

# ORIGINAL

Decision No. 5231

Decision No. \_\_\_\_\_

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of the  
COUNTY OF TULARE for permission to con-  
struct a crossing of a public highway,  
No. 1036, of the County of Tulare over a  
railroad of the Minkler Southern Railway  
Company, at a point on the east and west  
quarter section line of Section 16, in  
Township 16 South, Range 25 East, Mt.  
Diablo Base and Meridian, in the County  
of Tulare, State of California.

Application No. 3429.

J. H. Newman for applicant.

GORDON, Commissioner.

## O P I N I O N.

This application was filed on January 5, 1918, and a public hearing was held thereon at Visalia on March 13, 1918.

The applicant herein seeks permission to construct a highway at grade over the track of the Minkler Southern Railway at a point about one mile southeast of Orosi. The district to be served by the road to be opened has recently been subdivided, and the traffic originating in this section will be benefited by the fact that it will be unnecessary to make a detour to reach the paved highway system. The proposed crossing is located in open country and the view is good in all directions.

The Minkler Southern Railway Company did not enter an appearance at the hearing held at Visalia, but under date of March 9, 1918, addressed a letter to the Commission stating that it had no objections to the opening of the crossing; that it had been used as a private crossing for a number of years;

and that it considered a public crossing at this point a necessity.

I recommend the following form of order:

O R D E R.

COUNTY OF TULARE having applied to the Commission for permission to construct a public road at grade over the track of the Minkler Southern Railway Company, as shown on the map attached to the application; and it appearing that this application should be granted subject to certain conditions;

IT IS HEREBY ORDERED, That permission be and the same hereby is granted County of Tulare to construct a highway at grade over the track of the Minkler Southern Railway at a point about one mile east of Orosi; said highway to be constructed subject to the following conditions, viz.:

(1) The entire expense of constructing the crossing shall be borne by applicant. The expense of its maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant, except for that portion between the rails and two (2) feet outside thereof, which shall be borne by the Minkler Southern Railway Company.

(2) Said crossing shall be constructed of a width not less than twenty (20) feet, with grades of approach not exceeding four (4) per cent; shall be protected by a suitable crossing sign, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) 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.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 25<sup>th</sup> day of March, 1918.

Max Thelen  
Arthur Leonard  
Herbert Gordon  
Edwin O. Edgerton  
Frank R. Wolfe

Commissioners.