

Decision No. 15247

**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of )  
SAN JOAQUIN COUNTY for permission )  
to cross the right of way of the ) Application No. 10991.  
Southern Pacific Railroad Company )  
by a public highway. )

R. C. Pardoe - San Joaquin County.  
Arthur L. Levinsky - Southern Pacific Company.

BY THE COMMISSION:

O P I N I O N

In this application the County of San Joaquin requests permission to construct a road crossing at grade over three tracks of the Southern Pacific Company in the Town of Ripon, thereby extending First Street to a connection with the State Highway east of the track.

A public hearing was held at Stockton on July 7th, 1925, before Examiner Austin.

There are now three crossings of public roads with tracks of Southern Pacific Company in the Town of Ripon, one at School Street near the westerly limits of the town, a second at Stockton Street, twelve hundred feet west of School Street, connecting with an important north and south road and a third at Main Street which is the chief business street of the town and an extension of the Manteca Road, the principal outlet to the territory west of Ripon. School Street and Stockton Street are north and south thoroughfares and Main Street extends east and west, the Southern Pacific tracks running diagonally through the town. The State Highway lies parallel to and on the northeasterly side of

the railroad right of way and all of the crossings referred to permit travel between the highway and the business district of the town. The Main and Stockton Street crossings are protected by crossing bells.

First Street, the street which it is proposed to open across the tracks is an east and west street, 400 feet south of Main Street. It is a forty-foot street extending from Stockton Street to the railroad right of way, a distance of 900 feet, and its principal use is as a means of access to a recently constructed milk evaporating plant at the east or railroad end of the street.

Milk is delivered to this plant in trucks, many of which are equipped with trailers and a considerable portion of the canned milk produced is also carried away in trucks. Because of the narrow street, these trucks experience considerable difficulty in turning and to facilitate this turning, a portion of the property on the opposite side of the street has been gravelled and is now used for the purpose. It appears that no agreement has ever been made with the owners, the Ripon Lumber Company, for this use of their land and apparently no negotiations leading to such an agreement have ever been considered. The record shows that there are now about twenty truck movements a day in and out of this plant and that most of the milk comes from the north and east of Ripon or from the opposite side of the railroad track. The trucks making this delivery now cross the tracks at either Stockton Street or Main Street and return by the same route. Milk trucks from the south and west do not at present have to cross the tracks. By opening the proposed crossing, trucks could enter the plant by the same route as at present but in departing they would cross the track at the new crossing and turn directly into the State Highway. While this need not increase the number of movements over the tracks for those trucks coming from the north and east, it does cause those from the west and south to cross twice where under existing conditions they need not cross at all.

No other claim of public necessity for the crossing was advanced, the principal witness for the County stating that the crossing would not be used by the public as it was not needed and that the purpose of the crossing was to facilitate the delivery of milk to the plant and avoid turning in a forty foot street.

The question was raised as to the possibility of re-arranging the milk receiving apparatus so that trucks could be turned on the property of the milk evaporating company, but feasibility of this suggestion was not determined at the hearing.

It was contended by the railroad that the existing crossings in Ripon were adequate to handle all traffic and that the proposed crossing if constructed, would be the most hazardous crossing in the town because of obscured view and objectionable grades of approach.

It is clearly apparent from an examination of the evidence that the proposed grade crossing is intended solely for the convenience of the milk evaporating plant and the opening of such a crossing would merely provide facilities for handling their business which should be taken care of on their own property. There appears to be no public necessity for the crossing and the application will therefore be denied.

#### O R D E R

The County of San Joaquin, having made application for an order authorizing the construction of a public road crossing over the tracks of Southern Pacific Company at First Street in the Town of Ripon, 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 the application of the County  
of San Joaquin be and it is hereby denied.

~~July~~ Dated at San Francisco, California, this 3<sup>rd</sup> day  
August  
of ~~July~~, 1925.

H. B. Burdick

George D. Quinn

Leon Whitall

Commissioners.