

ORIGINAL

Decision No. 5229

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BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of MINKLER SOUTHERN RAILWAY COMPANY and THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY for authority to install a track at grade over and across the track of Porterville Northeastern Railway Company and Southern Pacific Company, near the intersection of Howard and Locust Streets, in the City of Porterville, as shown upon the map and profile filed herewith.

Application 3594.

By the Commission.

ORDER.

MINKLER SOUTHERN RAILWAY COMPANY, a corporation, having on March 11, 1918, filed with the Commission an application for permission to construct a track at grade over and across the track of Porterville Northeastern Railway Company and Southern Pacific Company, near the intersection of Howard and Locust Streets, in the City of Porterville, as hereinafter indicated; and it appearing to the Commission that this is not a case in which a public hearing is necessary; that the necessary franchises or permits have been granted by the City of Porterville; that applicant and Porterville Northeastern Railway Company and Southern Pacific Company have agreed as to the terms upon which said crossing shall be maintained and operated; and it further appearing that it is not reasonable nor practicable to avoid a grade crossing with said track, and that this application should be granted subject to the conditions hereinafter specified;

IT IS HEREBY ORDERED, That permission be hereby granted Minkler Southern Railway Company to operate a track at grade across the track of Porterville Northeastern Railway Company and Southern Pacific Company, near the intersection of Howard and Locust Streets, in the City of Porterville, as shown by the map attached to the application; said crossing to be constructed, maintained and operated subject to the following conditions, viz.:

(1) The crossing shall be constructed and maintained in accordance with the agreement between the companies hereinbefore referred to.

(2) All engines, trains, motors and cars of applicant and Porterville Northeastern Railway Company and Southern Pacific Company shall come to a full stop before passing over this crossing, and shall not proceed to cross until it has been ascertained that it is safe to do so.

(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.

Dated at San Francisco, California, this 3rd day of April, 1918.

Max Thelen
H. H. Woodland
W. J. Smith
Edwin C. Eganston