Decision No. $\qquad$ 20890

BEFORE THE RAILROAD COMMISSION OF THE STATE OT CAIDFORNIL.


#### Abstract

In the matter of application of CENTRAL PACIFIC RAILWAY COMPANy ORA. SOUNEARN PACIFIC COMPANY IO on order authorizing construction at grade of proposed inc of railsosa From Klamath Fails, oregon, to iftreas, California, across pubic roads and highways in Modoc County, CaIさfomnia.


Application NO. 25365.

BY TEE COMMISSION:

## 오모롤

Central Pacific Railway Company, a corporation, and Southern Pacific Company, a corporation, filed the above entitled application WIth intis Commission on tho 3ist day of Jamery, 1929, asking for authority to construct a line of railroad at grade across certain roads and inchmaye in the County of Mooc, State of Califomia, self line of railroad being a portion of tho line connetting klamath Fails, Oregon, with AIturas, California.

On Tebriant 14, 1929, a supplemental application in the above citified proceeding was filed in which st was stated that since the filing of the original application it had been found addisable to change the angie of the crossing designated in said original application as Crossing No. 27, in order to provide for a right angle crossing, and in which it was asked that the revised description be substituted for the description set tor th in the original application.
applicants state that they have the right to construct said crossings across the public roads and highways under consider-
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tion by virtue of Subaivision 5, Section 465, of the civil codo of the state of Ceifiornic, and that a permit or Irencise is not recuired from any other county or state authority. The Board of Supervisors of the County of Modoc hes signified by a recolution passec on the 4 th day of Morch, 2929, that it ofiess no objection to the granting of said application. one of tho proposed crossinge wovid cross the stete hishway, Rovte No: 28, east of Canby, and is designated in the above entさtied epplication as Crossing No. 20, State Efghway Crossing at $K$ 43I+38. The Departmont ot Jublic wozics, Division of Eighways, of the State of Caifioriag, has abised by Ietter that in its opinion this crossing shourd be constructed at separated grades. Lpplicents comtenc, howeror, that conditions at this time do not justify the expence of a grade soparation at this point.

The proposed Ifne of railroad is now partiy under constraction end in order to expodite this work tho Southern Pecific Compant hes recrested thet authority for aIl of the proposed crossings, with the axception of the crossing across the state bighway above described, be acted upon at this time.

It appears to the Commssion that with Iegard to the proposed crossings, With the exception of the crossine across the stete highray, that it is neither reasomable mor practicable at this time to provide grade separations or to avoid erade crossings at the points mentioned in this application with said raeds and highrays, and that this appifcation and supplement theroto in so fer as it pertains to the proposed crossings, with the ezception of the crossing across the state highway, shoula be gramted subject to the conditions berelarter spectifed. The proposed crossing over the stato highway
will be alsposed of by supplemental order, therefore, II IS $\operatorname{IEREBY}$ ORDERS that permission and authority be and it is hereby granted to Centrel Pacific Raflwey Company and Southem Pacific company to construct a Inc of railmoed track at erade across cortein roads in the County of Modoc, state of Colifomia, at the locations hereinarter particuiarly described and as shome by the map (Map No. 2isiz, central Pacisic Railway Company, Zinamath Folls to inturas, County road crossings in Nodoc County, Coiffornia) attached to the application.

## DESCRTPMTO OE GROSSINGS


Comencing at a point on the nortinexly boundary Inne of the proposed road to run easterly throush Section 6, Jownehip 47 North, Range 5 Dast, Nt. Disolo Base and Meridian, in Klamath Inrigation Project; thezce South $39^{\circ}$ 34. Fast and crossime the center line of soid road at Fuineer Station "F" 14i6-22.2, to a point on the southerly boundary ilme of said.proposed road.

The above crossing siall be identilyed as Croscing
NO. CRA-528.2.

comencimg at a point on the northeriy boundary line of the fiture county road to run casterly along the line betreen Sections 6 gnd 7, Township 47 North, Rame 5 Tast, Nit.Diablo Base and Mieridion, in Kamath Irrigation Iroject; thence South 390 34' Zest, and crossins the center Ine of said future county road at Engincer Station Tr" 2433r34.7, to a point on the soutinerly boundary line of saici road.

The above crossing shali be 1dentiriea as crossing
NO. CSA-527.9.
Gossing NO. 3, Future County Zoad crossing at rim 1451r31.0.
Comencing at a point on tine mosteriy bowdary inne or the Iuture county road to run northeriy aiong the center ifne of Section 7, Tomship 47 Morth, Rango 5 East, Mit. Diablo Zase and Koridian, in Kaminh Irrigation Project; thence South
 county road at merinecr Station "Fin 1451+31.0, to a point on the easteriy boundary inge of said.road.

The goove crossine sinell be identiried as Crossing
NO. ORA-527.5.

Crossing No. \&, Future County Road crossing at MFw 1492+82.1.
Commencing at a point on the westeriy boundery ine of the Iuture county road to ran northerly along the Ifne between Sections 7 and 8, Townsilp 47 North, Renge 5 East, Mt.Diadio Bose and Leridian, in Kigath Irrigation Project; tience South 390 34. East, and crossing the center inine of sele futore compty road at Engineer Station TF" 1492+82.1, to a point on the easteriy boundary inte of seid.road...

The above crossing shail be 1dentiried as crossing
NO. CFA-526.7.
Crossing No. 5, Future County ROed crossing at Ta" 1513+37.0.
Comomefrg at a point on the westeriy boundery ind of the future county roed to mon northorly along the line betwoen Sections 18 and 27, Township 47 North, Range 5 Eest, Mt.Diablo Base and Meridion, in Kamath Irrisation Project; thence. Sonth $50^{\circ} 4 I^{\prime}$ East and crossins the center line of safa ruturo comty road at Engimeer station "A" $2513+37.0$, to a point on the easterin boundary line of said.road..

The above crossing shall be identified as crossing
NO. CRA-525.4.
Crossine No. 6, Future County Rood crossing at "ג" 1535+38.0.
Comencing at a point on the northerly boundary itie ot the Inture county road to rum casterily alone the Ine between Sections IS and 2I, Tomehip 47 North, Range 5 East; Nt. Diciolo Base and Meridion, in Kimath Irrieation Project; thence South $50^{\circ}$ 4I" Tast and croseine the center line of said Iuture cotnty road at Eneineor Station " $A^{\prime \prime}$ I535+38.0, to a point on the southeriy boundery line ot. sade yoad.

The above crosstif shail be identivied as coosesng
NO. CRA-525.O.
Crossing No. 7, Future County Rood Crossing et "h" $1581+08.4$.
Comencing at a point on the 7esteriy boundary inne of the future county roed to rue northeriv alone the line betweon Sections 21 and 22, Tomehip 47 North, Range 5 East, Nut. Diabio Base and Nariaian, in Kamath Irrigation Iroject; thence South $50^{\circ}$ 4. East ond crossing the center 2ine ot seid futore countr road at Enginjor Station "A" 1581+48.4, to a point on the easteriy boundiry inne of safi foid.

The above crossing shail be 1dentifiod as Crossing .
No. CFi-524.I.

Crossing No. 8, Proposed County Road Crossing A" 2618+67.0.
Comencine at a polat on the northeriy bowdery inte of the proposed county =oad to run easteriy along the ilme betreon Sections 22 and 27, Nomminip 47 North, Ronee 5 East, Nit. Diabio Base anA Meridian, in Klamath Irrigation. Noject; thence Sorth 500 4It East and crossing the conter inno of seid proposed county road at Engineer Station "At 2618+87.0, to a point on the sortheriy bomacry Ifne of saic road.

The ebove crossfag shail be Ldentrifed as Crossixg
NO. CFI-523.4.
Cossing No. 9, Frture County Rood Crossing at "A" $2650+25.0$.
Comencing at a point on the westeriy boumdary isne of the futwe county zoed to 工un northeriy alomg tiee Ifno between Sections 26 and 27, Tomship 47 North, Range 5 East, Mt. DIabIo Base nad Meridian, fin Kamoth Tricetion Project; thence South $50^{\circ} 41^{\circ}$ East and crossing the center I1ne of said Inture county roac at Engineer Station "\& ${ }^{7}$ I650+15.0, to a point on the easteriy bomiany inne of said rood.

Whe above crossing shail bo identrifed as Crossfug
NO. OEA-522.8.
Crossing No.IO, Patare County Road Crossing at "A $1701+97.5$.
Comemeing at a point on the northerly boundary line of the Iature county 工ood to meanteriy along the inne betreen Sections 26 and 35, Tomship 47 Norty, Ramge 5 East, Nt. DiabIo Base and Moridion, in Klamath Irrigation Project; thence Soati 50042 . East and. crossine the conter inne of said Iuture comty roed at Engineer Station "\&" $2701+97.5$, to a point on the soutineiny boundery 1120 of.safd roed.

The gioove crossing shall be identitied as crossife
NO. CNA-5NI.8.
Cossing No. 17, Proposed Road Crossing at $\mathrm{K}^{\pi T}$ 1787+50.0.
Comencing at a polnt on the northwestexiy borndary inne of the proposed road to mun northeasteriy through Section 3I, Township 47 Nortit, Range 6 East, Nt. Diablo Base and Meridian, in hamath Irrieation project; thence.South 500 22. East and crossing the center Ifne of said proposed road at Engineer Station "A" 1787+50.0, to a point on the Sottheasteriy bomdery ine of sald rood.

The above crossing shain be fdentitied as Crossiof
NO. CTE-520.2.

Czossing No. 12, Proposed County Roed Crossing at TEN 1825+30.0.
Commencing at a point on the southeastemiy boundary inge of the proposed rood to run northeasteriy throush section 6 , Tomship 46 North, Range 6 East, Nt. Diablo Beso and Meraicn, In XIamath IraIgation 2roject; thence North $30^{\circ}$ 42. West and crosstus the center ilne of said proposed road at maginoer Stetion "E" I825+30.O, to a point on the northresteriy boundary inne oi said road.

The aboro crossing shall be identified as Crossing
No. Css-518.9.
Crossing No. 13, Proposed Road Crossing at TE" $1341+50$.
Comencins at a point on the southeriy bowndary inne of the proposed relocated county road in Sections 21 and 28, Townsifp 45 North Range 6 East, Mt. Diablo Base and Meridian; thence North $24^{\circ} 15^{\circ}$ West. and crosefus the center 21 ne of seid proposed relocated county rood at Engineer Station "E" $1341+50$, to a point on the noztherly boundery. Ifne of said roed..

The above crossing shail be idonvified as Crossing
NO. CTA-509.8.
Grossing No. 16, Proposea Road Crossing at "E" $880+74.5$.
Commencing at a point on the southeriy boundory itne of the proposed relocated General Canby Forest Road in Sections 29 and 30, Tawnehip 44 North, Ronge 7 East, Mt. DLablo Base and Meriafan; thence North $5^{\circ} 36^{\circ}$ East and crossing the.center inne of setc proposed relocatedroad at Enginecr Station "E" 880+74.5, to a pofit on the northeriy boundery ilne of seid.road. .

The above crossing sbail bo Identitied as Crossing
NTO. CPA-501.3..
Crossing NO. 17 , Proposed Road Crossins at $\mathrm{TE}^{n}$ 536+00.
Commencins at a point on the easterly boundery ine of the proposed htehway ruming nozthmesteriy in Section 22, Townensp 43 North Range 7 East, Kt. DIablo Base and Meridian; themee North $85^{\circ} 59^{\circ}$ West and crossing the center ine of said hfohmay at Sngineer Station "E" 536+00, to a point on the westeriy boudary line of said inghray.

The above crossing shell be identizied as Crossing
NO. CFL-4S4.7.

Crossing No. 28 , Proposed Road Crossing at "E" 249+31.
Comencing at a point on the easteriy boundary inne of the proposed rorest service rood runing northeriy in Soction 28 , Townshp 43 North, Range 8 East, Mt. Diablo Base and Meridian; thence North $68^{\circ}$ 17? West and crossing the center inne of safd proposed road at Engineor station "g" $249+32$, to a point on the westeriy boundary IIne of said.road.

The above crossing shail be identified as Crossing
No. CRA-489.3.
Crossing No. 29, County Road Crossing at NK 390+72.0.
Comencing at a point on the westeriy bounäry inne of the coonty Foad running northerly between Section 25, Tomnship 42 North, Rance 9 Jast and Section 30, Township 42 North, Rango 10 Easty Mt. Diablo Zase and Weridim; thence South $63^{\circ}$ 29. East and oroseins the center line of said road at Engineer. Station "K" $390+71.0$, to a point on the eastoziy boundry ine of said road.

The abovo arossing shail be idontified as Crosning
No. CRA-477.4.
Crosisins No. 21, Proposed Road Czossing at rew 517+70.
Comencins at a point on the westeriy boundary line of the =oad munins northerly in Section 28, Tomnship 42 Nozth, Range Io East, Nt. Diablo Base and Meridian; thonce North 890 44, East, and crossing the center line of said road at Enginoer Station TK" $517+70$, to a point on the casteriy boundory ifne or seía road.

The above crossing shail be icontitied as Crossting
NO. CFis-474.9.
Crossing No. 22, Boed Ceossing at "Kr 606+74.3.
comencins at a point on the wosterif boundary line of the road runnine northeriy along the line betweon Sections 25 end 27, Township 42 North, Papec 10 East, Nit. Diablo Ease anc Ventcian; theuce North $88^{\circ}$ 44. East and crossipe the center inne of seid road at Engineer.Station "K" $600+74.3$, to e point on the easterly boumdary inne on seid road.

The above crossing sheil be identified as crozsing
NO. CRI-473.3.

Crossins No. 23, Road Crossing at "Kw 712+97.
Comencing at a point on the westeriy boundary ine of the roed funing northeris alons the eastorly lino of Section 25, Township 42 North, Renge 10 Iast, Nt. Diablo Bese and Kerialan; thence North $8904 x^{4}$ East, and crossing the contor line of 3cie road at Ingineer Station "S" 712+97; to a point on the oastoriv boundary. inne ot seil road.

The above crossing chall be idontiliod as Crosstig
NO. CFA-472.3.

Comencine at a point on the westeriy boundary ind of the road runcies nor therly through Section 30, Township 42 Norti, Zenge II Iast, Nt. Diablo Bese and Meridian; thence Nomtt $89^{\circ} 44^{\prime \prime}$ Iest and crossing the center line of said road at ExGineor. Station "K" 755+82.4, to a point on the eastoriy bomaery inae ot said roak.

The abore crossing shail be icentified as Cnossing
NO. CFA-470.5.
Crossint No. 25, County Road Crosstag at mK $2114+18.5$.
Commencing at a point on the mesteriy boundary line of the county road runing northeriy alone the easteriy line or Section 13, Tomaship \&2 North, Range 11 East, 紋. Diabio Bese and Neridian; thence North 64 26in. Tast and crossing the center ine of said road at Eacineor Station "K" $1714+18.5$, to a point on the easteriy boundary ine of seid road.

The above crossing shail be identitied as Crossing
No. CEA-463.7.
Crosinng No. 26, Road Crossing at $\pi \mathrm{KN}^{2}$ 1360t35.2.
Comenctirg at a point on the westerly"boundery inge of the Foad munine mortherly through Section 14, Tomnship 42 Nom, Range 12 East, Mt. Dlablo Base and Meridien; thence South $89^{\circ} 20^{\circ}$ East and crossing the center line of seid road et Engineer Station "X" $1360+35.2$, to a point on the easteriy boundery line of said road.

The above crossing shail be identifiol as Crossing
2TO. CTA-459.0.

Sald crossings to be constructed subject to the follow ine conditions and not otherwise:
(I) The entire expense of constructing the crossinge
together with the cost of their maintonance thereaiter in 6000 ond Lirst-ciass comation for the safe and convenfent use of the public, shail be borme by applicants.
(2) Said crossings shail be constructed equal or superior to type shown as Stepdani No. 2, in Genorel Order No. 72 of this Comission and shail be constructed of a width to conform to those portions of said roads nor graded, with grades of approach not to exceed those grades of approach specificaily shown for each of said crossings on the Nay No. 2i413, Sheets Nos. 1 to 25, inclusite, attached to the appication; shail be "protectea by Standane No. I arossing sifos as speciliod in General order No. 75 of this Commission and shall in every way be made suitable for the passage thereover of vehicies and other road traffic.
(3) The above described Crossings Nos. $13,26,17$ sed 19 shein, in addition to a Standard No. I crossint sign, be protected by a Standard No. 3 wigwac as speciried in General onder No. 75 of this Comission.
(4) Appilcant shail, within thicty (30) days thereacter, notify this conmission, in witing, of the completion of the instailation of said crossings.
(5) It seid crossings shoil not have been instelled within one year from the dete of this order, the authorization berein granted shail then lapse and become roid, uniess furtice time is granted by eubsequent order.
(6) The Comission reaerves tie right to maike such turn ther arders relative to the location, construction, operation, maintomance and grotection of said crossings as to it may seem right and proper, and to revoke its permission if, in its judement, the public convenfence and necessity deman such action.

The authority herein granted shail became offoctive on

SEC $2 T$
the date perot.
Dated at Sem Francisco, California, this
 day of Plutelf, 1829.


