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Decision No.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application
of MINKLER SOUTHERN RAILWAY COMPANY,
a corporation, for permission to
Install a Crossing at Grade over
the tracks of Visalia Electric
Railroad Company, at a point near
the center of Section 34 of Town-
ship 20 South, Range 27 East,
M.D.B. & M.

Application No. 2609

E. W. Camp
F. J. Heid
for Applicant.

M. E. Power, of
Power & McFadzean
for Visalia Electric
Railroad Company.

BY THE COMMISSION.

OFFICE OF THE COMMISSIONER

This is an application on behalf of Minkler Southern Railway Company, a corporation, for permission to install a crossing at grade over and across the tracks of Visalia Railway Company at a point near the center of Section 34, Township 20 South, Range 27 East, M.D.B. & M., in Tulare County.

The application in the above-entitled matter was filed October 25th, 1916. On October 31st, applicant telegraphed the Commission and received from it authority to install a temporary grade crossing over the tracks of the Visalia Electric Railway Company for work train purposes only, subject to the provision that such crossing should be

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removed or otherwise disposed of by subsequent formal order of this Commission.

A public hearing was held at Lindsay, November 3rd, 1916, and after the formal hearing the Commission, in company with the attorneys of both railroads, viewed the site of the crossing.

It appears that the railroads above mentioned are extending their tracks into new territory and they both expect their business to be light for some time to come. Applicant introduced testimony to the effect that it did not expect to run more than one passenger and one freight train each way per day over the proposed crossing, and that some of the time it would run simply one mixed train per day each way; while Mr. W. P. Ballard, of the Visalia Electric Railroad Company testified that he did not expect the latter road to operate more than two trains per day each way over the crossing in question. The crossing is situated in an almost level country, and the operators of trains approaching from any direction will have a clear view of the tracks they are about to cross.

The two railroad companies are at present negotiating as to an agreement covering the terms of the construction and maintenance of the crossing, together with rules as to operation, which agreement when finally drafted will be presented to this Commission for its approval. The railroad companies intend to provide for the stopping of each train before crossing the tracks of the other company and for making the actual crossing under full control. Under the circumstances of this case, we consider that these provisions, if enforced, will fully protect the public.

ORDER

MINKLER SOUTHERN RAILWAY COMPANY, a corporation, having applied to this Commission for permission to construct a crossing at grade over the tracks of the Visalia Electric Railroad Company, and a public hearing having been held at which the interested parties were represented, and it appearing that this application should be granted, subject to the conditions hereinafter specified;

IT IS HEREBY ORDERED that applicant be, and it is hereby, granted permission to construct its tracks at grade over and across the tracks of the Visalia Electric Railway Company at a point near the center of Section 34, Township 20 South, Range 27 East, M.D.B. & M., in Tulare County, subject to the following conditions and not otherwise, viz:

(1) Applicant and Visalia Electric Railroad Company shall endeavor to come to an agreement, covering the installation and maintenance and rules governing the operation of said crossing and shall submit said proposed agreement to this Commission for its approval.

(2) If said railroads cannot agree as to the apportionment of the cost of installing and maintaining said crossing, and as to the rules and regulations governing its operation, or if their agreement is not satisfactory to this Commission, this application may be reopened and determined by a supplemental order herein.

(3) All engines, trains, motors and cars of both Minkler Southern Railway Company and Visalia Electric Railroad Company shall come to a full stop before crossing the tracks of the other railroad company at this point and shall proceed to

cross the same under full control.

(4) The Commission reserves the right to make such further orders relative to the construction, operation, maintenance and protection of said crossing as may seem to it right and proper, and to revoke its permission, if, in its judgment, public convenience and necessity demand such action.

Dated, at San Francisco, California, November 9th.

1916.

W. B. Loveland
Chas. Gordon

Franco R. Holm

Commissioners.