

ORIGINAL

Decision No. 9769

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the matter of the application  
of the People of the State of Calif-  
ornia on the Relation of the Depart-  
ment of Public Works to construct a  
State Highway at grade across track  
of The Atchison, Topeka and Santa Fe  
Railway Company at Mojave, Kern County,  
California.

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} Application No. 7269.  
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By The Commission:

O R D E R

The People of the State of California on the Relation of the Department of Public Works, having on October 20, 1921, filed with the Commission an application for permission to construct a state highway at grade across the track of The Atchison, Topeka and Santa Fe Railway Company, hereinafter called the Railroad, 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 Railroad 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 a grade crossing with said track, and that the application should be granted subject to the conditions hereinafter specified;

IT IS HEREBY ORDERED, that permission be hereby granted the People of the State of California on the Relation of the Department of Public Works to construct a state highway at grade across the track of the Railroad in Section 17, T.11 N., R.12 W., S.B.B.& M., at state highway engineer station 841 plus 75, as shown on Exhibit "A" attached to 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 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 Railroad.
- (2) The crossing shall be constructed of a width not less than twenty-four (24) feet and at an angle of approximately fifteen (15) degrees to the railroad and with grade of approach not greater than three (3) 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) The existing public crossing located approximately three-hundred and fifty (350) feet northerly along the track of said Railroad from the above described crossing shall be effectively closed to public use and travel.
- (4) An automatic flagman of a type approved by the Commission shall be installed, the entire expense of installation of said automatic flagman shall be borne by applicant and the expense of its maintenance thereafter shall be borne by the Railroad.
- (5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.
- (6) 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.
- (7) 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 7<sup>th</sup> day of November, 1921.

H. D. Brundage  
H. W. Loveland  
Quincy Martin  
J. J. Linn  
Commissioners.