

Decision No. 22087.

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 across State Highway and across County Road, at Chowchilla, County of Madera, State of California.

Application No. 16259.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 27th day of January, 1930, asking for authority to construct a spur track at grade across the State Highway and a County Road, in the Town of Chowchilla, County of Madera, State of California, as hereinafter set forth. Applicant alleges that said spur is to be constructed to comply with a request of the Department of Public Works, Division of Highways, which department is willing to pay the cost of said construction. Said Department of Public Works, Division of Highways, has informed the Commission by letter that they have discussed the matter with the applicant railroad and are in agreement with application outlined by it. 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 grade separations or to avoid grade crossings at the points mentioned in this application with said State Highway and 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 at grade across the State Highway and the County Road in the Town of Chowchilla, County of Madera, State of California, at the locations hereinafter particularly described and as shown by the map (M.W.D. Drawing 7210, Sheet 1 of 1) attached to the application.

DESCRIPTION OF CROSSINGS.

State Highway

"Beginning at a point in the center line of existing spur, said point being in the westerly right of way of State Highway and 75 feet southeasterly from the easterly line of Florence Avenue, produced; thence easterly on curve concave to the left, radius 573.14 and on a tangent, a total distance of 135 feet more or less to a point in the easterly right of way line of proposed State Highway, said point being northerly along easterly right of way line of said proposed State Highway a distance of 40 feet, more or less from northwesterly line of Lot 1, of Dairyland Acres, per map filed in office of County Recorder of Madera County, in Volume 4, page 3, on April 7, 1914."

The above crossing of the State Highway shall be identified as Crossing No. B-168.05-C.

County Road

"Beginning at a point in the north line of County Road, said point being located 155 feet northeasterly along northerly line of said County Road from south corner of Lot 1 of Dairyland Acres; thence southeasterly across certain county road to a point in the south line of said road located 175 feet easterly from the westerly corner of Lot 2 of said Dairyland Acres as per official map on file in Recorder's office of Madera County, Vol. 4, page 3, dated 4-7-14. It is proposed to remove existing spur shown by yellow line on map filed herewith."

The above crossing of the County Road shall be identified

as crossing No. B-168.1-C.

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 Department of Public Works, Division of Highways of the State of California.

(2) Said crossing of the State Highway shall be constructed equal or superior to type shown as Standard No. 3, and said crossing of the County Road shall be constructed equal or superior to type shown as Standard No. 2, in General Order No. 72 of this Commission. Said crossings shall be constructed without superelevation and of a width to conform to those portions of said roads now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding one (1) 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) No train, engine, motor or car shall be operated over said crossings at a speed greater than five (5) miles per hour and unless traffic on said roadways be protected by a member of the train crew or other competent employee acting as flagman.

(4) Applicant shall remove the track shown in yellow on the map (M.W.D. Drawing 7210, Sheet 1 of 1) attached to the application, in so far as it lies in the State Highway as proposed.

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

(6) 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.

(7) 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 4th day of February, 1930.

Al Seaver
Emmeline

Thos E. Lott

Commissioners.