

Decision No. 23998.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application  
of THE WESTERN PACIFIC RAILROAD  
COMPANY for permission to construct  
a line of railroad across a main  
track and spur track of a private  
logging railroad of Lassen Lumber  
and Box Company, in Lassen County,  
State of California, at grade, and  
for an order prescribing the manner  
and terms of installation, main-  
tenance, operation, use and protec-  
tion of said crossings.

Application No. 17533.

BY THE COMMISSION:

O R D E R

The Western Pacific Railroad Company, a corporation, on July 14, 1931, applied for permission to construct its main line track at grade across the main track and a spur track of logging railroad of Lassen Lumber and Box Company in Lassen County, State of California.

A copy of the agreement between the applicant and the Lassen Lumber Company, covering the terms of construction, operation, maintenance and protection of said railroad crossings at grade, has been filed in this proceeding and marked Exhibit "C".

Applicant alleges that the amount of traffic on its proposed line of railroad will be relatively light during the first few years of its operation and to the best of applicant's knowledge, information or belief the tracks of Lassen Lumber and Box Company are not frequently used. It is not contemplated that

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special protective devices be installed at the proposed crossings. To safeguard train movements thereof, it is proposed that engines or cars of Lassen Lumber and Box Company shall come to a complete stop before proceeding over said crossings and that applicant's train movements will not require a complete stop before proceeding over said crossings.

Unless suitable crossing protective devices are installed, safety of operation can be secured only if both companies are required to bring their trains or cars to a full stop before passing over said crossings. It is clear that the safety of the traveling public and the employees of the two companies is of much more importance than the operating convenience which would be gained by permitting the Western Pacific trains to move over either of these crossings without a safety stop.

It appears that a public hearing is not necessary herein.

IT IS HEREBY ORDERED that The Western Pacific Railroad Company is hereby authorized to construct its main line track at grade across the main track and spur track of Lassen Lumber Company railroad in Lassen County, California, at the locations more particularly described in the application and as shown by maps (Exhibits "A" and "A-1") in Application No. 17533 and attached thereto, subject to the following conditions:

- (1) The entire expense of constructing the crossings, and thereafter maintaining the crossings in good and first-class condition for safe and convenient railway use, shall be borne by applicant.
- (2) All trains, motors, engines and cars of both companies shall be brought to a full stop at a distance of one hundred (100) feet before reaching each of said crossings. No movements of the above described type of equipment shall be made over the said crossings by the applicant until it has been ascertained that it is safe so to do. No movements of the above described type of equipment shall be made by

the Lassen Lumber and Box Company until it has first been ascertained that it is safe to do so by sending one of its own employees to crossing to make sure that no train is approaching on the conflicting line.

- (3) Signboards with the legend "Railroad Crossing - Stop" shall be erected by applicant along the tracks at approaches to each crossing and these signs shall be located one hundred (100) feet from the crossing where the safety stop is to be made.
- (4) Applicant shall, within thirty (30) days thereafter, notify the Commission, in writing, of the completion of the installation of said crossings and of its compliance with the conditions hereof.
- (5) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof, unless further time is granted by subsequent order of the Commission.
- (6) The Commission reserves the right to make such further orders relative to the location, construction, maintenance, operation and protection of said crossings as to it may appear to be right and proper and to revoke its permission if, in its judgment, public convenience and necessity demand such action.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 31st day of August, 1931.

O. L. Sawyer  
Leon Whiteley  
W. J. Carr  
W. B. Karpis  
Fred G. Stewart  
 (Commissioners)