

ORIGINAL

Decision No. 12854

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

-oCo-

In the matter of the application of)
the County of Tulare for the alteration)
of a crossing of a public highway over)
a railroad of the Southern Pacific Com-)
pany and the Southern Pacific Railroad) Application No. 9157.
Company, on the north line of Section)
14, Township 20 South, Range 24 East,)
M.D.B. & M., near the City of Tulare.)

Frank Lamberson, Counsel for Board of Supervisors,
for Applicant.

T. J. Hyde, City Attorney, for City of Tulare.

E. M. Langdale, 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 alter the crossing of the public highway near the southerly city limits of the City of Tulare over the track of Southern Pacific Company.

A public hearing was held on this application in Visalia, before Examiner Satterwhite, October 2, 1923.

The crossing for which the County of Tulare makes application in this proceeding to widen and alter, is the crossing of a paved road along the northerly line of Section 14, Township 20 South, Range 24 East, M.D.B. & M. which line, at this location, is also the southerly corporate limit line of the City of Tulare.

The road at this point is a part of the State Highway route passing through the City of Tulare and formerly was entirely

within that municipality. That portion, however, of the City of Tulare which formerly extended south of the northerly line of Section 14 is now under the jurisdiction of the county. Immediately west of the crossing the highway route turns southerly paralleling the right of way of Southern Pacific Company to the old city limit line and southerly of that point the road is under the jurisdiction of the California Highway Commission. It is contemplated that all of that portion of the road south of the present city limits of Tulare will be turned over to the California Highway Commission at some future date.

The evidence in this proceeding shows that a very hazardous condition exists at this crossing. This hazard is partially due to the fact that the highway makes a turn through an angle of approximately one hundred degrees immediately west of the crossing. There have been many accidents at this crossing and although a large portion of the accidents were due to the high speed at which automobile drivers attempted to make the turn west of the crossing, and were not the result of an actual collision between vehicles and trains, some of the accidents have been the result of such collision. The Southern Pacific Company, while admitting that there have been many accidents at this location, contends that the accidents are not due to the hazard of the crossing itself, but are due to the speed at which vehicles are operated around the adjacent curve.

The evidence shows that this curve, having a radius of fifty-five feet, is the sharpest curve situated on the entire State Highway route between Los Angeles and San Francisco, and being situated as it is, immediately adjacent to a grade crossing over an important main line of a high speed railroad, it appears that the presence of this sharp curve seriously affects the safety of operation of vehicles over the railroad itself.

The county asks permission to correct the situation by so widening the crossing as to permit a curve of greater radius, increasing the radius of the route of travel of vehicles from fifty-five feet to approximately one hundred and twenty feet. It seems clear that the remedy suggested by the county will, in a considerable measure at least, be effective for it will reduce the amount of mental concentration which a motor vehicle driver must give to the operation of his machine around the curve itself and to that extent allow him additional opportunity of observation as to whether or not there are trains approaching on the railroad. The total hazard at this location should be considered. Under existing conditions if a vehicle driver, moving northerly at even moderate speed, exercises all the precaution that should be exercised for the observance of trains also nearing the crossing, he will incur a very serious hazard of collision with other vehicles approaching the crossing and curve from the east. If, on the other hand, he concentrates his attention upon safely operating his vehicle past opposing vehicular traffic at this sharp curve, he will be deprived of a certain opportunity for the effective observation of approaching trains. It therefore seems that the relief sought by the county is proper and should be granted.

The application also asked that this Commission determine how the necessary expense of the proposed alteration shall be borne. The evidence indicates that a portion of the traffic contributing to the hazard at this location is the railroad traffic of the Southern Pacific Company. A portion of the vehicular traffic is moving on a highway under the jurisdiction of and in the unincorporated portion of the County of Tulare. A portion of the traffic is moving upon a highway under the jurisdiction of and within the corporate limits of the City of Tulare. It therefore appears that

the three parties above indicated are jointly responsible for the hazardous condition obtaining and would be jointly benefitted by any relief granted.

The work itself involves certain structural changes upon the property of the Southern Pacific, such as the moving of cattle guards and poles. It also involves the widening of the crossing itself between the rails and adjacent thereto. It also involves the grading and paving of a certain area not immediately adjacent to the rails of the railroad.

From a careful consideration of the evidence in this proceeding it appears equitable that Southern Pacific Company should bear the entire cost of altering that portion of the crossing between lines two (2) feet outside of the rails together with the cost of the necessary moving of cattle guards, wing fences and all other obstructions within the limit of the railroad right of way and that the remaining cost of altering the crossing in accordance with the plan attached to the application should be borne sixty-six and two-thirds ($66\frac{2}{3}$) per cent by the County of Tulare and thirty-three and one-third ($33\frac{1}{3}$) per cent by the City of Tulare.

O R D E R

The County of Tulare having made application for permission to alter the crossing of the public highway near the southerly city limits of the City of Tulare over the tracks of the Southern Pacific Company, a public hearing having been held, the Commission being apprised 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, State of California, to alter the County Highway at grade across tracks of Southern Pacific Company at the south city limits of the City of Tulare in the manner as shown by the map (Exhibit "A") attached to the application, said crossing to be altered subject to the following conditions, namely:

(1) The cost of altering that portion of the crossing between lines two (2) feet outside the rails together with the cost of moving cattle guards, wing fences and all other obstructions within the limit of the railroad right of way shall be borne by Southern Pacific Company. All other expense of altering the crossing shall be borne thirty-three and one-third ($33\frac{1}{3}$) per cent by the City of Tulare and sixty-six and two-thirds ($66\frac{2}{3}$) per cent by the County of Tulare. The cost of maintenance of that portion of the crossing situated within the City of Tulare up to lines two (2) feet outside of the rails shall be borne by the City of Tulare. The cost of maintenance of that portion of the crossing situated in the unincorporated portion of the County of Tulare up to lines two feet (2') outside of the rails shall be borne by the County of Tulare. The cost of the maintenance of that portion of the crossing between lines two (2) feet outside of the rails shall be borne by Southern Pacific Company.

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

(3) 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 4th day of November, 1923.

C. A. Brown
H. B. Brundage
James Martin
Eugene Shore
J. T. Whittier
Commissioners.