

Decision No. 8549

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the BOARD OF SUPERVISORS OF TEHAMA COUNTY, California, to con- struct a new road in Road District No. 4, to be known as Russell Avenue or Anno Avenue.	}	Application No. 6041.
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M. J. Cheatham for Applicant.
 S. W. Griggs for Southern Pacific Company.

BY THE COMMISSION.

O P I N I O N

This is an application, filed as a viewer's petition, under Section 2694 of the Political Code, for authority to establish a public road crossing, at grade, across the right of way and tracks of the Southern Pacific Company at Russell Avenue on the north line of Section 35, T. 23 N., R. 3 W., M.D.B. & M. The crossing is located on a proposed road running from the west line of Capay Rancho to the state highway which runs north and south about one and one-third miles west of the railroad at this point.

A public hearing was held on the application at Red Bluff before Examiner Westover.

Capay Rancho comprising some nine thousand acres has been subdivided and sold in small tracts during the past three years. The settlers in this district have no direct road leading to the paved state highway between Corning and Orland, but must go about three miles north to the crossing at Kirkwood or

to the crossing at Malton, about one and one-quarter miles south of the proposed crossing, to reach the state highway.

The proposed road is open to travel on the west side of the railroad and has been worked for five-eighths of a mile east of the railroad. No work has as yet been done east of this point.

Before the state highway was constructed north and south travel was accommodated by the north and south county road which crosses the proposed east and west road at a point about five-eighths of a mile east of the proposed crossing. This old county road formerly crossed a curve in the railroad at two points about one-quarter of a mile apart, about two miles north of the proposed crossing. This road has been realigned so that it travels along the easterly side of the railroad curve, thus doing away with the necessity for both of these crossings which have been allowed to remain open. Testimony introduced at the hearing shows that the northerly crossing is still necessary as the school house is located on the west side of the railroad near the crossing and can only be reached by those living east of the railroad by the use of the crossing. The southerly crossing, however, is not used and can be abandoned.

The Southern Pacific Company offered no objection to the installation of the crossing applied for, providing the county paid the cost of installation and closed the southerly crossing of the two crossings discussed above. The application should be granted subject to those conditions.

ORDER

The Board of Supervisors of the County of Tehama, State of California, having filed with the Commission an application for permission to construct a public road known as Russell Avenue,

at grade, across the tracks of the Southern Pacific Company in said County, as hereinafter indicated, a public hearing having been held thereon, and it appearing to the Commission that the application should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED, that permission be and it is hereby granted the Board of Supervisors of the County of Tehama, State of California, to construct a public road known as Russell Avenue, at grade, over the tracks of the Southern Pacific Company at the north line of Section 35, T. 23 N, R. 3 W, in said County, as shown by the map filed with 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 applicant.
- (2) The cost of maintaining the crossing thereafter in good and first class condition for the safe and convenient use of the public up to two (2) feet of the rails of the Southern Pacific Company shall be borne by the applicant.
- (3) The Southern Pacific Company shall maintain said crossing across its tracks and to a distance of two (2) feet outside thereof.
- (4) Said crossing shall be constructed of a width not less than twenty-four (24) feet, with grades of approach not exceeding two (2) per cent.; shall be protected by suitable crossing signs, and shall in every way be made safe and convenient for the passage thereover of vehicles and other road traffic.
- (5) The public crossing near the southeast corner

