

Decision No. 20890.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of application of  
CENTRAL PACIFIC RAILWAY COMPANY  
and SOUTHERN PACIFIC COMPANY for  
an order authorizing construction  
at grade of proposed line of rail-  
road from Klamath Falls, Oregon, to  
Alturas, California, across public  
roads and highways in Modoc County,  
California.

Application No. 15365.

**ORIGINAL**

BY THE COMMISSION:

ORDER

Central Pacific Railway Company, a corporation, and Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 31st day of January, 1929, asking for authority to construct a line of railroad at grade across certain roads and highways in the County of Modoc, State of California, said line of railroad being a portion of the line connecting Klamath Falls, Oregon, with Alturas, California.

On February 14, 1929, a supplemental application in the above entitled proceeding was filed in which it was stated that since the filing of the original application it had been found advisable to change the angle of the crossing designated in said original application as Crossing No. 17, 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 forth in the original application.

Applicants state that they have the right to construct said crossings across the public roads and highways under considera-

tion by virtue of Subdivision 5, Section 465, of the Civil Code of the State of California, and that a permit or franchise is not required from any other county or state authority. The Board of Supervisors of the County of Modoc has signified by a resolution passed on the 4th day of March, 1929, that it offers no objection to the granting of said application. One of the proposed crossings would cross the state highway, Route No. 28, east of Canby, and is designated in the above entitled application as Crossing No. 20, State Highway Crossing at K 431+38. The Department of Public Works, Division of Highways, of the State of California, has advised by letter that in its opinion this crossing should be constructed at separated grades. Applicants contend, however, that conditions at this time do not justify the expense of a grade separation at this point.

The proposed line of railroad is now partly under construction and in order to expedite this work the Southern Pacific Company has requested that authority for all of the proposed crossings, with the exception of the crossing across the state highway above described, be acted upon at this time.

It appears to the Commission that with regard to the proposed crossings, with the exception of the crossing across the state highway, that it is neither reasonable nor practicable at this time to provide grade separations or to avoid grade crossings at the points mentioned in this application with said roads and highways, and that this application and supplement thereto in so far as it pertains to the proposed crossings, with the exception of the crossing across the state highway, should be granted subject to the conditions hereinafter specified. The proposed crossing over the state highway

will be disposed of by supplemental order, therefore,

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to Central Pacific Railway Company and Southern Pacific Company to construct a line of railroad track at grade across certain roads in the County of Modoc, State of California, at the locations hereinafter particularly described and as shown by the map (Map No. 21413, Central Pacific Railway Company, Klamath Falls to Alturas, County road crossings in Modoc County, California) attached to the application.

DESCRIPTION OF CROSSINGS

Crossing No. 1, Proposed road crossing at "F" 1416-22.2.

Commencing at a point on the northerly boundary line of the proposed road to run easterly through Section 6, Township 47 North, Range 5 East, Mt. Diablo Base and Meridian, in Klamath Irrigation Project; thence South 39° 34' East and crossing the center line of said road at Engineer Station "F" 1416-22.2, to a point on the southerly boundary line of said proposed road.

The above crossing shall be identified as Crossing  
No. CFA-528.2.

Crossing No. 2, Future County Road crossing at "F" 1433-34.7.

Commencing at a point on the northerly boundary line of the future county road to run easterly along the line between Sections 6 and 7, Township 47 North, Range 5 East, Mt. Diablo Base and Meridian, in Klamath Irrigation Project; thence South 39° 34' East, and crossing the center line of said future county road at Engineer Station "F" 1433-34.7, to a point on the southerly boundary line of said road.

The above crossing shall be identified as Crossing  
No. CFA-527.9.

Crossing No. 3, Future County Road crossing at "F" 1451-31.0.

Commencing at a point on the westerly boundary line of the future county road to run northerly along the center line of Section 7, Township 47 North, Range 5 East, Mt. Diablo Base and Meridian, in Klamath Irrigation Project; thence South 39° 34' East and crossing the center line of said future county road at Engineer Station "F" 1451-31.0, to a point on the easterly boundary line of said road.

The above crossing shall be identified as Crossing  
No. CFA-527.5.

Crossing No. 4, Future County Road crossing at "F" 1492+82.1.

Commencing at a point on the westerly boundary line of the future county road to run northerly along the line between Sections 7 and 8, Township 47 North, Range 5 East, Mt. Diablo Base and Meridian, in Klamath Irrigation Project; thence South 39° 34' East, and crossing the center line of said future county road at Engineer Station "F" 1492+82.1, to a point on the easterly boundary line of said road.

The above crossing shall be identified as Crossing  
No. CFA-526.7.

Crossing No. 5, Future County Road crossing at "A" 1513+37.0.

Commencing at a point on the westerly boundary line of the future county road to run northerly along the line between Sections 16 and 17, Township 47 North, Range 5 East, Mt. Diablo Base and Meridian, in Klamath Irrigation Project; thence South 50° 41' East and crossing the center line of said future county road at Engineer Station "A" 1513+37.0, to a point on the easterly boundary line of said road.

The above crossing shall be identified as Crossing  
No. CFA-525.4.

Crossing No. 6, Future County Road crossing at "A" 1535+38.0.

Commencing at a point on the northerly boundary line of the future county road to run easterly along the line between Sections 16 and 21, Township 47 North, Range 5 East, Mt. Diablo Base and Meridian, in Klamath Irrigation Project; thence South 50° 41' East and crossing the center line of said future county road at Engineer Station "A" 1535+38.0, to a point on the southerly boundary line of said road.

The above crossing shall be identified as Crossing  
No. CFA-525.0.

Crossing No. 7, Future County Road Crossing at "A" 1581+48.4.

Commencing at a point on the westerly boundary line of the future county road to run northerly along the line between Sections 21 and 22, Township 47 North, Range 5 East, Mt. Diablo Base and Meridian, in Klamath Irrigation Project; thence South 50° 41' East and crossing the center line of said future county road at Engineer Station "A" 1581+48.4, to a point on the easterly boundary line of said road.

The above crossing shall be identified as Crossing  
No. CFA-524.1.

Crossing No. 8, Proposed County Road Crossing "A" 1618+67.0.

Commencing at a point on the northerly boundary line of the proposed county road to run easterly along the line between Sections 22 and 27, Township 47 North, Range 5 East, Mt. Diablo Base and Meridian, in Klamath Irrigation Project; thence South 50° 41' East and crossing the center line of said proposed county road at Engineer Station "A" 1618+67.0, to a point on the southerly boundary line of said road.

The above crossing shall be identified as Crossing  
No. CFA-523.4.

Crossing No. 9, Future County Road Crossing at "A" 1650+15.0.

Commencing at a point on the westerly boundary line of the future county road to run northerly along the line between Sections 26 and 27, Township 47 North, Range 5 East, Mt. Diablo Base and Meridian, in Klamath Irrigation Project; thence South 50° 41' East and crossing the center line of said future county road at Engineer Station "A" 1650+15.0, to a point on the easterly boundary line of said road.

The above crossing shall be identified as Crossing  
No. CFA-522.8.

Crossing No. 10, Future County Road Crossing at "A" 1701+97.5.

Commencing at a point on the northerly boundary line of the future county road to run easterly along the line between Sections 26 and 35, Township 47 North, Range 5 East, Mt. Diablo Base and Meridian, in Klamath Irrigation Project; thence South 50° 41' East and crossing the center line of said future county road at Engineer Station "A" 1701+97.5, to a point on the southerly boundary line of said road.

The above crossing shall be identified as Crossing  
No. CFA-521.8.

Crossing No. 11, Proposed Road Crossing at "A" 1787+50.0.

Commencing at a point on the northwesterly boundary line of the proposed road to run northeasterly through Section 31, Township 47 North, Range 6 East, Mt. Diablo Base and Meridian, in Klamath Irrigation Project; thence South 50° 22' East and crossing the center line of said proposed road at Engineer Station "A" 1787+50.0, to a point on the Southeasterly boundary line of said road.

The above crossing shall be identified as Crossing  
No. CFA-520.2.

Crossing No. 12, Proposed County Road Crossing at "E" 1825+30.0.

Commencing at a point on the southeasterly boundary line of the proposed road to run northeasterly through Section 6, Township 46 North, Range 6 East, Mt. Diablo Base and Meridian, in Klamath Irrigation Project; thence North  $30^{\circ} 42'$  West and crossing the center line of said proposed road at Engineer Station "E" 1825+30.0, to a point on the northwesterly boundary line of said road.

The above crossing shall be identified as Crossing  
No. CFA-518.9.

Crossing No. 13, Proposed Road Crossing at "E" 1341+50.

Commencing at a point on the southerly boundary line of the proposed relocated county road in Sections 21 and 28, Township 45 North, Range 6 East, Mt. Diablo Base and Meridian; thence North  $24^{\circ} 15'$  West and crossing the center line of said proposed relocated county road at Engineer Station "E" 1341+50, to a point on the northerly boundary line of said road..

The above crossing shall be identified as Crossing  
No. CFA-509.8.

Crossing No. 16, Proposed Road Crossing at "E" 880+74.5.

Commencing at a point on the southerly boundary line of the proposed relocated General Canby Forest Road in Sections 29 and 30, Township 44 North, Range 7 East, Mt. Diablo Base and Meridian; thence North  $5^{\circ} 36'$  East and crossing the center line of said proposed relocated road at Engineer Station "E" 880+74.5, to a point on the northerly boundary line of said road.

The above crossing shall be identified as Crossing  
No. CFA-501.3..

Crossing No. 17, Proposed Road Crossing at "E" 536+00.

Commencing at a point on the easterly boundary line of the proposed highway running northwesterly in Section 22, Township 43 North, Range 7 East, Mt. Diablo Base and Meridian; thence North  $86^{\circ} 59'$  West and crossing the center line of said highway at Engineer Station "E" 536+00, to a point on the westerly boundary line of said highway.

The above crossing shall be identified as Crossing  
No. CFA-494.7.

Crossing No. 18, Proposed Road Crossing at "E" 249+31.

Commencing at a point on the easterly boundary line of the proposed Forest Service road running northerly in Section 28, Township 43 North, Range 8 East, Mt. Diablo Base and Meridian; thence North 68° 17' West and crossing the center line of said proposed road at Engineer Station "E" 249+31, to a point on the westerly boundary line of said road.

The above crossing shall be identified as Crossing  
No. CFA-489.3.

Crossing No. 19, County Road Crossing at "K" 390+71.0.

Commencing at a point on the westerly boundary line of the county road running northerly between Section 25, Township 42 North, Range 9 East and Section 30, Township 42 North, Range 10 East, Mt. Diablo Base and Meridian; thence South 63° 29' East and crossing the center line of said road at Engineer Station "K" 390+71.0, to a point on the easterly boundary line of said road.

The above crossing shall be identified as Crossing  
No. CFA-477.4.

Crossing No. 21, Proposed Road Crossing at "K" 517+70.

Commencing at a point on the westerly boundary line of the road running northerly in Section 28, Township 42 North, Range 10 East, Mt. Diablo Base and Meridian; thence North 89° 44' East, and crossing the center line of said road at Engineer Station "K" 517+70, to a point on the easterly boundary line of said road.

The above crossing shall be identified as Crossing  
No. CFA-474.9.

Crossing No. 22, Road Crossing at "K" 606+74.3.

Commencing at a point on the westerly boundary line of the road running northerly along the line between Sections 26 and 27, Township 42 North, Range 10 East, Mt. Diablo Base and Meridian; thence North 89° 44' East and crossing the center line of said road at Engineer Station "K" 606+74.3, to a point on the easterly boundary line of said road.

The above crossing shall be identified as Crossing  
No. CFA-473.3.

Crossing No. 23, Road Crossing at "K" 712+97.

Commencing at a point on the westerly boundary line of the road running northerly along the easterly line of Section 25, Township 42 North, Range 10 East, Mt. Diablo Base and Meridian; thence North  $89^{\circ} 44'$  East, and crossing the center line of said road at Engineer Station "K" 712+97, to a point on the easterly boundary line of said road.

The above crossing shall be identified as Crossing  
No. CFA-471.3.

Crossing No. 24, Road Crossing at "K" 755+82.4.

Commencing at a point on the westerly boundary line of the road running northerly through Section 30, Township 42 North, Range 11 East, Mt. Diablo Base and Meridian; thence North  $89^{\circ} 44'$  East and crossing the center line of said road at Engineer Station "K" 755+82.4, to a point on the easterly boundary line of said road.

The above crossing shall be identified as Crossing  
No. CFA-470.5.

Crossing No. 25, County Road Crossing at "K" 1114+18.5.

Commencing at a point on the westerly boundary line of the county road running northerly along the easterly line of Section 13, Township 42 North, Range 11 East, Mt. Diablo Base and Meridian; thence North  $64^{\circ} 26\frac{1}{2}'$  East and crossing the center line of said road at Engineer Station "K" 1114+18.5, to a point on the easterly boundary line of said road.

The above crossing shall be identified as Crossing  
No. CFA-463.7.

Crossing No. 26, Road Crossing at "K" 1360+35.2.

Commencing at a point on the westerly boundary line of the road running northerly through Section 14, Township 42 North, Range 12 East, Mt. Diablo Base and Meridian; thence South  $89^{\circ} 20'$  East and crossing the center line of said road at Engineer Station "K" 1360+35.2, to a point on the easterly boundary line of said road.

The above crossing shall be identified as Crossing  
No. CFA-459.0.

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

- (1) The entire expense of constructing the crossings



together with the cost of their maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicants.

(2) Said crossings 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 of a width to conform to those portions of said roads now graded, with grades of approach not to exceed those grades of approach specifically shown for each of said crossings on the Map No. 21413, Sheets Nos. 1 to 15, inclusive, attached to the application; shall be protected by Standard No. 1 crossing signs as specified in General Order No. 75 of this Commission and shall in every way be made suitable for the passage thereover of vehicles and other road traffic.

(3) The above described Crossings Nos. 13, 16, 17 and 19 shall, in addition to a Standard No. 1 crossing sign, be protected by a Standard No. 3 wigwag as specified in General Order No. 75 of this Commission.

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

(5) If said crossings 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 crossings 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 22<sup>th</sup>  
day of March, 1929.

Thomas D. Larkin  
Clarence  
Wm. H. ...  
Leon ...  
W. J. ...  
Commissioners.