

Application No. 15061.

ORIGINAL

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 20th day of September, 1928, asking for authority to construct a state highway at grade across the track of Southern Pacific Company, erroneously stated in application to be Southern Pacific Railroad, in the vicinity of Cartago, 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 herein-

after 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 at grade across the track of Southern Pacific Company at the location shown by the map (Plan and profile of proposed grade crossing of Southern Pacific R. R. by State highway about 2 miles north of Cartago, Inyo County) attached to the application.

The above crossing shall be identified as Crossing No. B&M-499.8.

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 outside of 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 thirty (30) feet and at an angle of forty-four (44) degrees to the railroad and with grades of approach not greater than two (2) 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 Standard No. 1 crossing sign as specified in General Order No. 75 of this Commission and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.

(3) The existing public crossing of the state highway about one (1) mile north of proposed crossing and at the present time identified as Crossing No. BAM-500.5 shall be legally abandoned and effectively closed to public use and travel upon the completion of the crossing herein authorized.

(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 and 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 15<sup>th</sup> day of November, 1928.

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*C. J. Deane*  
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*Ernest C. Smith*  
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*Paul L. Lott*  
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Commissioners.