

Decision No. 12475

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of the application of the)
County of Tulare for permission to)
construct a crossing of a public)
highway over the railroad of Southern)
Pacific Company on the north line of)
Section 5, in Township 23 South, Range)
25 East, Mt. Diablo Base and Meridian,)
near the town of Pixley.)

Application No. 8821

Frank Lambertson, for Applicant

H. H. Gogaty, for Southern Pacific Company

BY THE COMMISSION:

O P I N I O N

This is an application by the County of Tulare for permission to construct a public road at grade across the tracks of Southern Pacific Company along the northerly township line of Township 23 South, Range 25 East, M.D.B. & M. just south of the Town of Pixley.

A public hearing was held on this application in Visalia before Examiner Satterwhite, May 31, 1923.

It appears that the road on which this crossing would be located extends from eight to ten miles both east and west of the railroad but that the only existing connection between the two portions of the road across the Southern Pacific is by means of a crossing located at "B" Street in the Town of Pixley, approximately six hundred feet northerly from township line on which the proposed crossing is located.

The railroad at this location extends in a northerly and

southerly direction and is paralleled on its easterly side by the State Highway. Through the Town of Pixley, which extends about a half mile north from the proposed crossing, there is also a parallel road adjacent to the railroad on its westerly side. There are crossings over the railroad both at "B" Street above mentioned and at "D" Street, approximately fourteen hundred feet northerly from the proposed crossing, as well as at a point one mile north. There is also a public crossing one mile south.

There appears to be no dispute as to public necessity of a crossing in the vicinity of the southerly portion of Pixley and it further appears that the proposed crossing would be somewhat less hazardous than the present "B" Street crossing, due to the fact that no sharp turns would be required immediately before crossing the railroad and also due to the fact that adjacent to the proposed crossing cars would probably be left standing on the siding less frequently.

There would be a considerable expense involved in constructing a crossing at the point proposed due to the fact that certain section buildings of the Southern Pacific would have to be moved and the southerly switch of Pixley would have to be moved, which in turn, would involve the moving of two block signals. Southern Pacific Company estimated that the cost of making these changes, including the paving of the new crossing, would be about two thousand dollars, and there is some question as to whether the advantages due to the increased public convenience and lessened public hazard justify this expense, but there appears to be no question but that if the crossing as applied for is constructed that the "B" Street crossing six hundred feet to the north should be abandoned. If this is done it is probable that the Southern Pacific would, to a certain extent, be benefited by the change and

in view of that it would seem that all of the expense indicated by the Southern Pacific would not be equitably charged to the County.

The estimated cost of constructing the crossing as given by the railroad includes necessary moving of the cattle guards, tool houses, signals and other structures that are in the way of the proposed crossing, and also includes the extension of the railroad's passing track two hundred feet southerly, which will in effect place another track over the proposed crossing. This estimate also includes the improvement of the crossing itself with guard rails, creosoted plank and concrete headers, this being a standard of crossing improvement suitable for the crossing of primary roads.

Under these circumstances it appears that the applicant should bear the cost of replacing the "B" Street crossing with an equivalent quality of crossing in the location applied for, including the cost of moving the necessary railroad structures, but that the cost of extending the passing track more than sufficient to actually take the switch itself out of the limits of the proposed crossing, and the excess cost of providing a quality of pavement for the crossing better than the present pavement of the "B" Street crossing should be borne by the railroad.

Since, in this case, the choice, as far as the public hazard is concerned, is so little as between the proposed crossing and the existing "B" Street crossing and since it appears that there should be only one crossing in this immediate vicinity, it seems proper to allow the Board of Supervisors to decide which of the two crossings will serve the greater public convenience as compared with the cost and that, therefore, this application should be granted subject to the condition that the existing "B" Street crossing should be closed.

O R D E R

The County of Tulare having made application for permission

to construct a public road at grade across the tracks of the Southern Pacific Company on the township line common to Township 22 South and Township 23 South. Mount Diablo Base, near the Town of Pixley, a public hearing having been held, the Commission being apprized of the facts, the matter being under submission and ready for decision.

IT IS HEREBY ORDERED, that permission be and it is hereby granted the Board of Supervisors of the County of Tulare to construct a public road at grade across the tracks of Southern Pacific Company in the location described as follows:

A strip of land fifty (50) feet in width, the center line of which commences at a point 468.2 feet east of the northwest corner of the northeast quarter of Section 5, in Township 23 South, Range 25 East, Mt. Diablo Base and Meridian, thence east 313.5 feet, more or less, to the west line of the State Highway right of way.

All of the above as shown by the maps marked Exhibit A and Exhibit B respectively attached to the application, said crossing to be constructed subject to the following conditions, namely:

(1) The existing crossing located at "B" Street, approximately six hundred and fifty feet northerly from the location of the crossing herein authorized shall be legally abandoned and effectively closed to public use and travel.

(2) The entire expense of constructing the new crossing to an equivalent quality of the crossing as that now existing at "B" Street, including the cost of the necessary moving of structures, poles, cattle guards, fences and signals and the extension of the passing track a sufficient distance to actually take the switch outside of the limits of the crossing shall be borne by applicant. The cost of the maintenance of the 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 Southern Pacific Company. The cost of improving that portion of the crossing between lines

two (2) feet outside of the outside rails to a quality of pavement better than the pavement now existing at the "B" Street crossing shall be borne by Southern Pacific Company.

(3) The crossing shall be constructed of a width of not less than twenty-four (24) feet with grades of approach not greater than three (3) per cent; shall be protected by a suitable crossing ~~crossing~~ sign and shall, in every way, be made safe for the passage thereover of vehicles and other road traffic.

(4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(5) The authorization herein granted for the installation of said crossing will lapse and become void one year from the date of this order unless further time is granted by subsequent order.

(6) 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 convenience and necessity demand such action.

This order shall become effective ten (10) days from the making thereof.

Dated at San Francisco, California, this 14th day of August, 1923.

C. L. Seaver
H. B. Sandage
Dwight Martin
Egerton Shore
Commissioners.