

Decision No. 31934.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the COUNTY)
OF MODOC, State of California, for authority to)
construct a crossing at grade with a track of) Application
the Great Northern Railway Company, at or near) No. 22448.
the engineers station 2592+75 approximately 17)
miles south of Stronghold, Modoc County, Calif.)

CHAS. LEDERER, District Attorney, for Modoc
County, Applicant.

BY THE COMMISSION:

O P I N I O N

The Board of Supervisors of Modoc County, on December 21, 1938, under the provisions of Section 2694 of the Political Code of California, filed a certified copy of a petition of freeholders of said County for the construction of a certain road, together with a certified order of the Board of Supervisors appointing viewers to view said road, which crosses the right of way and tracks of Great Northern Railway Company in the vicinity of Tionesta Station, County of Modoc, State of California, located in Section 19, Township 44 north, Range 6 east, M.D.M.

A public hearing was held in this matter before Examiner Hall on April 12, 1939, in Alturas, Modoc County, at which time the matter was submitted.

At the hearing applicant filed its Supplemental Application setting forth the information required by our Rules of Procedure.

The Great Northern Railway Company's tracks run through this territory in a general northerly and southerly direction. About one and one-half miles west of Tionesta station is located the mill of the Shaw Lumber Company, and in order to reach the Alturas-Klamath Falls highway, which is located several miles east of the railroad, a road is necessary between these two

points, crossing the Great Northern Railway tracks at the point proposed in this application. It was shown that this is the only feasible road to connect the mills with the main highway.

The territory in the vicinity of the crossing is comparatively level and sparsely timbered, and the view of approaching trains from the road is almost entirely unobstructed.

A representative of the Shaw Lumber Company testified that three or four freight trains pass this location each day and that it is expected the vehicular traffic will amount to around 175 vehicles, half of which will be automobiles and the other half trucks.

Although notice of this hearing was sent the Great Northern Railway Company, no representation was made by that company at the hearing. In its letter to the Commission of January 14, 1939, the Great Northern Railway Company advised that it would have no objection to the granting of this application.

A review of the record clearly indicates that the proposed crossing is necessary for people going to and from the Shaw Lumber Company's mill, that the only protection necessary at this time is a Standard No. 1 crossing sign, and that the application should be granted. The following Order will so provide.

O R D E R

The Board of Supervisors of Modoc County is authorized to construct an unnamed road at grade across the main line track of Great Northern Railway Company near Tionesta Station, Modoc County, at the location described in the supplemental application, and as shown on Exhibit No. 1, to be identified as Crossing No. 9-50.3.

Applicant shall bear entire construction expense, also maintenance cost outside of lines two feet outside of rails. Great Northern Railway Company shall bear maintenance cost between such lines. Width of crossing shall be not less than twenty feet and grades of approach not greater than four per cent. Construction shall be equal or superior to Standard No. 2-A of General Order No. 72. Protection shall be by one Standard No. 1 crossing sign (G. O. No. 75-A).

Within thirty days after completion pursuant to this order, applicant shall so advise the Commission in writing. This authorization shall become void if not exercised within one year, unless time be extended, or if above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity or safety so require.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 25th day of April, 1939.

Paul W. Kelley
Frank R. Allen
Paul W. Kelley
W. H. Kelly
Justus J. Casner
Commissioners