

Decision No. 15248

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of )  
the BOARD OF SUPERVISORS OF SAN )  
JOAQUIN COUNTY for a road crossing )  
over tracks of the Southern Pacific ) Application No. 11018.  
Company at Castle, San Joaquin Coun- )  
ty, California. )

R. C. Pardoe, County of San Joaquin.

Arthur Levinsky, Southern Pacific Company.

BY THE COMMISSION:

O P I N I O N

This proceeding was initiated by the County of San Joaquin, filing with this Commission a copy of a petition to its Board of Supervisors to appoint viewers and the order of that Board appointing same to view and report on a proposed road, the route of which crosses the tracks of the Southern Pacific Company.

In accordance with Section 2694 of the Political Code of the State of California, a public hearing was held on July 7, 1925, in the rooms of the Board of Supervisors of San Joaquin County before Examiner Austin.

At this hearing it was stipulated by the Southern Pacific Company that it had no objection to the opening of the proposed crossing provided the company was not assessed with any portion of the cost of constructing same or of any protective devices or signs

which might be required.

The proposed road would be two miles in length, connecting the main north and south highway, Cherokee Lane, with West Lane, another north and south road, at a point about six miles north of Stockton. The main line track of Southern Pacific Company lies approximately half way between these two roads and the proposed road would cross the track at siding known as Castle. One mile south of the proposed crossing is Hammer Lane, connecting the same two roads and a mile and a half north of Castle the Eight Mile road connects the northerly terminus of West Lane with Cherokee Lane. Each of these roads is parallel to the proposed road and each crosses the track at grade.

In paragraph VI of the petition herein the necessity for and the advantages of the proposed road are alleged to be as follows:

- (a) There are large acreages of land embraced in the vicinity of the proposed public road and if said road is constructed it will facilitate and promote the sub-dividing of these large acreages into small tracts.
- (b) It will be a great convenience to the growers East of the Southern Pacific Railroad tracks to bring their produce to Castle Station for shipment as the proposed road will cross the Southern Pacific Railroad tracks at Castle Station or its immediate vicinity. (Note:-At Castle Station the Southern Pacific Railroad Company has a switch and is a logical point for a permanent station as said point is midway between Lodi and Stockton)
- (c) Said road would be an accommodation to children who reside in the Davis School District and who have no direct road to said school

At the hearing, the County sought to support these allegations by testimony which was introduced.

The land lying between West Lane and Cherokee Lane in the vicinity of the proposed crossing is and for many years past has been held in several large tracts and used principally as grain land. While the sub-division of these holdings into smaller farms may be a very worthy project from an economic standpoint or from

the point of view of the owners, we believe that this can be accomplished without opening an additional crossing over the tracks, thereby creating the hazard of accident ever present at all grade crossings. The lands lying both to the east and the west of the railroad right of way can each be reached by roads opening into well improved public roads without crossing the tracks. The cutting up of these large tracts and the resulting increase in actual residents may in time create a condition where public necessity and convenience require additional crossings in this territory, but the mere intention to sub-divide or the fact that a crossing will facilitate such sub-division, is not in itself sufficient reason for installing such a crossing. A crossing should be granted as a result of public necessity, not as a cause of such necessity. In the instant application the facts do not support the claim of public convenience and necessity alleged in sub-division (a) above quoted.

It is also asserted that the proposed road would prove a convenience to the public in reaching the railroad station at Castle. The siding at Castle is a passing track and is used only for effecting train meets. During seasons of especially heavy business, a telegraph operator is stationed at this point but only for the purpose of expediting train movements. Castle is not, and never has been, used for the receiving of freight shipments. Therefore, sub-division (b) of paragraph VI, above quoted, is not sustained by the evidence.

As the proposed road will intersect Cherokee Lane in the vicinity of the Davis School, there is probably some merit in the contention alleged in sub-division (c), paragraph VI, above set forth, that the road would be an accommodation to school children. However, it does not appear that this advantage is sufficient, of itself, to warrant the opening of an additional grade crossing.

It is not the function of the Commission to determine the necessity for or the desirability of this road as a whole, but only to judge if existing public necessity and convenience require the opening of a new crossing over the tracks of Southern Pacific Company. The decision of the Commission must be based on facts as they exist and not on some condition that may develop in the future, and since it does not appear that either the owners of the land or the public in general, either have been or are inconvenienced by the lack of a crossing over the tracks in this vicinity, it is the opinion of the Commission that an additional crossing should not be opened at the present time.

O R D E R

Board of Supervisors of the County of San Joaquin, having filed with this Commission under the provisions of Section 2694 of the Political Code of the State of California, a certified copy of a petition of free-holders of said County for the construction of a certain road together with a certified copy of the order of the Board of Supervisors appointing viewers to view said road, which road crosses the tracks and right of way of 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, therefore,

IT IS HEREBY ORDERED, that the above entitled application be and it is hereby denied.

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

*H. B. ...*

*George D. Squires*

*Leon Whitell*

Commissioners.