

Decision No. 157 3/4.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of
the BOARD OF SUPERVISORS OF THE
COUNTY OF STANISLAUS, State of Calif-
ornia, for a crossing over the
Southern Pacific Company's right-of-
way at the southerly line of Montpelier.

Application No. 10898.

E. H. Zion, Deputy District Attorney,
for applicant.
W. Riden, for Southern Pacific Company.

BY THE COMMISSION:

O P I N I O N

In this application the County of Stanislaus requests authority to construct a crossing at grade over the track and right-of-way of Southern Pacific Company at the southerly line of Montpelier.

A public hearing was held at Modesto on August 27th, 1925, before Examiner Satterwhite. At this hearing Southern Pacific Company appeared and offered no objection to the opening of this crossing.

Montpelier is a town of about twenty-five inhabitants on the Oakdale Branch of Southern Pacific Company, near the southerly line of Stanislaus County. The railroad company maintains a station and a section headquarters and there is also a general store and a few scattering houses, three grain warehouses and a Farm Bureau elevator. At one time a townsite was laid out and a dozen or more

paper streets located, most of which were never opened and the present traveled roadways depart materially from the streets as laid out. At present two of these streets, Fifth Street and Eighth Street, some 1400 feet apart, and a county road 2000 feet north of Fifth Street, are opened across the railroad tracks and the application in the present proceeding proposes to also open Eleventh Street across the railroad about 1400 feet south of Eighth Street, making four grade crossings over railroad tracks in a distance of 4800 feet.

For a proper understanding of the situation at Montpelier a brief description of the routes of travel through the town is necessary. The main county road from the north approaches the town parallel to and on the westerly side of the railroad intersecting with an east and west county road near the northerly limits of the subdivision. This latter road, which is the chief outlet to the west and extends some ten miles westerly to the State Highway, crosses the tracks at the most northerly of the three existing crossings described above and then turns southward parallel to the track approximately along what is termed "G" Street in the townsite subdivision, recrossing the tracks again at the Eighth Street crossing and continues on south on the west side of the track to the county line. The main road to the east enters the town on one of the numbered streets of this subdivision, presumably Fifth Street, although the record is not clear on this point. It can, therefore, be seen that while the main roads leading to the north, west and south all enter the town from the westerly side of the track, all through traffic must cross the tracks at least once and much of it twice. Taking this into consideration, together with the fact that the warehouses and grain elevator mentioned are all on the west side of the track and that with the present arrangement of roads and crossings,

all grain hauled to Montpelier from the north and west is moved across the tracks twice, it is evident that the existing routes of travel are not properly located.

It does not appear that the opening of the new crossing will in any way improve this condition. It will, in fact, only tend to perpetuate a situation which should be corrected before further settlement and development of this community makes such correction difficult and expensive. Roads parallel to railroad tracks such as this one frequently become important arteries and any unnecessary crossing of these roads with the tracks should be avoided.

If the north and south road through Montpelier were located on the west side of the track as it is both to north and south of the townsite, the one crossing at Fifth Street connecting with the main road to the east would be the only crossing over Southern Pacific tracks that public convenience would require. Such a route is feasible by way of "E" Street and there being already two unnecessary crossings in existence, it is difficult to justify the installation of a fourth crossing.

It is suggested that the opening of a new crossing at Eleventh Street would permit the closing of the Eighth Street crossing and eliminate the existing encroachment of the road on Southern Pacific property to the south of Eighth Street. The effect of such a change would increase the amount of traffic over the tracks as all vehicles from the south, having business with the warehouses or the grain elevator, would be compelled to cross the track twice. It is also claimed that Eleventh Street would provide a safer crossing than Eighth Street, there being but one track at Eleventh Street and three at Eighth Street and the view is also obscured by buildings at the latter street. However, unsatisfactory grade conditions

would exist at the Eleventh Street crossing if constructed as proposed in the application and a considerable amount of grading would be required to provide a satisfactory approach from the south. It would also be necessary to construct about 1400 feet of new road along "G" Street south of Eighth Street.

The present traffic over Eighth Street is estimated at 50 vehicles per day and the railroad operates two trains. In view of the small amount of traffic the slight advantage on the side of safety at the Eleventh Street crossing is offset by the disadvantages cited. The proposal to spend a considerable sum to increase the safety of some 50 vehicles a day is not convincing when it is possible without undue expense to provide a road which would obviate the necessity of crossing the tracks at all. The present traffic may not warrant the construction of such a road/^{but}by the same measure present traffic does not warrant the opening of a new crossing. It is the opinion of the Commission that until the opening of the through route on the west side of the track is warranted, the existing crossings will adequately serve the public necessity and that this application therefore should be denied.

O R D E R

County of Stanislaus, having applied to the Commission for permission to construct a crossing at grade at the southerly line of Montpelier across the track of Southern Pacific Company, a public hearing having been held, the matter having been duly submitted and now ready for decision, for the reasons stated in the foregoing opinion,

IT IS HEREBY ORDERED that the above entitled application

be and the same is hereby denied.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 10th day of December, 1925.

H. A. Bondell
C. S. ...
George W. Squires

Commissioners.