

Decision No. 21771

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of application of SOUTHERN PACIFIC COMPANY for an order authorizing the construction at grade of a spur track and two side tracks across County Road (CRC #129.4) in the vicinity of Chualar Station, County of Monterey, State of California.

Application No. 15951.

BY THE COMMISSION:

ORIGINALORDER

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 16th day of September, 1929, asking for authority to construct a spur track and two side tracks at grade across County Road in the vicinity of Chualar Station, County of Monterey, State of California, as hereinafter set forth. The necessary franchise or permit has been granted by the Board of Supervisors of said County for the construction of said crossings at grade. 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 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

a spur track and two side tracks at grade across County Road in the vicinity of Chualar Station, County of Monterey, State of California, at the locations hereinafter particularly described and as shown by the map (Coast Division Drawing No. 24072) attached to the application.

DESCRIPTION OF CROSSINGS.

#1. Beginning at a point on southeasterly line of county road at mile 129.4 near Chualar, 15 feet northeasterly from center line of existing main track, thence northwesterly and parallel to main track and crossing county road to a point in northwesterly line thereof.

#2. Beginning at a point on southeasterly line of county road at mile 129.4 near Chualar, 28 feet northeasterly from center line of existing main track, thence northwesterly and parallel to main track and crossing county road to a point in northwesterly line thereof.

#3. Beginning at a point on southeasterly line of county road at mile 129.4 near Chualar, 40 feet northeasterly from center line of existing main track, thence northeasterly and crossing county road to a connection with existing track leading to packing plants.

The above crossings shall be identified as a portion of Crossing No. E-129.4.

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. 3, 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, and with the tops of rails of the crossings described in Sections 1 and 2 of the above description at the same elevation as the main line rails. All of said crossings shall be constructed with tops of rails flush with the roadway, and with grades of approach not exceeding three (3) per cent, and shall in every way be made suitable for the passage thereover of vehicles and other road traffic.

(3) Within ninety (90) days from the date of installation of any or all of the crossings herein authorized, two wigwags conforming with Standard No. 3 of the Commission's General Order No. 75 or two flashing light signals of type approved by the Commission shall be installed and so equipped as to present a warning aspect to the users of said county road in advance of and during the passage of all movements of engines, trains or cars over the crossing described in Section 1 of the above description or over the crossing of the adjacent main line track. Said wigwags or signals shall be so controlled as to avoid, in so far as practicable, false or unnecessary warning indications.

(4) No train, engine, motor or car shall be operated over said crossings, described in Sections 2 and 3 of the above description, unless said train, engine, motor or car shall be under full control and unless traffic on the highway be protected by a member of the train crew or other competent employee acting as flagman.

(5) Applicant shall remove the track shown in yellow on the drawing accompanying the application in so far as

it lies in said county road and shall restore such portions of said road as are not occupied by the crossings herein authorized to conform with the adjacent portions thereof.

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

(7) 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.

(8) 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 7th day of November, 1929.

Thomas S. Lott

Clarence

Ernest

M. P. Carr
Commissioners.