

Decision No. 21731.

**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

<p>In the matter of application of SOUTHERN PACIFIC COMPANY for an order authorizing the construction at grade of a main line track across the County Road in two locations in the vicinity of Madeline, County of Lassen, State of California.</p>
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Application No. 16013.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 14th day of October, 1929, asking for authority to construct a main line track at grade across a County Road at two locations in the vicinity of Madeline, County of Lassen, State of California, as hereinafter set forth. Applicant takes the position that, under subsection 5 of Section 465 California Civil Code, no franchise or permit is necessary from any other County or State authority, and it appears to the 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 grade separations or to avoid grade crossings at the points mentioned in this application with said County Road, 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 Southern Pacific Company to construct its main line track at grade across a County Road in the vicinity of Madeline, County of Lassen, State of California, at the locations

particularly described in the application and as shown by the maps (M.W.D. Drawings J.D.M. 1 and 2) attached to the application.

The above crossings shall be identified as Crossings No. 30-60.6 and No. 30-61.9.

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 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 road now graded, with the tops of rails flush with the roadway, and with grades of approach not exceeding four (4) per cent; 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) Applicant shall remove the tracks shown in yellow on the maps (M.W.D. Drawings No. J.D.M. 1 and 2) attached to the application in so far as they lie in said County Road and shall repair the road to conform to the remainder thereof.

(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 28<sup>th</sup> day of October, 1929.

Frank D. Smith  
Albany  
Edward  
Leon Whisell  
M. J. Carr  
 Commissioners.