

Decision No. 20992.

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 railroad
from Klamath Falls, Oregon, to
Alturas, California, across public
roads and highways in Modoc County,
California.

Application No. 15,365.

ORIGINAL

BY THE COMMISSION:

FIRST SUPPLEMENTAL ORDER

Central Pacific Railway Company and Southern Pacific Company filed a second supplemental application in the above entitled matter with this Commission on the 29th day of March, 1929, asking for authority to construct a line of railroad at grade across a public road in Modoc County, State of California, as hereinafter set forth.

Applicants state that this road has been made public subsequent to the filing of the original application and that a representative of the United States Forest Service has requested that the above crossing be constructed and that applicants are desirous of complying with this request.

In the original application in this matter applicants requested authority to construct the line of railroad at grade across certain public roads and highways in the County of Modoc, State of California, one of said roads and highways being a

state highway known as Route No. 28. It was proposed to cross this highway at a point east of Canby, said crossing being designated by applicant as Crossing No. 20, State Highway Crossing at K-431+38. In the Commission's Decision No. 20,890, dated March 20, 1929, authority was granted for the construction of the grade crossings requested in the original and first supplemental application in this matter, with the exception of the crossing of the state highway described above, it being provided therein that said crossing would be disposed of by supplemental order.

The Department of Public Works, Division of Highways, of the State of California on February 18, 1929, advised this Commission, by letter, that in its opinion this crossing should be constructed at separated grades. On March 20, 1929, it informed the Commission that further study had been made and it was concluded that present traffic over the highway did not justify the separation of grades at this time. Applicants contend that conditions at the present time do not justify the expense of a grade separation.

The Transportation Division of the Commission's Engineering Department had an inspection and study made of the proposed crossing of the state highway and recommends that a grade crossing at this point be authorized. It appears to the Commission that it is neither reasonable nor practicable, at this time, to provide grade separations or to avoid grade crossings at the points mentioned with said public road and state highway and that authority for grade crossings at said points 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 Central Pacific Railway Company

and Southern Pacific Company to construct a line of railroad at grade across a public road and the state highway (Route No. 28) east of Canby in the County of Modoc, State of California, at the locations hereinafter particularly described and as shown by the maps attached to the second supplemental and the original application.

DESCRIPTION OF CROSSINGS

Crossing No. 12-A:

Road Crossing at Station "E" 1504+85.0: Commencing at a point on the southerly boundary line of the proposed county road running easterly through Section 7, Township 45 North, Range 6 East, Mt. Diablo Base and Meridian; thence North 3° 53' West and crossing the center line of said proposed county road at Engineer Station "E" 1504+85.0 to a point on the northerly boundary line of said road.

The above crossing shall be identified as Crossing No. CFA-512.9.

Crossing No. 20:

State Highway Crossing at "K" 431+38.0: Commencing at a point on the northwesterly boundary line of the state highway, running northeasterly in Section 30, Township 42 North, Range 10 East, Mt. Diablo Base and Meridian; thence South 78° 13' East and crossing the center line of said highway at Engineer Station "K" 431+38.0 to a point on the southeasterly boundary line of said road.

The above crossing shall be identified as Crossing No. CFA-476.6.

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 applicant.

(2) Said crossing of the public road identified above as Crossing CFA-512.9 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 that portion of said road now graded, with tops of rails flush with roadway and with grades of approach not exceeding six (6) per cent; 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 thereover of vehicles and other road traffic.

(3) Said crossing of the state highway identified above as Crossing No. CFA-476.6 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 that portion of said highway now graded, with tops of rails flush with the pavement or roadway and with grades of approach not exceeding three (3) per cent; shall be protected by a Standard No. 1 crossing sign and a Standard No. 3 wigwag, 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.

(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 18th day of April, 1929.

Paul D. Lott

C. A. Seaver

Ernest W. Smith

M. A. Cum
Commissioners.