

Decision No. 9036

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the matter of the application)
of the County of Imperial for)
permission to construct a crossing)
at grade over the tracks of the)
Southern Pacific Company at Wister,)
Imperial County, California.)

Application No. 6194.

Dorsey Whitelaw, for Applicant.
E. E. Gogarty, for Southern Pacific Company.

By the Commission:

O P I N I O N

In this application the County of Imperial asks authority to establish a crossing at grade over the Southern Pacific Company's tracks at Wister Station in Imperial County.

A public hearing upon the application was held at Niland by Examiner Westover.

The purpose of the County in making application is to enable it to reach its gravel plant at Frink near the railroad about five miles west of Wister. The center line of the proposed crossing passes within 12 feet of the railroad station building at Wister and crosses the main line track and a side track. Wister is located in the desert and there is no public crossing to the southeast for about twelve miles and no crossing to the northwest along the railroad for about five miles.

The Southern Pacific opposed the crossing at the proposed location, as the proposed road crossing the side track would interfere with the operation of trains, a position approved by the Commission's engineering department. The County then suggested crossing at the point described in the order, there being but one track to cross at that point. This being satisfactory to the Company

the County was granted leave to amend its application accordingly. The Commission's engineers had previously inspected this location and approved of it.

O R D E R

A public hearing having been held upon above application, the matter having been submitted and ready for decision,

IT IS HEREBY ORDERED, that the County of Imperial be and it is hereby granted permission to construct a road at grade across the tracks of the Southern Pacific at a point two hundred sixty five feet northwest of the northwest switch of Southern Pacific Company's passing track at Wister in said county, and sixty five feet southeast of Southern Pacific Company bridge No. 659 D, as shown on applicant's amended Exhibit "A", subject to the following conditions:

(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 Southern Pacific Company.

(2) The crossing shall be constructed of a width not less than twenty feet and at an angle ^{of} ninety degrees to the railroad and with grade of approach not greater than four 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, within thirty (30) days thereafter, notify this Commission in writing, of the completion of the installation of said crossing.

(4) The authorization herein granted for the installation of said crossing shall lapse and become void one year from the date of this order, unless further time is granted by subsequent order.

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 3^d day of June, 1921.

H. B. Bounding
H. D. Rowland

W. J. Benedict
Commissioners.