

Decision No. 9845

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of the BOARD OF SUPERVISORS OF SISKIYOU COUNTY to open public road commencing near the Dan Sullivan Ranch near Weed and connecting with county road near Bray, and for permission to construct thereon three crossings at grade over the railroad of Southern Pacific Company.

Application No. 7044

J. A. Ager for Applicant.

V. E. Parker for Southern Pacific Company.

BY THE COMMISSION.

O P I N I O N

A public hearing was held by Examiner Westover at Yreka, December 1, 1921, upon above viewers' petition filed under Section No. 2694 of the Political Code, for the establishment of a new road from a point about four miles northeast of Weed, northeasterly to the town of Bray.

It appears from the testimony that the establishment of this new road is a relocation of the present road and that it is an important thoroughfare for travel between Weed and Klamath Falls and vicinity, and that it serves an intermediate territory having a population of about 1500. The present road has not been declared or accepted as a public road. It contains some heavy grades, reaching about 20% in places, and because of weather conditions is closed at times during the winter. It crosses the railroad seven times between Weed and Bray. The new road is so located that it eliminates four grade crossings. Its heaviest

grades are about 6%, and it can be traveled practically all the year. The new road was constructed by popular subscription before the above viewers' petition to the Supervisors was filed. This satisfactorily shows public convenience and necessity to be served by the new road. The three proposed crossings are satisfactorily located as to visibility, grades of approach and operating conditions.

The Southern Pacific Company offers no objection to the crossings, provided they are installed upon the usual terms found in the order.

The four grade crossings eliminated by the new road will no longer be needed and they should be closed.

ORDER

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

IT IS HEREBY ORDERED that the Board of Supervisors of Siskiyou County be and it is hereby authorized and empowered to construct three highway crossings at grade over the tracks of the Southern Pacific Company, the center line of said highway to intersect the center line of said railroad at the three points described below, to wit:-

(a) Two (2) feet northerly, measured along center line of said railroad, from the section line between Sections 18 and 19, T.42 N., R.4 W., M.D.B. & M., being 1209 feet southerly along the center line of said railroad from the southerly switch at Segar Station.

(b) Nine hundred twenty-five (925) feet South $11^{\circ} 07\frac{1}{2}'$ West and along center line of said railroad from the intersection of said center line of said railroad with the section line between

Sections 25 and 36, T.43 N., R.4 W., M.D.B.& M., and being eleven hundred fifty-six feet southerly along the center line of said railroad from its Culvert 361-A.

(c) Ten hundred sixty-one (1061) feet South $11^{\circ} 04\frac{1}{2}$ West and along center line of said railroad from the intersection of said center line of said railroad with the section line between Sections 9 and 16, T.43 N., R.3 W., M.D.B.& M.

Said crossings to be constructed subject to the following conditions, viz.:

(1) The entire expense of constructing the crossings shall be borne by the applicant. The cost of their 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 crossings shall be constructed of a width not less than twenty-four (24) feet and at an angle of approximately ninety (90) degrees to the railroad and with grade of approach not greater than four (4) per cent.; shall be protected by one suitable crossing sign at each crossing, 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.

(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 17 day of December, 1921.

H. B. ...
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Commissioners.