

Decision No. 23483

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

GEORGE L. CLAYTON, Complainant,

vs.

NEVADA-CALIFORNIA-OREGON RAILWAY,  
a corporation, Defendant.

Case No. 1808

ORIGINAL

BY THE COMMISSION -

OPINION and ORDER

George L. Clayton complains of Nevada-California-Oregon Railway, a corporation, and alleges that said railway has failed to properly maintain a private crossing connecting parcels of land located in Modoc County in the southwest quarter of the northeast quarter of Sec. 8, Township 39 North, Range 13 East, M.D.B. & M., in that said crossing is not in proper condition for the passage of loaded wagons or teams thereover. Complainant prays for an order of the Commission requiring defendant to repair said crossing and to so maintain it in the future that it may be suitable for the driving of teams and loaded wagons thereover.

Defendant duly filed its answer herein, said answer being a general denial of the material allegations of the complaint.

It appears that since the filing of this complaint that the railway of the defendant has been acquired by the Southern Pacific Company and that the track has been changed from a narrow gauge to a standard gauge line. The Commission is advised by the Southern Pacific Company that as the line was ballasted, following the work of broad gauging, that all crossings, both highway and private, were being placed in proper condition.

We are of the opinion, therefore, that this is not a matter in which a public hearing is necessary and that the complaint should be dismissed.

IT IS HEREBY ORDERED that this complaint be and the same hereby is dismissed.

Dated at San Francisco, California, this 9th day of March, 1931.

Cl. Leaver  
Leon O'Connell  
W. J. C.  
M. B. Lewis  
Fred G. Stewart  
COMMISSIONERS.