

Decision No. 23578

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of The People of the State of California on relation of the Department of Public Works, Division of Highways, for an order authorizing the construction of a state highway crossing at grade over the tracks of the Tonopah and Tidewater Railway Company at Baker, San Bernardino County, California.

Application No. 17238.

BY THE COMMISSION:

O R D E R

The People of the State of California, on relation of the Department of Public Works, Division of Highways, on March 6, 1931, applied for authority to construct a state highway known as Road VIII-SBd-31-K (erroneously designated in the application as Road VIII-SBd-1-K) at grade across the track of Tonopah and Tidewater Railroad Company in the vicinity of the Town of Baker, County of San Bernardino, State of California. Tonopah and Tidewater Railroad Company, on March 25, 1931, signified, in writing, that it has no objection to the construction of said crossing at grade. It appearing that a public hearing is not necessary herein; that it is neither reasonable nor practicable at this time to provide a grade separation or to avoid a grade crossing with said track at the point mentioned and that

the application should be granted, subject to certain conditions,

IT IS HEREBY ORDERED that the People of the State of California, on relation of the Department of Public Works, Division of Highways, are hereby authorized to construct Road VIII-SBd-31-K at grade across the track of Tonopah and Tidewater Railroad Company at the location as shown by the map (Exhibit "A") attached thereto, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as Crossing No. 43-41.7.
- (2) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing outside of lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Tonopah and Tidewater Railroad Company.
- (3) The crossing shall be constructed of a width of not less than twenty-four (24) feet and at an angle of approximately forty-two (42) degrees to the railroad and with grades of approach not greater than two (2) per cent; shall be constructed equal or superior to type shown as Standard No. 2 in our General Order No. 72; shall be protected by a Standard No. 1 crossing sign, as specified in our General Order No. 75, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (4) Prior to the beginning of actual construction of the crossing herein authorized, the applicant shall file with this Commission a certified copy of an appropriate resolution, duly and regularly passed, instituting all necessary steps to legally abandon and effectively close the existing public grade crossing located approximately six hundred (600) feet north of the crossing herein authorized and identified as Crossing No. 43-41.8. Upon the completion of the crossing herein authorized and upon its being opened to public use and travel, said Crossing No. 43-41.8 shall be legally abandoned and effectively closed to public use and travel.
- (5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of

