

ORIGINAL

Decision No. 13953.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application
of the COUNTY OF SHASTA to construct
road at grade across tracks of the
Southern Pacific Company near Castella

Application No. 9999

J. W. Carter, District Attorney, Shasta
County, for Applicant.
F. W. Mielke, for Southern Pacific Company.
Harry Donnelly, for Ira P. Engle, et al.

BY THE COMMISSION:

O P I N I O N

This is an application in the form of a viewer's petition filed under Section 2694 of the Political Code. In this application the Commission is asked to make its order granting a grade crossing over Southern Pacific Company's track near Castella, Shasta County, California.

A public hearing was held in this matter before Examiner Satterwhite at Redding June 18, 1924.

Castella is an unincorporated town in Shasta County located approximately seven miles southerly from Dunsmuir. The district in the vicinity of Castella is mountainous and attracts many people during the vacation period. It is estimated that through the summer months there are several hundred people who live or trade at Castella; during the remainder of the year, however, the number is much less.

Southern Pacific Company's line is located between the Sacramento River and the State highway at Castella; the highway being on the west side of the track. The business center of the town is located west of the railroad track and adjacent to Southern Pacific Company's depot, while the principal residence district is located east of the track. Therefore, the townspeople are required to pass over Southern Pacific Company's tracks in getting to the business center or to and

from the State highway.

At present there is but one crossing over Southern Pacific Company's tracks in the vicinity of Castella which is located near the station. Although this grade crossing has been in use for many years, the railroad company contends that it is a private crossing and has so marked it on the ground with their usual private property sign. This existing crossing passes over three tracks of Southern Pacific Company; namely: the main line, a passing track and a house track. The evidence shows that due to the fact that the passing track is too short to permit of cutting long freight trains, in many cases the crossing is blocked for excessive periods of time, sometimes even in excess of an hour.

The crossing applied for heroin is located approximately one-half mile northerly from the existing crossing at Castella station, on the South bank of Castle Creek. At present there is a rather large hotel with outside cottages being built adjacent to the proposed crossing between the track and the River. The greater portion of the traffic from the district to be benefitted by the crossing applied for is to the north, to and from Dunsmuir. For this traffic to use the existing crossing would require that it travel as a maximum approximately one-half mile out of its way to the south; also the proposed crossing is more accessible to the State Highway than is the existing one, as the State Highway is nearer the track in this location and practically on the same level. The proposed crossing is a portion of a forty foot highway the County Supervisors plan to build from a point on the State Highway adjacent to and on the south side of Castle Creek to the residence district of Castella, located between Southern Pacific track and Sacramento River. This new highway will afford an outlet to an area now being developed and offers an alternative crossing over the railroad.

Southern Pacific Company opposes the granting of the crossing

applied for herein on the ground that they plan to extend their present passing track to the north, which would pass over the proposed crossing and it would then be more difficult to prevent this crossing being blocked by freight trains than is the case with the existing one. They contend it would not be practical to lengthen the siding by extending it to the south due to the fact that the present track is on the bank of the Sacramento River with a high mountain on the other side. To construct a second track in that location, therefore, would be very expensive.

From the evidence, it appears that public convenience and necessity require that the present grade crossing conditions at Castella over Southern Pacific Company's tracks be improved. If Southern Pacific Company were to extend its siding to the north, as the testimony shows it plans to do, the amount of time that the present crossing is blocked would undoubtedly be lessened. The Railroad Company's plans, however, for so extending its siding are indefinite at this time, and it appears that the people of Castella should not be denied relief from the present unsatisfactory crossing conditions indefinitely. The granting of this application will undoubtedly improve the present unsatisfactory situation.

Although this is a mountainous region a grade separation cannot be effected without the expenditure of a considerably larger sum of money than seems to be justified under the conditions. Although at present the view at the proposed crossing is obstructed, a reasonably good view may be provided by clearing out the trees and brush adjacent to the track. With the timber cleared for a reasonable distance on either side of the proposed road adjacent to the track, it would appear that the usual crossing sign would provide adequate protection at this time.

O R D E R

The Board of Supervisors of the County of Shasta having made application for permission to construct a public road at grade across Southern Pacific Company's track near the town of Castella, a 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 Shasta, State of California, to construct a public road at grade across Southern Pacific Company's track, the intersection of the center line of the proposed highway and Southern Pacific track being located at a point approximately two hundred and fifty feet (250'), measured in a southerly direction along the center line of the track from a point making the intersection of the track and the section line common to Sections 15 and 22, T, 38K.R. 4 W, M.D. B & M, as shown by the map attached to the application, said crossing to be constructed subject to the following conditions, namely:

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of its maintenance up to lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossings between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific Company.

(2) The crossing shall be constructed of a width not less than twenty-four (24) feet and at an angle of seventy-four (74) degrees to the railroad and with grades of approach not greater than five (5) per cent; shall be protected by suitable crossing signs and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) Applicant shall remove, or cause to be removed, all trees, shrubs or other forms of vegetation, so that a clear view of the track may be had for a distance of not less than five hundred feet in either direction from the proposed crossing, from points on the proposed highway located one hundred feet in either direction from the track.

(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 three (3) days from the making thereof.

Dated at San Francisco, California, this 23rd day of August, 1924.

C. Seaver

H. B. Brundage

Dwight Martin

Carlton Shore

J. W. Lutton

Commissioners