Decision No. 28649

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 construction of a crossing at grade of a State highway and the tracks of the Central Pacific Railroad, Owenyo Branch, near Rademacher, in Kern County, California.

Application No. 21058.

ORIGINAL

BY THE COMMISSION:

ORDER

The People of the State of California, on relation of the Department of Public Works, on March 10th, 1937, applied for authority to construct a public highway known as Road IX-Ker-145-B at grade across the track of the Owenyo Branch of Southern Pacific Company, in the vicinity of Rademacher, Kern County. Southern Pacific Company, on March 25th, 1937, signified in writing that it has no objection to the construction of said crossing at grade, provided an existing crossing, identified as crossing No. BAM-432.2, is closed. Applicant states that the crossing will be abandoned.

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, subject to certain conditions,

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 145 at grade across the track of Southern Pacific Company, at the location more particularly described in the application and as shown by the map attached thereto, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as a portion of Crossing No. BAM-431.8.
- (2) The entire expense of constructing the cross-'
 ing shall be borne by applicant. The cost of
 maintenance of that portion of said crossing
 outside of lines two (2) feet outside of the
 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 Southern Pacific Company.
- (3) The crossing shall be constructed of a width of not less than twenty-four (24) feet and at an angle 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 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 and upon its being opened to public use and travel, Crossing No. BAM-432.2 of said State Highway Route No. 145 with said track 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 ____ day of April , 1937.