

Decision No. 10490

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

In the matter of the application
of the County of Tulare for per-
mission to construct a public
highway at grade across the track
of Southern Pacific Company on the
North line of Section 13, Township
21 South, Range 24 East, M.D.B. & M.,
near Octol, California.

Application No. 7431.

Fred C. Scott, for Applicant.

E. T. Langdale, for Southern Pacific
Company.

BY THE COMMISSION:

O P I N I O N

This is an application by the Board of Supervisors of Tulare County for permission to construct a public road on the north line of Section 13, Township 21 South, Range 24 East, M.D. B. & M., across the main line track of Southern Pacific Company near Octol.

A public hearing on this application was held at Visalia May 9, 1922, before Examiner Satterwhite.

The purpose of this application is to obtain authority to continue the old Dresser Road westerly across the railroad track to connect with the State highway which parallels the railroad on its westerly side.

There now exists, just south of the proposed crossing, a narrow private crossing which has been publicly used for sometime. This existing crossing, being only about ten feet wide and having

steep grades of approach, is not a safe crossing but it actually carries all of the traffic that would probably use the proposed crossing when installed. This private crossing serves some twenty families residing east of the railroad, and is the outlet by which they can have access to the State highway and over which their children pass in attending the school located west of the railroad.

The traffic over the proposed crossing will probably be something less than 100 vehicles per day, and the railroad has approximately 20 train movements per day.

The view is practically unobstructed in all directions, and under these conditions it appears that no protection other than the standard crossing sign should be required at this time. The evidence indicates that public convenience and necessity require that this application be granted.

O R D E R

The Board of Supervisors of the County of Tulare, State of California, having applied for permission to construct a public road along the north line of Section 13, Township 21 South, Range 24 East, M.D.B. & M., at grade across the track of Southern Pacific Company, a public hearing having been held, the Commission being apprised of the facts, and the matter being under submission and ready for decision,

IT IS HEREBY FOUND AS A FACT, that public convenience and necessity require the establishment of a public crossing at grade at the point hereinafter set forth, under certain conditions as hereinafter specified, therefore

IT IS HEREBY ORDERED, that permission be and it is hereby granted the Board of Supervisors of the County of Tulare, State of California, to construct a public road at grade across the track of Southern Pacific Company at a location described as follows:

"Commencing at a point 1184.5 feet West of the Northeast corner of Section 13, in Township 21 South, Range 24 East, M.D.B. & M.; thence running South $9^{\circ} 20'$ East, 30.4 feet; thence West 102.1 feet; thence North $9^{\circ} 20'$ West, 60.8 feet; thence to the point of beginning".

all of the above as shown on the map marked "Exhibit A" and attached to the application, said crossing to be constructed subject to the following conditions; viz:

(1) The entire expense of constructing the crossing shall be borne by the applicant. The cost of its maintenance up to a line two (2) feet outside the rails shall be borne by the applicant. The maintenance of that portion of the crossing between the rails and two (2) feet outside thereof shall be borne by Southern Pacific Company.

(2) The crossing shall be constructed of a width not less than 24 feet and at an angle of $80^{\circ} 40'$ to the railroad and with grade of approach not greater than 3 per cent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) The present travelled crossing located approximately 100 feet southerly from the north line of Section 13, Township 21 South, Range 24 East, M.D.B. & M., shall be abandoned and effectively closed to public use and travel.

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

(5) The authorization herein granted for the installation of said crossing shall lapse and become void one year from the date of this order unless further time is granted by subsequent order.

(6) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing 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.

Dated at San Francisco, California, this 22nd day of May, 1922.

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