

Decision No. 27987.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of  
the PEOPLE OF THE STATE OF CALIFORNIA,  
on relation of the DEPARTMENT OF PUBLIC  
WORKS, for an order authorizing the  
construction of crossings at grade of  
the State highway and the tracks of the  
Tonopah and Tidewater Railroad, and of a  
spur thereof, near Death Valley Junction,  
Inyo County, California.

Application No. 19929.

ORIGINAL

BY THE COMMISSION:

ORDER

The People of the State of California, on relation of the Department of Public Works, on April 23, 1935, applied for authority to construct a public road known as State Highway Route 128 at grade across the main track of Tonopah and Tidewater Railroad Company, Ltd., in the vicinity of Death Valley Junction. Applicant also requests authority to construct a crossing with a spur track but it appears that this spur is privately owned and operated. Tonopah and Tidewater Railroad Company, Ltd., on May 4, 1935, signified, in writing, that it has no objection to the construction of said crossing at grade.

It appearing that a public hearing is not necessary herein; that it is neither reasonable nor practicable at this time to provide a grade separation or to avoid a grade crossing with said track at the point mentioned; and that the application should be granted,

IT IS HEREBY ORDERED that the People of the State of California, on relation of the Department of Public Works, are hereby authorized to construct State Highway Route 128 at grade across the main track of Tonopah and Tidewater Railroad Company, Ltd., at the location more particularly described in the applica-

tion and as shown by the map attached thereto, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as Crossing No. 43-124.8.
- (2) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing up to lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Tonopah and Tidewater Railroad Company, Ltd.
- (3) The crossing shall be constructed of a width of not less than twenty-four (24) feet and at an angle of approximately Seventeen (17) degrees to the railroad and with grades of approach not greater than three (3) per cent; shall be constructed equal or superior to type shown as Standard No. 2 in our General Order No. 72; shall be protected by two (2) Standard No. 1 Crossing Signs, as specified in our General Order No. 75-A; and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (4) Upon completion of the crossing herein authorized, the existing crossing of said State Highway Route 128, identified as Crossing No. 43-127.2, shall be legally abandoned and effectively closed to public use and travel.
- (5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of its compliance with the conditions hereof.
- (6) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof 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, public convenience and necessity demand such action.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 20th  
day of May, 1935.

Leon A. Wiley

M. A. Cunn

M. B. Harris

W. H. Brown

Frank R. DeWitt

Commissioners.