

ORIGINAL

Decision No. 6218.

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)
 over a railroad of the Southern Pacific)
 Company and the Southern Pacific Railroad) Application No. 4182.
 Company, on the North line of Section 27,)
 in Township 24 South, Range 25 East, Mt.)
 Diablo Base and Meridian, near the)
 Station of Earlimart, in said County.)

W. W. Middlecoff, Deputy District Attorney
 for Tulare County, California.
 Frank B. Austin, for the United States
 Railroad Administration.
 F. M. Worthington, for the United States
 Railroad Administration.

MARTIN, Commissioner.

O P I N I O N

On October 25, 1918, the County of Tulare filed with the Commission an application asking permission to cross the tracks of the Southern Pacific Company and the Southern Pacific Railroad Company, on the north line of Section 27, in Township 24 south, Range 25 east, Mt. Diablo Base and Meridian, near the Station of Earlimart, in the County of Tulare, State of California. On March 12, 1918, a hearing was held at Visalia, California, at which both interested parties were represented.

From the testimony submitted, it appears that there is a private crossing at this location, and that the nearest public crossings are one mile north and two miles south.

The surrounding country is level and is gradually settling up. The people in this vicinity have been using the private crossing

and leaving the gates open. A graded county road runs both east and west from this point for several miles.

Testimony and inspection of the conditions on the ground show that public convenience and necessity require that a public crossing be constructed at this point. The country is level and open in the vicinity of the crossing, and I believe the crossing will be amply protected, at the present time, with a standard crossing sign.

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 crossing at grade over the tracks of the Southern Pacific Company and the Southern Pacific Railroad Company, on the north line of Section 27, in Township 24 south, Range 25 east, Mt. Diablo Base and Meridian, as shown on the maps attached to the application; a public hearing having been held, and it appearing from the testimony that the application should be granted subject to certain conditions;

IT IS HEREBY ORDERED, That the COUNTY OF TULARE be and the same is hereby authorized to construct a crossing at grade across the right of way and tracks of the Southern Pacific Company and the Southern Pacific Railroad Company, on the north line of Section 27, in Township 24 south, Range 25 east, Mt. Diablo Base and Meridian, near the Town of Earlimart, as shown by the maps attached to the application; said crossing to be constructed subject to the following conditions and not otherwise:

(1) The entire expense of constructing the crossing shall be borne by the applicant. The cost of its maintenance thereafter in

good and first-class condition, for the safe and convenient use of the public, shall be borne by the applicant, except for that portion between the rails and two (2) feet outside thereof, which shall be borne by the Southern Pacific Company and the Southern Pacific Railroad Company.

(2) Said crossing shall be constructed of a width of not less than twenty (20) feet, with grades of approach not to exceed six (6) percent: shall have the necessary cattleguards and wing fences built on both sides; shall be protected by one suitable crossing sign, so placed that it will be clearly seen; 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 22^d day of March, 1919.

Edwin C. Edgerton
H. S. Lewis
Mark R. Lewis
H. A. Brundage
Jessie Martin
Commissioners.