

Decision No. 9773

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of 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 Southern Pacific Company, a corporation, at Mojave in Kern County, California

Application No. 7270.

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By The Commission:

<u>ORDER</u>

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 Southern Pacific Company, a corporation, lessee of the Southern Pacific Railroad Company, hereinafter called the Railroad, near Mojave, County of Kern, as hereinafter indicated, and it appearing to the Commission that this is not a case in which a public hearing is naccessary; 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 approximately at the intersection of the

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southerly line of Section 17, Tell Ne, Rel2 We, SeBeB. & Me, with the center line of said Railroad at engineers station 15225 plus 25, said point being approximately at State Highway engineer station 815 plus 00, as shown on Exhibit "A" attached to the application; said crossing to be constructed subject to the following condition; 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 fifty (50) degrees to the Railroad and with grade of approach not greater than two (2) per cent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereon of wehicles and other road traffice

(3) The existing public crossing located approximately fifteen hundred (1500) feet measured northerly along the track of said Reilroad, 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 the 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 onless forther time is granted by subsequent order.

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(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 convemience and necessity demand such action,

Dated at San Francisco. California, this // day of November, 1921.

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