Decision No. 8762



BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of the Board of Supervisors of the County of Tulare, State of California, for permission to construct a public road at grade across the tracks of the Atchison, Topeka and Santa Fe Railway Company on the West line of the Northwest quarter of Section 7, in Township 21 South, Range 23 East, Mt. Diablo Base and Meridian, about four miles North of the town of Corcoran.

Application No.6360

BY THE COMMISSION:

<u>ORDER</u>

The Board of Supervisors of the County of Tulare, State of California, having on December 3, 1920, filed with the Commission an application for permission to construct a public road at grade across the tracks of the Atchison, Topeka & Santa Fe Railway Company in said County, as hereinafter indicated, and it appearing to the Commission that this is not a case in which a public hearing is necessary; that the Atchison, Topeka & Santa Fe Railway Company has signified by letter that it has no objection to the construction of said crossing at grade, and it further appearing. that it is not reasonable nor practicable to avoid grade crossings with said tracks, and that the application should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED, that permission be hereby granted the Board of Supervisors of the County of Tulare, State of California, to construct a road at grade across the tracks of the Atchison, Topeka & Santa Fe Railway Company described as follows, to-wit:

1.

-Beginning at the intersection of the West line of the Northwest quarter of Section 7, in Township 21 South, Range 23 East, Mt. Diable Base and Meridian, and the Southerly right of way line of the Atchison, Topeka and Santa Fe Railway Company; said intersection being 4099.54 feet North of the Southeast corner of Section 12, in said Township and Range; thence running North 50 degrees 52 minutes East along said right of way, 33.72 feet; thence North parallel to the said West line of the Northwest quarter of said Section 7, 112-40 feet to the Northerly right of way line of said Atchison, Topeka and Santa Fe Railroad; thence South 50 degrees 52 minutes West along said right of way line, 67.44 feet; thence South, parallel to the said West line of the Northwest quarter of said Section 7, 112-40 feet to the Said West line of the Northwest quarter of said Section 7, 112.40 feet to the South 50 degrees 52 minutes West along said right of the Atchison. Topeka and Santa Fe Railroad; thence North 50 degrees 52 minutes East, along said Southerly right of way line, 33.72 feet to the point of beginning.

said crossing to be constructed subject to the following conditions, viz:

(1) The entire expense of constructing the crossing shall be borne by the applicant. The cost of its maintenance up to a line two (2) feet outside the rails shall be borne by the applicant. The maintenance of that portion of the crossing between the rails and two (2) feet outside thereof shall be borne by the Atchison, Topeka & Santa Fe Railway Company.

(2) The crossing shall be constructed of a width not less than twenty four (24) feet and at an angle of fifty (50) degrees and fifty two (52) minutes to the railroad and with grade of approach not greater than four (4) per cent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) Applicant shall, in writing, notify this Commission of the completion of the installation of said crossing within thirty (30) days thereof.

(4) The installation of said crossing shall be made within

2.

one year from the date of this order unless further time is granted by subsequent order herein, and unless so completed within the time specified, the authorization herein granted shall lapse and become void.

(5) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as 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 172 day of March, 1921.

Commissioners.

.239